
EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Local Government and Public Involvement in Health Act 2007 (the “2007 Act”) provides for the establishment of a single tier of local government for areas in England. There is a single tier of local government for an area if there is either a county council and no district councils for that area, or a district council and no county council for that area (section 1(2) of the 2007 Act). Where the Secretary of State has received a proposal or a recommendation that there should be a single tier of local government for an area, the Secretary of State may make an order to implement the proposal or recommendation with or without modification. This Order makes provision about the membership of public bodies which is incidental, consequential, transitional and supplementary to the implementation by order of a single tier of local government in Bedfordshire (S.I. 2008/907) (“the Bedfordshire Order”) and Cheshire (S.I. 2008/634) (“the Cheshire Order”).

Part 2 of this Order makes provision in relation to arrangements for the appointment of members of public bodies some of whose members are appointed by local authorities in Bedfordshire. The Bedfordshire Order provides that on 1st April 2009, Bedfordshire County Council, Mid-Bedfordshire District Council and South Bedfordshire District Council cease to exist, and their functions transfer to Bedford Borough Council and to a new district council, known as Central Bedfordshire Council. In consequence of these changes, Part 2 of this Order therefore amends the arrangements for the appointment by Bedfordshire local authorities of members of the Bedfordshire and Luton Combined Fire Authority, the Bedfordshire Police Authority and the Bedfordshire Valuation Tribunal.

Part 3 of this Order makes similar provision in relation to Cheshire. The Cheshire Order provides that all of the existing councils will cease to exist on 1st April 2009, and their functions transfer to two new district councils, Cheshire East Council and Cheshire West and Chester Council. Part 3 amends the arrangements for the appointment by Cheshire local authorities of members of the Cheshire Fire Authority, the Cheshire Police Authority and the Cheshire Valuation Tribunal.

Schedule 1 makes transitional provision about the appointment of representatives to fire and rescue authorities by the councils which will become single tier councils in Bedfordshire and Cheshire on 1st April 2009 (“new councils”). Paragraph 1(1) provides that the new councils in Bedfordshire must appoint representatives to the Bedfordshire and Luton Combined Fire Authority, and sub-paragraph (2) provides that those appointments must be made in accordance with the provisions about the appointment of members in Bedfordshire Fire Services (Combination Scheme) Order 1996. Sub-paragraph (3) provides that the representatives will become members of the fire and rescue authority for their area on 1st April 2009. Paragraph 2 of Schedule 1 makes similar provision in relation to Cheshire. Paragraph 3 of Schedule 1 makes provision about the status of such representatives during the transitional period after Schedule 1 comes into force but before 1st April 2009. In particular, during the transitional period, representatives can attend meetings of a fire and rescue authority but cannot vote at those meetings (unless the representative is also an existing member of the fire and rescue authority, in which case they may continue to vote in that capacity by virtue of paragraph 3(5)). The fire and rescue authority must have regard to the views of the representatives in relation to the issue of a precept and the calculation of its budget requirement.

Schedule 2 makes similar transitional provision in relation the appointment of members of police authorities in Bedfordshire and Cheshire. Under the Police Authority Regulations 2008, local authority members of a police authority are usually appointed through a joint committee of relevant councils, as defined by paragraph 8 of Schedule 2 to the Police Act 1996 (c.16). The effect of

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paragraph 1 of Schedule 2 of this Order is that the councils which will be relevant councils in Bedfordshire or Cheshire from 1st April 2009 must establish a joint committee in accordance with regulation 7 of the Police Authority Regulations 2008 (S.I. 2008/630). Paragraph 2(1) provides that the joint committee must appoint representatives of the new councils to the police authority for their area. Paragraph 2(2) provides that those appointments must be made in accordance with the provisions about membership in the Police Authority Regulations 2008, and paragraph 2(3) provides that the representatives will become members of the police authority from 1st April 2009. Paragraph 3 of Schedule 2 makes provision about the status of the representatives during the transitional period after Schedule 2 comes into force but before 1 April 2009. A representative can attend meetings of the police authority but cannot vote at those meetings (unless the representative is also an existing member of the police authority, in which case the representative may continue to vote in that capacity by virtue of paragraph 3(5)). The police authority must have regard to the views of these representatives in relation to the issue of a precept, the calculation of its budget requirement and issue of its police plan.