



Bournemouth, Christchurch and Poole Shadow Executive Committee

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Report Subject	Parliamentary Orders Update
Meeting date	24 July 2018
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Status	Public
Classification	For information
Executive summary	<p>A number of statutory instruments, or orders, are required to be made within the next six months or so to provide for the transfer of functions and other associated issues necessary to enable local government reorganisation to take effect.</p> <p>These orders will amend and supplement existing orders in force which date predominantly from 2008/9. The existing orders require amendment and update to take account of intervening legislative changes, and to ensure specific issues relevant to current re-organisations are taken account of.</p> <p>This report provides an update on the progress to date in respect of these new orders, and the current timetable.</p>
Recommendations	That the Shadow Executive Committee note the progress made to date and current timetable.
Reasons for Recommendations	To provide the Shadow Executive Committee with the opportunity to consider and make comments on the progress and timetable.

Background

1. There are a number of existing statutory instruments in force which were made to facilitate previous local government reorganisations, predominantly in 2008/9. These are in force and provide the basis for the transfer of functions, however they require amendment to ensure they are up to date with the current legal framework and updating to deal with specific issues relating to this particular local government re-organisation.
2. Following the making of the Structural Changes Order which established the Shadow Authorities, and provides for the creation of two new unitary councils in Dorset, MHCLG have considered what further orders are required.
3. The initial work has focused on a miscellaneous order which amends and updates the existing orders. The final draft of this order is anticipated shortly. MHCLG officials have been in regular communication with legal and finance officers from the nine councils to ensure that relevant updating is undertaken and issues covered. The key aspects covered by this order are set out in the next section of this report. It is anticipated that this order will be laid before Parliament before the recess in July and will come into effect early in the Autumn.
4. In addition to this order, a finance order will deal with financial issues, and provide for the parameters within which council tax should be harmonised. It is anticipated that this order will be prepared in the Autumn.
5. The other orders are likely to be an order setting out the warding and electoral arrangements following the boundary review; and an order covering issues relating to the civic matters and establishing charter trustees. This final order will also deal with any remaining matters which need to be resolved. These orders are likely to be made towards the end of this calendar year.

Miscellaneous Order

6. The order currently being finalised ensures that existing orders are updated and provides for the transfer of functions from existing councils to the new unitary councils.
7. Key elements include:
 - a. Transfer of functions from existing councils to the new councils. This enables the new councils to take on all functions of the preceding councils from 1 April 2019.
 - b. Continuity – anything currently being done by an existing council can continue to be done by the new council. For example, if Borough of Poole has an enforcement process underway in regard to an issue, the new BCP council will be able to continue this work seamlessly from 1st April 2019.
 - c. Policies/strategies – existing policies and strategies will apply post April 2019 for the area for which they were originally approved. The only exception to this is the Emergency Plan framework which will need to be in place for the new council from day one.

- d. Some key policies will be identified within the order which have to be reviewed as soon as practicable for the whole area, and in any event within 24 months of day one. These include certain housing allocations policies; licensing and gambling policies; policies relating to non-domestic rate relief, and certain statutory equalities policies.
- e. Local plans for the new councils are likely to need to be in place within five years. During the intervening period the local plans in place will apply and the plans in progress can continue to be developed.

Finance and others orders

- 8. The Shadow Executive Committee at its first meeting agreed that a letter be sent by the Chairman setting out its preference in respect of harmonisation of council tax.
- 9. The local preference will be one factor taken into account by the Secretary of State when considering the approach to be taken. It should be noted that it is for the Secretary of State to agree what approach is taken and included in the Finance Order, which then proceeds through the parliamentary approval process. It is not a matter that the Shadow Authority itself can decide. Once the parameters are set out in the Order it will then be for the Shadow Authority as part of its budget setting process to agree the final council tax for the year 2019/20 within this framework.
- 10. When the Boundary Commission has completed its review following the consultation period an order will be laid containing the final proposals of the Commission and setting out the warding arrangements and electoral arrangements for the new council.
- 11. The Civic arrangements and establishment of Charter Trustees will be included in an order to be developed in the autumn, and in place towards the end of the calendar year. this order will ensure that arrangements are in place to enable the continuation of mayoralities in the three towns. This order will also deal with any other miscellaneous issues which need to be dealt with from a local perspective, for example any matters relating to the Port Authority and other specific local bodies the councils have statutory representation on - for example the Police and Crime Panel. It will ensure that the new council has the required role in respect of these bodies set out in the order.

Legal Implications

- 12. The orders referred to in this report will be legally binding on the existing and future councils.

Financial Implications

- 13. The Finance Order when in force will have specific implications for the financial position of the new councils.

HR & other implications

- 14. There are no specific HR implications arising from the proposed new orders.

15. In terms of the equality duty, the councils will have to comply with the orders, which will be made in accordance with parliamentary process which includes relevant equalities act considerations.
16. In regard to specific risk assessments – there are no specific risks arising from the proposed orders which require highlighting at this stage. The orders assist the councils in mitigation operational risks by enabling a transition period during which policies and plans can be reviewed and harmonised in a considered and appropriate manner following the establishment of the new councils.

Background papers: none