
EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the establishment, on 1st April 2009, of a single tier of local government for the borough of Bedford and a single tier of local government for the remainder of the county of Bedfordshire (articles 3 to 5). The county of Bedfordshire and, with the exception of the borough of Bedford, the districts within that county, are abolished on 1st April 2009.

A new county, to be known as Bedford, is created for the same area as the borough of Bedford. With effect from 1st April 2009, Bedford Borough Council will be the sole principal authority for the borough. There will be no county council for the new county.

A new county and a new district, both to be known as Central Bedfordshire, are created for the same area as the existing districts of Mid and South Bedfordshire. A new district council, the Central Bedfordshire Council, is created for the new district and will be the sole principal authority for the district. There will be no county council for the new county.

The term of office of councillors of Bedfordshire County Council and of Mid and South Bedfordshire District Councils will end on 1st April 2009.

Part 3 of the Order contains arrangements relevant to Bedford. Article 7(1) confers on Bedford Borough Council the function of preparing for the transfer on 1st April 2009 of the County Council's functions, property, rights and liabilities, so far as they relate to Bedford or its inhabitants (the "main transitional function"). Article 7(4) requires the Councils to arrange for the discharge of their main transitional function by a committee of the Borough Council's executive, to be known as its "Implementation Executive". This arrangement is to begin when this Order comes into force and end on the fourth day after the ordinary day of election of councillors in 2008 ("the transitional period"), when councillors newly-elected to the Borough Council come into office. The membership of the Implementation Executive is to be drawn from both the Borough and County Councils. Article 8 provides for the Implementation Executive to have responsibility, instead of the Borough and County Councils, during the transitional period, for the discharge of certain functions of those Councils relating to times on and after 1st April 2009 ("article 8 functions").

Article 9(1) makes the discharge of the main transitional function and the article 8 functions a responsibility of the Implementation Executive during the transitional period. Article 9(2) and (3) modifies section 14(5) and (6) of the Local Government Act 2000 ("the 2000 Act") so as to extend the range of arrangements available to the Executive for the discharge of that responsibility. Article 9(4) disapplies, until the end of the transitional period, and in relation to the Implementation Executive, section 21 of the 2000 Act, which deals with the overview and scrutiny of decisions of local authorities. Instead, paragraphs (6) and (7) of article 9 enable arrangements to be made by the Borough and County Councils under section 101(5) of the Local Government Act 1972 for the review or scrutiny by a joint committee of decisions or other action taken by the Implementation Executive, and for recommendations or reports to be made to the Executive. Where a joint committee is established, article 9(7) provides for that committee to make a report to the Borough and County Councils. The Implementation Executive, any sub-committee of that Executive are to be dissolved on the fourth day after the ordinary day of election of councillors in 2009, when the newly-elected councillors come into office. Any joint committee established by virtue of article 9(6) is to be dissolved on 1st April 2009.

Article 10 requires the Implementation Executive to prepare an Implementation Plan which must include budgets, plans and timetables relevant to the process of transition to single tier local government. In discharging the main transitional function and the article 8 functions, the

Implementation Executive is required to have regard to the Borough Council's response to the Secretary of State in support of its proposal for single tier local government in Bedford. Article 11 provides for the establishment of a team of officers drawn from the Borough and County Councils to assist the Implementation Executive.

In Part 4 of the Order, article 12 cancels the election that would otherwise have taken place in 2008 for one third of the membership of the Borough Council. All members elected to the Borough Council before 2009, when a whole council election is required (by article 13), are to retire on the fourth day after the ordinary day of election of councillors in 2009. After that, elections to the Borough Council will be by all-out election, starting in 2011.

Part 5 of the Order contains arrangements relevant to Central Bedfordshire. Article 15 provides for the Central Bedfordshire Council to operate as a "shadow" authority in the period beginning on the date on which the Order comes into force and ending immediately before 1st April 2009 (the "shadow period"), when it will take on the full functions of a local authority. The members of the shadow authority are the councillors of the County Council for the county electoral divisions within Central Bedfordshire and the councillors of the Mid and South Bedfordshire District Councils who are in office when the Order comes into force. If a casual vacancy arises after the coming into force of the Order and before 30th September 2008 in any county electoral division within Central Bedfordshire or in any ward of Mid or South Bedfordshire, the person elected at the by-election becomes a members of the "shadow" authority.

Articles 16 to 18 impose on the "shadow" authority duties relating to—
executive arrangements,
the appointment of certain chief officers,
the adoption of a code of conduct, and
the adoption of a scheme for the payment of allowances.

The duties relate both to the "shadow" authority and its members during the shadow period and, with the exception of the duty relating to appointments, where special arrangements apply, to the preparation of proposals for consideration by the Central Bedfordshire Council once the shadow period has ended.

Article 19 deals with the preparation and maintenance of an Implementation Plan and article 20 with other functions that the shadow authority may discharge in the shadow period.

Article 21 provides for the discharge of the shadow authority's functions by a "shadow executive" consisting of members of the County Council and the Mid and South Bedfordshire District Councils.

Article 22 provides for the formation of a team of officers from both the County Council and the Mid and South Bedfordshire District Councils to assist the shadow executive and, if required after 31st March 2009, the Central Bedfordshire Council.

In Part 6, article 23 cancels the election of members of South Bedfordshire District Council that would otherwise have taken place in 2008 and prohibits the holding of an election to fill any casual vacancy on that Council arising after 30th September 2008 and before 1st April 2009. Article 24 provides for the term of office of the councillors of Mid Bedfordshire District Council to end on 1st April 2009 and prohibits the holding of an election to fill any casual vacancy on that Council arising after 30th September 2008 and before 1st April 2009.

Article 25 provides for an election in 2009 of members of the Central Bedfordshire Council. The election is to be held on the basis of new district wards with the same areas and names as those of the existing county divisions, as shown in the Schedule to the Order. With the exception of the wards of Biggleswade, Dunstable Downs, Houghton Regis, Leighton Linlade Central, and Stotfold and Arlesey, each ward is to return two councillors. Each of the excepted wards is to return four councillors. Elections to the Central Bedfordshire Council are to be held again in 2011 and every fourth year after that.

Article 26 cancels parish council elections in 2008 of Brickhill, Cardington, Chalgrave, Chalton, Dunstable, Eastcotts, Eggington, Great Billington, Kempston, Stanbridge, Streatley, Sundon, Tilsworth, Toddington and Totternhoe, and provides for those elections to be held in 2009, 2011 and every fourth year thereafter. The term of office of the councillors of those parishes (whether elected in 2004 or at subsequent by-elections) is extended to the fourth day after the ordinary day of election of councillors in 2009. Paragraph (2) requires elections of parish councillors for every parish council in Bedford and Central Bedfordshire to be held on the ordinary day of election of councillors in 2011 and every fourth year after that.

In Part 7, article 27 requires the Borough and County Councils to prepare for the transition to single tier local government, to consult and co-operate, to disclose relevant information and, generally, to further the purposes of the Order. Article 28 makes similar provision in relation to the County Council and Mid and South Bedfordshire District Councils.

Part 8 (articles 29 to 31) contains consequential amendments to the Borough of Bedford (Electoral Changes) Order 2001, the District of Mid Bedfordshire (Electoral Changes) Order 2001 and the District of South Bedfordshire (Electoral Changes) Order 2001.

A full impact assessment has been produced for this Order. A copy of the assessment has been deposited in the Library of both Houses of Parliament and may be accessed at www.communities.gov.uk