

Report for:	BUCKINGHAMSHIRE SHADOW EXECUTIVE
Meeting Date:	8 October 2019

Title of Report:	Consequential Parliamentary Order on LGR
Responsible Officer or Relevant Member:	Joanna Swift, Legal Advice Sub Group
Officer Contact:	Joanna.swift@chilternandsouthbucks.gov.uk 01494 732761
Recommendations:	<ol style="list-style-type: none"> 1. That matters to be included in a Supplementary Provision and Miscellaneous Amendments Order as a consequence of the Buckinghamshire Structural Changes Order 2019 be noted and submitted to MHCLG 2. That the Interim Monitoring Officer in consultation with the Chief Executive be authorised to submit any further matters that may arise to MHCLG for consideration and take all actions necessary to progress the drafting of the Order
Corporate Implications:	A Supplementary Provision and Miscellaneous Amendments Order is a legal requirement to ensure Buckinghamshire Council can undertake all the functions of the predecessor authorities
Options: (If any)	To agree the proposed list of matters or to make addition/amendments.
Reason: (Executive only)	To ensure that MHCLG has the necessary information to progress the drafting of a Supplementary Provision and Miscellaneous Amendments Order in readiness for vesting on 1 April 2020

1. Purpose of Report

This report highlights certain rights, functions and legislative amendments which need to be addressed as a consequence of the creation of a unitary council in Buckinghamshire and included in a statutory Order made by the Secretary of State to come into force on 1 April 2020.

2. Content of Report

The structural changes order for Buckinghamshire abolishes the existing 2 tier councils with effect from 1 April 2020. The functions exercised by the current district and county councils transfer immediately to the new single tier council on vesting day by virtue of Regulations made under the Local Government and Public Involvement in Health Act 2007, together with all property and assets.

However, there are certain matters including ceremonial arrangements and charter rights which require a specific statutory order for a transfer to take effect. There are also pieces of legislation which refer to the current councils and require amendment as a consequence of the structural changes order.

The Secretary of State therefore needs to make a Supplementary Provision and Miscellaneous Amendments Order (“the Order”) to give legal effect to the necessary transfers. The matters that have been covered in previous such Orders are listed below, together with comments on whether these apply in respect of the structural changes in Buckinghamshire. Should it become apparent there are further matters which need to be addressed in the Order delegation is sought for the Interim Monitoring Officer, in consultation with the Chief Executive, to refer these to MHCLG for consideration, to ensure that the legislative timetable is not delayed.

Pension Fund Transfer

The local government pension fund currently maintained by Buckinghamshire County Council needs to be vested in Buckinghamshire Council and consequential amendments made to the Local Government Pension Scheme Regulations 2013. The Order will therefore need to include relevant provision to ensure this takes place.

Charter Rights for Markets and Fairs

Rights, such as market rights and the rights to hold fairs that have been granted to, or vest in, the current councils by Royal Charter, do not transfer under the transitional Regulations and need to be included in the Order. Rights to markets and fairs have been identified in Aylesbury and Buckingham; Chesham; High Wycombe and Princes Risborough. These Charter rights are currently exercised by or on behalf of Aylesbury Vale District Council, Chiltern District Council and Wycombe District Council respectively. Relevant provisions will therefore need to be included in the Order to transfer these to Buckinghamshire Council.

Charter Trustees

The only Charter Trustees remaining following local government re-organisation in 1974 are in High Wycombe. The trustees comprise district members for the Town wards and the Mayor is elected from the trustees. If there is a Town Council the Charter Trustees are subsumed into the new Town Council by law. If not, the Charter Trustees remain and the Order will need to ensure that the elected representatives for the new Buckinghamshire Council wards corresponding to the former Wycombe District wards, become the trustees. Whether the Order needs to address this is dependent on the outcome of a Community Governance review for High Wycombe.

Amendment of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003

The Dorset Order included this to make provision for housing revenue account debt and share capital in relation to the newly established Bournemouth, Christchurch and Poole Council. It is assumed that one or more of the predecessor councils had a housing revenue account but as this is not the case in Buckinghamshire, there should be no requirement to include this particular provision in the Order for Buckinghamshire Council.

Chilterns AONB Conservation Board



The Board was established by Order in 2004 and each of the current districts and the county council are named as members (i.e. a total of 5 principal authority member representatives from Buckinghamshire). After vesting day Buckinghamshire Council will only have 1 representative, as is the case with other unitary councils who sit on the Board. This will affect the statutory balance required between the representation of principal authorities (40%), parish councils (20%) and other organisations on the Board. Therefore the Order will need consequential amendment to delete reference to the current authorities and ensure Buckinghamshire has more than 1 representative.

Lords-lieutenant, Sheriff and Port Authorities

It is not considered that the Order needs to include provisions in relation to the Lords-Lieutenant and the Sheriff because these are already County based appointments and there is no disaggregation of authorities which was the case in Dorset. There is no requirement for provisions in the Buckinghamshire Order on Port Authorities for obvious reasons.

Stoke Poges Memorial Gardens and Farnham Park

South Bucks inherited responsibility for maintenance of the memorial gardens and park in trust under a private Act, the Eton Rural District Act 1971. As South Bucks District is not referred to in this Act the transitional Regulations do not operate to effect an automatic transfer to Buckinghamshire Council and an amendment to the 1971 Act will need to be included in the Order.

3. Consultation

Information has been sought from all work streams as part of legal template and the responses received to date are reflected in the list at paragraph 2 above.

4. Next Steps

The list of matters will be provided to MHCLG to inform the preparation of a draft statutory instrument.

Background Papers	None other than those referred to in the report.
--------------------------	--

