



Ministry of Housing,
Communities &
Local Government

Chief Executives
Principal Councils in Northamptonshire

17 September 2019

Dear Chief Executive

ESTABLISHING UNITARY LOCAL GOVERNMENT IN NORTHAMPTONSHIRE

We were grateful for your council's representations on the transitional electoral arrangements and the timely comments you provided on the provisions for the structural changes order. I am now writing to let you know how Ministers, having carefully considered the representations and comments received, intend to proceed; they are writing to your Leader in similar terms. I am also enclosing a near final draft of the structural changes order; if you have any comments on this draft, we would be grateful to receive these by 25 September.

Ministers have confirmed that, subject to Parliamentary approval, the May 2020 local elections in Northamptonshire will be elections to the shadow unitary authorities, and will be held on the basis of three-member wards resulting in the North Northamptonshire Council having 78 members and the West Northamptonshire Council having 93 members. Those so elected will from 1 April 2021 be members of the new unitary councils with their term ending in May 2025. From then there will be whole council elections every four years. The district council elections currently due on May 2020 will be cancelled, with the term of the existing councillors extended until the abolition of those councils. The May 2020 elections to parish councils will proceed as planned with those elected serving to May 2025; parish council elections will then be aligned with the unitary councils' elections. As to casual vacancies, Ministers have concluded that the best approach, balancing the practicalities and the need to ensure appropriate representation, is to provide that if a casual vacancy occurs in the six months before the abolition of the existing councils, then a by-election is not required unless unfilled vacancies exceed one-third of the council.

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It is also proposed that provision is made in the structural changes order (reflected in the enclosed draft) for:

- The returning officer for the May 2020 elections to be the person who is the returning officer for the Police and Crime Commissioner election, which will be combined with the unitary council elections (we are clear that having the same person holding both these returning officer roles represents best practice in electoral administration);
- The Joint Committees overseeing implementation until the shadow authorities are established to be appropriately empowered, including with a duty to prepare an implementation plan, and to be supported by an implementation team of officers; the leader of this team is to be the chief executive of the County Council, who will be supported by two deputies who are district council officers (one from the area of North Northamptonshire Council and one from the area of West Northamptonshire Council);
- Each shadow authority to be required to adopt the leader and cabinet governance model and its executive will exercise the functions of the shadow authority, other than agreeing the 2021/2022 budget and council tax and the adoption of a scheme of allowances; and
- The shadow authorities to be able to pay travel and subsistence and carers allowances to all members, but payment of basic and special responsibility allowances to be made only to members who are not in receipt of such allowances from another Northamptonshire council; those members who would be eligible for allowances from the shadow authority and another Northamptonshire council would choose which to receive.

When you provided comments on the provisions of the previous draft structural changes order a number of you raised questions, which I thought it would be helpful to answer here:

- Any decisions on future governance arrangements will be for the new councils once they go live on 1 April 2021. This is to ensure that the focus of the shadow authorities is on the necessary transition and transformation. The shadow authorities will need to make appropriate arrangements for overview and scrutiny as the structural changes order provides that the relevant provisions of Part 1A of the Local Government Act 2000 are applied to the shadow authorities;
- The draft structural changes order now provides that interim appointments of key statutory officers must be made at the first meetings of the shadow authority executives.

- If a casual vacancy occurs in the new councils during the shadow period then the provisions in the 1972 Act would apply, and a by-election would need to be held. It is possible this could occur before a returning officer has been appointed, so the draft structural changes order now provides that the Head of Paid Service, or Interim Head of Paid Service, is the returning officer for any by-elections during the shadow period;
- The parish council elections scheduled for the ordinary day of election in 2023 are cancelled and instead scheduled for 2025, with the term of office for affected councillors extended, and future elections scheduled on a 4-year cycle thereafter. This addresses the issue raised in relation to elections due in 2023 to the new parish council of Little Stanion;
- For the 2020 elections the newly elected members will have to declare acceptance in the usual way. The draft structural changes order now provides that acceptance can be declared to the returning officer for the 2020 election, and that the 2020 returning officer may authorise an officer from the County Council or a District Council in Northamptonshire to undertake this role;
- The shadow authorities will each be required to have a Data Protection Officer. This appointment can be shared with an existing council;
- The policy intention is that consultants and agency staff can be part of the Implementation Team and we do not consider that the drafting of the structural changes order prevents this;
- It is not intended for new Joint Committees to be established given the councils have already established Joint Committees with the membership specified in the Order;
- We do not consider it is necessary to revoke the North Northamptonshire Joint Committee Order 2005 in the structural changes order; and
- The provision prohibiting the existing councils preparing budgets and plans that are to be prepared by the shadow authorities has been removed as it is not considered necessary.

I hope that this is helpful. If you have any questions, please do not hesitate to get in touch with me or one of our team.

Yours Sincerely,



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