

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the establishment, on 1st April 2011, of a single tier of local government for the city of Exeter (article 3). A new county, to be known as Exeter, is created, with the same area as the city, but without county councillors. The area of the city is excluded from that of the county of Devon from 1st April 2011.

The city will be administered on and after 1st April 2011 by Exeter City Council.

In Part 3 of the Order, article 4(1) confers on Exeter City Council and Devon County Council the function of preparing for the transfer on 1st April 2011 of the County Council's functions, property, rights and liabilities, so far as they relate to Exeter (the "main transitional function"). Article 4(3) makes provision for the discharge of the main transitional function by a committee of the City Council's executive, to be known as its "Implementation Executive". This arrangement is to begin when this Order comes into force and to end on the fourth day after the ordinary day of election of councillors in 2011 ("the transitional period"), when councillors newly-elected to the City Council come into office. The membership of the Implementation Executive is to be drawn from both the City Council and the County Council. Article 5 provides for the Implementation Executive to have responsibility, instead of the City and County Councils, during the transitional period, for the discharge of certain functions of those Councils if specified by the Secretary of State ("article 5 functions").

Article 6(1) makes the discharge of the main transitional function and the article 5 functions a responsibility of the Implementation Executive during the transitional period. Article 6(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 those responsibilities. Article 6(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 councils. Instead, paragraphs (5) and (6) of article 6 require arrangements to be made by the City Council and the County Council 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 that Executive. Article 6(7) provides for that committee to make a report to the City Council and the County Council.

Article 7 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 5 functions, the Implementation Executive is required to have regard to the City Council's response to the Secretary of State in support of its proposal for single tier local government in Exeter. Article 8 provides for the establishment of a team of officers drawn from the City Council and the County Council to assist the Implementation Executive.

Part 4 of the Order makes provision about the functions of the City Council and the County Council relevant to transition. Article 9 requires those 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.

In Part 5 of the Order, article 10 retains the established system of elections by thirds for Exeter City Council except in 2011, when the Order provides for the holding of a whole council election to the City Council. The Schedule regulates the date and order of retirement of councillors elected in 2011. The 2011 elections are to be conducted on the basis of the wards established by article 2 of the City

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

of Exeter (Electoral Changes) Order 1999 and the number of councillors to be elected for each ward remains unchanged. Article 11 cancels the elections to Exeter City Council that would have taken place in 2010 and extends the term of office of councillors elected before the 2011 election to the fourth day after the 2011 election day. It also provides that no by-elections should be held for any of the Exeter county electoral divisions in the 6 months leading up to the abolition of those divisions.

Articles 12 and 13 make consequential amendments to the City of Exeter (Electoral Changes) Order 1999 and the County of Devon (Electoral Changes) Order 2004.

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](http://www.communities.gov.uk)