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STATUTORY INSTRUMENTS

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**2018 No. 639**

**The West Suffolk (Local Government Changes) Order 2018**

**PART 3**

**Transitional functions and their discharge**

**Duties of shadow authority: executive arrangements, code of conduct and members' allowances**

**8.**—(1) At its first meeting, the shadow authority must, in accordance with paragraphs (2) and (3), create a leader and cabinet executive within the meaning of Part 1A of the Local Government Act 2000<sup>(1)</sup> (arrangements with respect to local authority governance) (“the shadow executive”).

(2) Section 9C of the 2000 Act has effect, for the purposes of paragraph (1), as if subsection (5) were omitted; and the shadow executive is to consist of no more than 15 persons and include—

- (a) the two persons who are for the time being the leaders of the Relevant Councils;
- (b) at least three persons nominated by Forest Heath District Council, each of whom is for the time being a member of that Council; and
- (c) at least three persons nominated by St Edmundsbury Borough Council, each of whom is for the time being a member of that Council.

(3) At its first meeting, the shadow authority must elect the leader and deputy leader of the shadow executive from among the members of the shadow executive.

(4) The persons who, immediately before 1st April 2019, are the members of the shadow executive shall—

- (a) continue as members of that executive, and
- (b) on and after 1st April 2019, shall be the members of the West Suffolk Council’s executive for the purposes of Part 1A of the Local Government Act 2000,

until the end of the shadow period, notwithstanding the dissolution on that date of the Relevant Councils by which they were nominated.

(5) If a member of the executive constituted as mentioned in paragraph (4)(b) ceases to be a member of that executive before the end of the shadow period, the West Suffolk Council may in accordance with the terms of the constitution of the Council nominate another member of the Council to be a member of its executive.

(6) The Relevant Councils must co-operate in the establishment of the shadow executive.

(7) With the exception of Chapter 4 (changing governance arrangements) the provisions of Part 1A of the 2000 Act, to the extent that they relate to a leader and cabinet executive, have effect in relation to the shadow authority as if—

- (a) its executive were a leader and cabinet executive of a district council;
- (b) the executive arrangements that it makes were executive arrangements of a district council;

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(1) Part 1A was inserted by the Localism Act 2011 (c. 20), section 21 and Schedule 2.

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

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- (c) section 9E authorised its executive to delegate functions not only to officers of the shadow authority but also to officers of the Relevant Councils.
- (8) Chapter 7 of Part 1 of the Localism Act 2011<sup>(2)</sup> (standards) applies in relation to the shadow authority as if—
  - (a) it were a district council (but not a principal authority in relation to a parish council); and
  - (b) references to co-opted members were omitted.

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<sup>(2)</sup> 2011 c.20.