
STATUTORY INSTRUMENTS

2020 No. 426

**The Local Government (Coronavirus) (Structural Changes)
(Consequential Amendments) (England) Regulations 2020**

Amendment of the Northamptonshire (Structural Changes) Order 2020

12. For article 7 substitute—

“ Duties of shadow authorities: executive arrangements

7.—(1) At its first meeting, the shadow authority for North Northamptonshire must, in accordance with paragraphs (2) to (9), create a leader and cabinet executive within the meaning of Part 1A of the 2000 Act⁽¹⁾ (arrangements with respect to local authority governance) (“the shadow executive”).

(2) Section 9C of the 2000 Act (local authority executives) has effect, for the purposes of paragraph (1), as if subsection (5) were omitted; and the shadow executive is to consist of—

- (a) two persons to be nominated by the leader of the county council, each of whom at the time of nomination must be a member of the executive of the county council and represent a North Northamptonshire electoral division;
- (b) the person who is the leader for the time being of Corby Borough Council;
- (c) one person who is a member for the time being of Corby Borough Council, to be nominated by the leader of that council;
- (d) the person who is the leader for the time being of East Northamptonshire District Council;
- (e) one person who is a member for the time being of East Northamptonshire District Council, to be nominated by the leader of that council;
- (f) the person who is the leader for the time being of Kettering Borough Council;
- (g) one person who is a member for the time being of Kettering Borough Council, to be nominated by the leader of that council;
- (h) the person who is the leader for the time being of Wellingborough Borough Council; and
- (i) one person who is a member for the time being of Wellingborough Borough Council, to be nominated by the leader of that council.

(3) Where one of the North Northamptonshire councils operates executive arrangements within the meaning of Part 1A of the 2000 Act, the person nominated by the leader of that council for the purposes of paragraph (2) must be a member of the executive of that council.

(4) The leader of the North Northamptonshire shadow executive is the person who at the beginning of the shadow period is the leader of Kettering Borough Council.

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

(5) Subsection (3)(a) of section 9C of the 2000 Act has effect, for the purposes of paragraph (4), as if for the words “elected as leader of the executive by the authority” there were substituted “who is leader of the North Northamptonshire Council executive”.

(6) Section 9IA of the 2000 Act has effect, for the purposes of paragraph (4), as if—

- (a) in subsection (1) for “council” there were substituted “executive”; and
- (b) in subsection (2) for “a council” there were substituted “an executive”.

(7) Where the office of leader becomes vacant the shadow executive must elect a new leader from among the members of the executive.

(8) The deputy leader of the North Northamptonshire shadow executive is the person who at the beginning of the shadow period is the leader of Wellingborough Borough Council.

(9) Where the office of deputy leader becomes vacant the shadow executive must elect a new deputy leader from among the members of the executive.

(10) At its first meeting, the shadow authority for West Northamptonshire must in accordance with paragraphs (11) to (18), create a leader and cabinet executive within the meaning of Part 1A of the 2000 Act (arrangements with respect to local authority governance) (“the shadow executive”).

(11) Section 9C of the 2000 Act (local authority executives) has effect, for the purposes of paragraph (1), as if subsection (5) were omitted; and the shadow executive is to consist of—

- (a) the person who is the leader for the time being of the county council;
- (b) one person who is a member for the time being of the county council for a West Northamptonshire electoral division, to be nominated by the leader of that council;
- (c) the person who is the leader for the time being of Daventry District Council;
- (d) one person who is a member for the time being of Daventry District Council, to be nominated by the leader of that council;
- (e) the person who is the leader for the time being of Northampton Borough Council;
- (f) one person who is a member for the time being of Northampton Borough Council, to be nominated by the leader of that council;
- (g) the person who is the leader for the time being of South Northamptonshire District Council; and
- (h) one person who is a member for the time being of South Northamptonshire District Council, to be nominated by the leader of that council.

(12) Where one of the West Northamptonshire councils operates executive arrangements within the meaning of Part 1A of the 2000 Act, the person nominated by the leader of that council for the purposes of paragraph (11) must be a member of the executive of that council.

(13) The leader of the West Northamptonshire shadow executive is the person who at the beginning of the shadow period is the leader of South Northamptonshire District Council.

(14) Subsection (3)(a) of section 9C of the 2000 Act has effect, for the purposes of paragraph (13), as if for the words “elected as leader of the executive by the authority” there were substituted “who is leader of the West Northamptonshire Council executive”.

(15) Section 9IA of the 2000 Act has effect, for the purposes of paragraph (13), as if—

- (a) in subsection (1) for “council” there were substituted “executive”; and
- (b) in subsection (2) for “a council” there were substituted “an executive”.

(16) Where the office of leader becomes vacant the shadow executive must elect a new leader from among the members of the executive.

(17) The deputy leader of the West Northamptonshire shadow executive is the person who at the beginning of the shadow period is the leader of Northampton Borough Council.

(18) Where the office of deputy leader becomes vacant the shadow executive must elect a new deputy leader from among the members of the executive.

(19) The persons who, immediately before 1st April 2021, are the members of a shadow executive are to—

- (a) continue as members of that executive; and
- (b) on and after 1st April 2021, are the members of the executive of North Northamptonshire Council or West Northamptonshire Council (as the case may be) for the purposes of Part 1A of the 2000 Act,

until the end of the shadow period, notwithstanding the dissolution on that date of the county council, the North Northamptonshire councils and the West Northamptonshire councils.

(20) If a member of an executive constituted as mentioned in paragraph (19)(b) ceases to be a member of that executive before the end of the shadow period, North Northamptonshire Council or West Northamptonshire Council (as the case may be) 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.

(21) With the exception of Chapter 4 (changing governance arrangements) and except as otherwise provided in this article 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 a 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;
- (c) in the case of the shadow authority for North Northamptonshire, section 9E authorised its executive to delegate functions not only to officers of the shadow authority but also to officers of the county council and the North Northamptonshire councils;
- (d) in the case of the shadow authority for West Northamptonshire, section 9E authorised its executive to delegate functions not only to officers of the shadow authority but also to officers of the county council and the West Northamptonshire councils.

(22) The following provisions of the 2000 Act do not apply to the executive arrangements of a shadow authority—

- (a) section 9I;
- (b) with the exception of sub-paragraphs (7) and (8) of that paragraph, paragraph 2 of Schedule A1.

(23) Chapter 7 of Part 1 of the 2011 Act⁽²⁾ (standards) applies in relation to a 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.”.

(2) 2011 c. 20.

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