
DRAFT STATUTORY INSTRUMENTS

2022 No.

The Somerset (Structural Changes) Order 2022

PART 3

TRANSITIONAL FUNCTIONS AND THEIR DISCHARGE

Main transitional function and Implementation Executive

6.—(1) On the coming into force of this Order there is to be added to the functions of the Somerset Council the function, which is to be exercisable only during the first and second transitional periods, of preparing for and facilitating the economic, effective, efficient and timely transfer of the district councils' functions, property, rights and liabilities ("the main transitional function").

(2) Throughout the first transitional period, section 9E of the 2000 Act⁽¹⁾ (discharge of functions: general) has effect in relation to the Somerset Council and—

- (a) the main transitional function, and
- (b) the other transitional functions referred to in article 7 ("the article 7 functions"),

as if, in subsection (1), after the words "section 9EA or 9EB" there were inserted "or under the Somerset (Structural Changes) Order 2022".

(3) The Somerset Council's executive arrangements shall provide for the discharge of the main transitional function and the article 7 functions to be the responsibility, throughout the first transitional period, of a committee of the council's executive, to be known as the Implementation Executive.

(4) Such statutory provisions as apply to, or in relation to, committees of a local authority's executive shall apply throughout the first transitional period to, or in relation to, the Implementation Executive subject only to paragraphs (5) to (7) and (9) to (11) of this article and article 8(2) to (4); and for this purpose "statutory provisions" includes —

- (a) any enactment contained in an Act passed after the making of this Order; and
- (b) any instrument made at any time under an enactment.

(5) The Implementation Executive shall consist of—

- (a) the person who is for the time being the leader of the Somerset Council's executive;
- (b) four other persons nominated by the Somerset Council who are for the time being members of that Council, and
- (c) the persons who are for the time being the leaders of the district council's executives.

(6) The Somerset Council must nominate five persons, each of whom is for the time being a member of that council, to act as members of the Implementation Executive in the absence of the leader of the Somerset Council and the persons nominated in accordance with paragraph (5)(b).

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

(7) Each of the district councils must nominate one person, each of whom is for the time being a member of that council, to act as members of the Implementation Executive in the absence of those members appointed in accordance with paragraph (5)(c).

(8) It is the duty of the Somerset Council and each of the district councils to cooperate in the establishment of the Implementation Executive.

(9) The leader of the Implementation Executive is the person who is for the time being the leader of the Somerset Council's executive; and that person shall preside at all meetings of the Implementation Executive at which they are present.

(10) The Implementation Executive shall regulate its own proceedings, but a question to be decided by the Executive shall, in the first instance, be decided by the majority of those present and voting at the meeting at which the question is put, each member (including the leader of the Executive) having one vote.

(11) In the case of an equality of votes, the person presiding at the meeting (whether or not the leader of the Executive) shall have a casting vote, in addition to any other vote the person may have.