
STATUTORY INSTRUMENTS

2008 No. 907

The Bedfordshire (Structural Changes) Order 2008

PART 5

**CENTRAL BEDFORDSHIRE: SHADOW AUTHORITY, ITS
TRANSITIONAL FUNCTIONS AND THEIR DISCHARGE**

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

16.—(1) At its first meeting the shadow authority shall, in accordance with paragraphs (2) and (3), create a leader and cabinet executive within the meaning of Part 2 of the Local Government Act 2000 (arrangements with respect to executives etc), as originally enacted⁽¹⁾ (“the shadow executive”).

(2) Section 11 of the Local Government Act 2000 (local authority executives) shall have effect, for the purposes of paragraph (1), as if subsection (8) were omitted; and the shadow executive shall consist of—

- (a) the two persons who are for the time being the leaders of the district councils,
- (b) six other persons, of whom each of the district councils shall nominate three, being persons who are for the time being councillors of the council by which they are nominated, and
- (c) four persons nominated by the County Council, each of whom is for the time being a member of the County Council for one of the Central electoral divisions.

(3) In making nominations for the purpose of paragraph (2), the district councils and the County Council shall, to the extent that it is practicable to do so, secure that at all times the Conservative Party, the Labour Party and the Liberal Democrats are all represented on the shadow executive by at least one member.

(4) The leader of the shadow executive shall be the person who is for the time being the leader of Mid Bedfordshire District Council.

(5) The deputy leader of the shadow executive shall be the person who is for the time being the leader of South Bedfordshire District Council.

(6) It shall be the duty of the district councils and the County Council to co-operate in the establishment of the shadow executive.

(7) With the exception of sections 25 (proposals), 26 (proposals not requiring referendum), 27 (referendum in case of proposals involving elected mayor), 28 (approval of outline fall-back proposals) and 29 (operation of, and publicity for, executive arrangements) the provisions of Part 2 of the 2000 Act, to the extent that they relate to a leader and cabinet executive, shall have effect in relation to the shadow authority as if—

- (a) its executive were a leader and cabinet executive of a district council;

⁽¹⁾ 2000 c.22. Section 11 was amended by section 62 of the Local Government and Public Involvement in Health Act 2007 (c.28). Subsection (3) of that section, as originally enacted, defines a leader and cabinet executive.

- (b) the executive arrangements that it makes were executive arrangements of a district council⁽²⁾;
 - (c) section 15 authorised its executive to delegate functions not only to officers of the shadow authority but also to officers of the district councils or the County Council;
 - (d) for the purposes of the application of Part 1 of Schedule 4 to the 2007 Act (new arrangements for executives: transitional provision: old-style leader and cabinet executive), its executive had been operating at the relevant time within the meaning of that Part of that Schedule⁽³⁾.
- (8) Part 3 of the 2000 Act (conduct of local government members and employees)⁽⁴⁾ shall apply in relation to the shadow authority as if—
- (a) it were a district council⁽⁵⁾;
 - (b) references to co-opted members were omitted; and
 - (c) in section 51—
 - (i) in subsection (1), for “before the end of the period of six months beginning with the day on which the first order under section 50 which applies to them is made”, there were substituted “at the first meeting of the shadow authority within the meaning of the Bedfordshire (Structural Changes) Order 2008”; and
 - (ii) in subsection (5), “(1) or” were omitted.
- (9) The shadow authority shall prepare and adopt a scheme for the payment of allowances to its members; and the Local Authorities (Members’ Allowances) (England) Regulations 2003⁽⁶⁾, other than regulations 6 and 17 and Part 5, shall apply in relation to the shadow authority and its members as they apply in relation to district councils and their members.

(2) In Part 2 of the Local Government Act 2000, “executive arrangements” has the meaning given by section 10; see the definition in section 48(1). Section 48(1) defines “local authority”, in relation to England, as including a district council.

(3) *See, in particular*, the definitions of “old-style leader and cabinet executive” and “relevant time” in paragraph 5 of Part 1 of Schedule 4.

(4) Part 3 was amended by Chapter 1 of Part 10 of the Local Government and Public Involvement in Health Act 2007 (c.28). *See, in particular*, the amendments to section 51 in section 183(3) of that Act.

(5) Part 3 applies in relation to relevant authorities; see the definition of “relevant authority” in section 49(6).

(6) S.I. 2003/1021.