
STATUTORY INSTRUMENTS

2019 No. 957

The Buckinghamshire (Structural Changes) Order 2019

PART 3

**SHADOW AUTHORITY, ITS TRANSITIONAL
FUNCTIONS AND THEIR DISCHARGE**

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

- 6.—(1) At its first meeting, the shadow authority must—
- (a) elect the chairman of the shadow authority;
 - (b) in accordance with paragraphs (2) to (12), create a leader and cabinet executive within the meaning of Part 1A of the Local Government Act 2000(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) the person who is the leader for the time being of the county council’s executive;
 - (b) eight persons nominated by the county council, each of whom is for the time being a councillor of that council;
 - (c) two persons nominated by each of the district councils, each of whom is for the time being a member of the nominating council.
- (3) The leader of the shadow executive is the person who is the leader for the time being of the county council’s executive unless the shadow executive decides that another member of the shadow executive is to be the leader of that executive.
- (4) Subsection (3)(a) of section 9C of the 2000 Act has effect, for the purposes of paragraph (3), as if, for the words “elected as leader of the executive by the authority” there were substituted “who is the leader for the time being of Buckinghamshire County Council’s executive, unless the shadow executive created under article 6 of the Buckinghamshire (Structural Changes) Order 2019(2) decides that another member of the shadow executive is to be the leader of that executive”.
- (5) Section 9IA of the 2000 Act has effect, for the purposes of paragraph (3), as if, in each place in which it occurs, for “council” there were substituted “executive”.
- (6) At the first meeting of the shadow executive the members of that executive nominated by the district councils in accordance with paragraph (2)(c) must elect one person from among their number to act as the deputy leader of the shadow executive.
- (7) Except for the election of the deputy leader in accordance with paragraph (6), all questions coming or arising before the shadow executive shall be decided by a majority of the members of the

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

(2) S.I. 2019/957.

shadow executive (including the leader of the shadow executive) present and voting at a meeting of the executive and the leader shall not have a second or casting vote.

(8) The following provisions of the 2000 Act shall not apply to the executive arrangements of the shadow authority—

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

(9) The county council must nominate nine persons, each of whom is for the time being a member of that council, to act as members of the shadow executive in the absence of the leader or the members nominated in accordance with paragraph (2)(b) (“the substitute members”).

(10) Each of the district councils must nominate two persons, each of whom is for the time being a member of the council by which they are nominated, to act as members of the shadow executive in the absence of the members nominated in accordance with paragraph (2)(c) (“the substitute members”).

(11) When acting as a member of the shadow executive in the absence of a member of that executive a substitute member is permitted to vote on all questions coming or arising before the shadow executive.

(12) Where a vacancy arises as a result of a member or substitute member of the shadow executive ceasing to be a councillor of the council by which they were nominated in accordance with paragraph (2)(b) to (c), or a vacancy otherwise arises in the membership or substitute membership of the shadow executive, the county council or district council which nominated the person to whom the vacancy relates must nominate another person, who is for the time being a member of that council, to act as a member or substitute member of the shadow executive.

(13) The persons who, immediately before 1st April 2020, are the members or substitute members of the shadow executive shall—

- (a) continue as members or substitute members of that executive; and
- (b) on and after 1st April 2020, shall be the members or substitute members of Buckinghamshire 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 county council or district councils by which they were nominated.

(14) If a member or substitute member of the executive constituted as mentioned in paragraph (13) (b) ceases to be a member of that executive before the end of the shadow period, Buckinghamshire Council may in accordance with the terms of the constitution of the council nominate another member of the council to be a member or substitute member of its executive.

(15) Members or substitute members of the shadow executive nominated in accordance with paragraphs (2), (9) or (10) shall not be appointed to any overview and scrutiny committee established by the shadow authority in accordance with section 9F of the 2000 Act and shall not participate as members of such an overview and scrutiny committee of the council by which they are nominated where that committee is considering matters relating to the exercise of any of the functions of the shadow authority.

(16) The county council and the district councils must co-operate in the establishment of the shadow executive.

(17) 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 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;

(c) 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 district councils.

(18) Chapter 7 of the Localism Act 2011⁽³⁾ (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.

(19) The shadow authority must prepare and adopt a scheme for the payment of allowances to its members; and the Local Authorities (Members' Allowances) (England) Regulations 2003⁽⁴⁾, other than regulations 6 and 17 and Part 5, apply in relation to the shadow authority and its members as they apply in relation to district councils and their members.

⁽³⁾ 2011 c. 20.

⁽⁴⁾ S.I. 2003/1021.