
DRAFT STATUTORY INSTRUMENTS

2018 No.

The East Suffolk (Local Government Changes) Order 2018

PART 3

Transitional functions and their discharge

Duties of shadow authority: appointment of certain officers, etc.

9.—(1) At the first meeting of the shadow authority it must designate, on an interim basis, an officer of one of the District Councils—

- (a) to be responsible for performing, in relation to the shadow authority, the duties imposed by—
 - (i) subsections (2) and (3) of section 5 (designation and reports of monitoring officer) of the Local Government and Housing Act 1989⁽¹⁾ (“the 1989 Act”), and
 - (ii) subsections (2) and (5) of section 5A of the 1989 Act (reports of monitoring officer - local authorities operating executive arrangements), as applied by paragraph (5) (the “interim monitoring officer”);
- (b) to be responsible for the administration of the financial affairs of the shadow authority (the “interim chief finance officer”);
- (c) to be head of the shadow authority’s paid service and, accordingly, to be responsible for performing, in relation to the shadow authority, the duties imposed by subsections (2) and (4) of section 4 (designation and reports of head of paid service) of the 1989 Act (the “interim head of paid service”).

(2) The shadow authority may, at any time before 1st April 2019, appoint a person to become, on and after that date—

- (a) the East Suffolk Council monitoring officer;
- (b) that Council’s chief finance officer;
- (c) that Council’s head of paid service.

(3) If the power conferred by paragraph (2) is not exercised before 1st April 2019, the person who is on that date—

- (a) the interim monitoring officer;
- (b) the interim chief finance officer; or
- (c) the interim head of paid service,

is responsible for performing, in relation to East Suffolk Council, the duties referred to in sub-paragraph (a) or (b) of paragraph (1) or the functions of head of paid service of a local authority; and is to perform those duties or such functions until the person to discharge those duties or perform those functions is appointed by that Council and takes up that appointment.

(1) 1989 c.42. Relevant amendments, including the insertion of section 5A, were made by S.I. 2001/2237.

(4) A designation under paragraph (1) ceases to have effect on the day on which a person (which may be the same person) is appointed under paragraph (2) to discharge responsibilities equivalent to those of the designated officer.

(5) Subsections (2) to (7) of section 5 of the 1989 Act and subsections (2) and (5) of section 5A of that Act apply in relation to—

- (a) the shadow authority;
- (b) its interim monitoring officer; and
- (c) its executive arrangements,

as they apply in relation to a relevant authority and the monitoring officer and executive arrangements of a relevant authority as if references in those subsections were references to a shadow authority, its interim monitoring officer and the executive arrangements that it adopts pursuant to this Order.

(6) Sections 114 to 116 of the Local Government Finance Act 1988⁽²⁾ apply in relation to the shadow authority and its interim finance officer as if—

- (a) references to the chief finance officer of a relevant authority included references to the interim chief finance officer of the shadow authority;
- (b) references to a relevant authority included references to the shadow authority; and
- (c) references to joint committees were omitted.

(7) Subsections (2) to (5) and (6) of section 4 of the 1989 Act apply in relation to the shadow authority and its interim head of paid service as they apply in relation to a relevant authority and its head of paid service as if references in those subsections to a relevant authority and its head of paid service were references to the shadow authority and its interim head of paid service.

(2) 1988 c.41. Relevant amendments were made by the Local Government and Housing Act 1989, section 139 and Schedule 5, by the Local Government Act 2003 (c. 26), section 30 and S.I. 2001/2237.