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DRAFT STATUTORY INSTRUMENTS

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**2008 No.**

**The Northumberland (Structural Change) Order 2008**

**PART 3**

**TRANSITIONAL FUNCTIONS AND THEIR DISCHARGE**

**Main transitional function and Implementation Executive**

6.—(1) On the coming into force of this Order there shall be added to the functions of the Northumberland council the function, which is to be exercisable only during the transitional period ending on 1st April 2009, 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 15 of the 2000 Act (discharge of functions: leader and cabinet executive) shall have effect in relation to the Northumberland 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 "19 or 20," there were inserted "or under the Northumberland (Structural Change) Order 2008,".

(3) The Northumberland 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) and (7) to (9) 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 (including an enactment contained in an Act passed after the 2007 Act).

(5) The Implementation Executive shall consist of—

- (a) the person who, for the time being, is the leader of the Northumberland council's executive;
- (b) the two persons who, for the time being, are the leaders of the Conservative and Independent Group and the Liberal Democrat Group on the Northumberland council;
- (c) one person nominated by the Northumberland council who, for the time being, represents the Labour Group on that council;
- (d) seven other persons nominated by the Northumberland council who, for the time being, are both members of that council and cabinet members of its executive; and
- (e) the six persons who, for the time being, are the leaders of the district councils.

(6) It shall be the duty of the Northumberland council and each of the district councils to cooperate in the establishment of the Implementation Executive.

(7) The leader of the Implementation Executive shall be the person who, for the time being, is the leader of the Northumberland council's executive; and that person shall preside at all meetings of the Implementation Executive at which he is present.

(8) 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.

(9) 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.