
STATUTORY INSTRUMENTS

2019 No. 957

The Buckinghamshire (Structural Changes) Order 2019

PART 3

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

[^{F1}Executive arrangements for Buckinghamshire Council from the end of the shadow period

6A.—(1) This article applies during the period beginning immediately after the end of the shadow period and ending on the fourth day after the 2021 election day.

(2) Subject to the following provisions those persons who are members of the shadow executive immediately before the end of the shadow period are the members of the executive of Buckinghamshire Council.

(3) Section 9C of the 2000 Act (local authority executives) has effect, for the purposes of paragraph (2), as if subsection (5) were omitted.

(4) Immediately after the end of the shadow period the requirements at paragraphs (9) and (10) of article 6 to nominate substitute members of the executive cease to apply and those persons who were substitute members immediately before the end of the shadow period cease to be such members.

(5) The leader of the executive is the person who is the leader of the shadow executive immediately before the end of the shadow period.

(6) Subsection (3)(a) of section 9C of the 2000 Act has effect, for the purposes of paragraph (5) as if for the words “elected as leader of the executive by the authority” there were substituted “who is leader of the Buckinghamshire Council executive”.

(7) Section 9IA of the 2000 Act has effect, for the purposes of paragraph (5), as if—

- (a) in subsection (1) for “council” there were substituted “executive”; and
- (b) in subsection (2) for “a council” there were substituted “an executive”.

(8) Where a vacancy occurs in the membership of the executive the leader must appoint another member of Buckinghamshire Council to act as a member of the executive.

(9) The executive is to have two deputy leaders who are to be—

- (a) the person who is the deputy leader of the executive immediately before the end of the shadow period; and
- (b) one other person appointed by the leader at the first meeting of the executive after the end of the shadow period from among the members of the executive.

(10) Where a vacancy occurs in the office of deputy leader of the executive the leader must appoint a replacement.

(11) Where the office of leader becomes vacant the executive must elect a new leader from among the members of the executive.

(12) Subject to paragraph (13), the following provisions of the 2000 Act do not apply to the executive arrangements of Buckinghamshire Council—

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

(13) Sub-paragraph (7) of paragraph 2 of Schedule A1 to the 2000 Act is to be read as if for the words from “the deputy” to the end there were substituted “where the executive leader has designated a deputy executive leader to act in place of the leader, that deputy executive leader must so act, but where no such designation has been made the deputy executive leaders must act jointly”.

(14) Notwithstanding any provision made under, or by virtue of, sections 9D (functions which are the responsibility of an executive), 9DA (functions of an executive: further provision) or 13^{M1} (functions which are the responsibility of an executive) of the 2000 Act or made under or by virtue of any other enactment, the function of appointment of members of the following committees which have been established pursuant to the resolution of Buckinghamshire Council made on 27th February 2020^{M2} is, in each case, to be a function which is the responsibility of the executive—

- (a) the Strategic Planning Committee and the Area Planning Committees established under sections 101 (arrangements for discharge of functions by local authorities) and 102 (appointment of committees) of the 1972 Act;
- (b) the Licensing Committee established under section 101 of the 1972 Act and in accordance with section 6 of the Licensing Act 2003^{M3} (licensing committees);
- (c) the Health and Wellbeing Board established in accordance with section 194 of the Health and Social Care Act 2012^{M4} (establishment of Health and Wellbeing Boards);
- (d) the Pensions Committee established under section 101 of the 1972 Act;
- (e) the Senior Appointments and Pay Committee established under sections 101 and 102 of the 1972 Act;
- (f) the Standards and General Purposes Committee established under sections 101 and 102 of the 1972 Act;
- (g) the Audit and Governance Committee established under sections 101 and 102 of the 1972 Act.

(15) Notwithstanding any provision made under, or by virtue of, sections 9D, 9DA or 13 of the 2000 Act or made under or by virtue of any other enactment, the function of appointment of members of an overview and scrutiny committee established in accordance with section 9F of the 2000 Act (overview and scrutiny committees: functions) is to be exercised by the head of paid service of Buckinghamshire Council, following consultation with the leader of each political group.

(16) Notwithstanding any provision made under, or by virtue of, sections 9D, 9DA or 13 of the 2000 Act or made under or by virtue of any other enactment, the function of appointment of an independent person in accordance with section 28(7) of the Localism Act 2011 (codes of conduct) is to be exercised by the chair of Buckinghamshire Council’s Audit and Governance Committee, following consultation with the head of paid service.]

Textual Amendments

- F1** Art. 6A inserted (E.) (8.5.2020) by [The Local Government \(Coronavirus\) \(Structural Changes\) \(Consequential Amendments\) \(England\) Regulations 2020 \(S.I. 2020/426\)](#), regs. 1(2), 5

Marginal Citations

- M1** Section 13 was amended by Schedule 3 to the [Localism Act 2011](#) so that it applies to Wales only from 4th May 2012. The Local Authorities (Functions and Responsibilities) (England) Regulations ([S.I. 2000/2853](#)) made under section 13 continue to apply in relation to England.
- M2** The resolution may be obtained in hard copy from Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF and online at <https://buckinghamshire.moderngov.co.uk/documents/g143/printed%20minutes%2027th-Feb-2020%2016.00%20Shadow%20Authority.pdf?T=1>.
- M3** [2003 c. 17](#).
- M4** [2012 c. 7](#). Section 194(11) provides that a Health and Wellbeing Board is a committee of the local authority which established it and is to be treated as if it were a committee appointed by the authority under section 102 of the 1972 Act.

Changes to legislation:

There are currently no known outstanding effects for the The Buckinghamshire (Structural Changes) Order 2019, Section 6A.