

West Suffolk Shadow Council

Article 4 – The Shadow Council

4.1 Meaning

The Shadow Council means every councillor of Forest Heath District Council and St Edmundsbury Borough Council meeting together. By law, there are some things that only the Shadow Council has the power to do and other matters are allocated to the Shadow Council by this Constitution.

4.2 Functions of the Shadow Council

Only the Shadow Council will exercise the following functions:

- a) Adopting and amending the Shadow Council Constitution.
- b) Approving and adopting the Shadow Council policy framework (see below).
- c) Approving and adopting the West Suffolk Council budget (see below).
- d) Subject to the urgency procedure set out in the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution making decisions about any matter in the discharge of a Shadow Executive function which is covered by the policy framework or budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget.
- e) Electing the Leader, removing him/her by resolution and electing a replacement in accordance with Article 6.
- f) Appointing the Shadow Executive.
- g) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them.
- h) Recommending a scheme of Members' Allowances for West Suffolk Council to adopt
- i) Appointing councillors to outside bodies unless this is a function of the Shadow Executive or has been delegated by the Shadow Council.
- j) Confirming the appointment of the Head of Paid Service, the Monitoring Officer and the s.151 Officer of the Shadow Council, and appoint the same posts to West Suffolk Council if it wishes
- k) Changing the name of the area
- l) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.

- m) All local choice functions set out in Part 3 of this Constitution which the Shadow Council decides should be taken by itself rather than the Shadow Executive.
- n) All other matters which, by law, must be reserved to the Shadow Council.

4.3 Council Meetings

There are three types of Council meeting:

- a) ordinary meetings;
- b) extraordinary meetings; and
- c) special meetings

and these will be conducted in accordance with the law and with the Shadow Council procedure rules set out in Part 4 of this Constitution.

4.4 The policy framework

The policy framework means such statutory plans and strategies as are required by legislation, orders or regulations to be prepared by the Shadow Council, together with such recommended or discretionary plans and strategies as the Shadow Council may decide to adopt in preparation for West Suffolk Council assuming the full range of local authority functions on 1 April 2019. This would include:

- a) The West Suffolk Local Plan;
- b) The Licensing Act Statement of Policy;
- c) The Pay Policy Statement;
- d) The Gambling Act Statement of Principle

4.5 The budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the council's borrowing requirements, its investments and the control of its capital expenditure and the setting of virement limits. The Shadow Council will be responsible for the adoption of the budget of West Suffolk Council.

4.7 The Implementation Plan

The Shadow Council shall be responsible for the preparation and review of an implementation plan to ensure the smooth transition of functions from Forest Heath District Council and St Edmundsbury Borough Council. In practice, the plan will be monitored by the Shadow Executive, who shall be responsible for the appointment of an implementation team.