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STATUTORY INSTRUMENTS

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**2008 No. 2867**

**The Local Government (Structural Changes)  
(Transitional Arrangements) (No.2) Regulations 2008**

**PART 5**

**MEMBERSHIP OF CERTAIN LICENSING AND PLANNING COMMITTEES**

**Temporary co-opted membership of committees discharging licensing or planning functions**

**16.**—(1) Subject to paragraph (6), where the Implementation Executive of a 2009-electing council so resolves, a person specified in the resolution who—

- (a) immediately before the passing of the resolution is a member of the Implementation Executive; and
- (b) is not a member of the related preparing council,

shall, for the duration of the pre-election period, be a co-opted member of such one or more relevant committees of the 2009-electing council as the Implementation Executive shall specify in the resolution.

(2) Subject to paragraph (6), where the Implementation Executive of a preparing council which on the reorganisation date will be a 2009-electing council so resolves before the reorganisation date—

- (a) a member of the Implementation Executive specified in the resolution who, immediately before the passing of the resolution, is not a member of the related preparing council; or
- (b) a person specified in the resolution who is a member for the time being of a committee referred to in paragraph (3),

shall, for the duration of the pre-election period, be a co-opted member of such one or more relevant committees as exercise licensing functions as the Implementation Executive shall specify in the resolution.

(3) The committee mentioned in paragraph (2) is a committee that discharges licensing functions of a predecessor council that is related to the preparing council concerned.

(4) Subject to paragraph (6), where the Implementation Executive of a preparing council which on the reorganisation date will be a 2009-electing council so resolves before the reorganisation date—

- (a) a member of the Implementation Executive specified in the resolution who, immediately before the passing of the resolution, is not a member of the related preparing council; or
- (b) a person specified in the resolution who is a member for the time being of a committee referred to in paragraph (5),

shall, for the duration of the pre-election period, be a co-opted member of such one or more relevant committees as exercise planning functions as the Implementation Executive shall specify in the resolution.

(5) The committee mentioned in paragraph (4) is a committee that discharges planning functions of a predecessor council that is related to the preparing council concerned.

(6) Paragraphs (1), (2) and (4) do not apply where the preparing council is a district council.

(7) For the purposes of paragraphs (1), (2) and (4) it is immaterial that a person, who before the reorganisation date is a member of a predecessor council, ceases on that date to be a member of it.

(8) Section 102(2) of the 1972 Act shall not apply in relation to a person who is a co-opted member of a relevant committee of a description specified in paragraph (b) or (c) of the definition of “relevant committee”; and the term of office of any such person shall be the pre-election period.

(9) Subsection (1) of section 13 of the 1989 Act (voting rights of members of certain committees: England and Wales), shall not apply to a person who is a co-opted member of a relevant committee by virtue of a resolution under paragraph (2) or (4).

(10) Nothing in paragraph (1), (2), (4) or (8) shall prevent the Implementation Executive of a 2009-electing council from resolving on or after the reorganisation date—

- (a) that a person in respect of whom a resolution had been passed under this regulation before that date should from such date as may be specified in the resolution cease to be a co-opted member of a relevant committee; or
- (b) that a member of the Implementation Executive who was not a member of the 2009-electing council’s related preparing council should be a co-opted member of a relevant committee.