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STATUTORY INSTRUMENTS

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**2002 No. 975**

**LOCAL GOVERNMENT, ENGLAND**

**The Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002**

<i>Made</i>	- - - -	<i>4th April 2002</i>
<i>Laid before Parliament</i>		<i>10th April 2002</i>
<i>Coming into force</i>	- -	<i>6th May 2002</i>

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred on him by sections 39(5) and 105 of, and paragraph 6 of Schedule 1 to, the Local Government Act 2000<sup>(1)</sup>, hereby makes the following Regulations:

**Citation, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002 and shall come into force on 6th May 2002.

(2) These Regulations apply in relation to local authorities in England only.

(3) In these Regulations “the 1989 Act” means the Local Government and Housing Act 1989<sup>(2)</sup>.

**Elected mayor to be treated as councillor**

2. An elected mayor of a local authority is to be treated as a councillor of the local authority for the purposes of the following enactments—

(a) subsections (2) and (3) of section 2 of the Coroners Act 1988<sup>(3)</sup> (qualification for appointment as coroner);

(b) subsections (1), (3), (4) and (5) of section 18 of the 1989 Act<sup>(4)</sup> (schemes for basic, attendance and special responsibility allowances for local authority members);

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(1) 2000 c. 22. For the application of sections 39 and 105 and paragraph 6 of Schedule 1 to Wales, see section 106 of the Local Government Act 2000.

(2) 1989 c. 42.

(3) 1988 c. 13. Section 2 was amended by S.I.1996/655 and 1998/465. There are other amendments to section 2 that are not relevant to these Regulations.

(4) Section 18 was amended by section 99 of the Local Government Act 2000. There are other amendments to section 18 that are not relevant to these Regulations.

- (c) paragraph 2(6) of Schedule 7 to the Environment Act 1995<sup>(5)</sup> (local authority members of National Park Authorities);
- (d) regulation 2 of the Local Authorities (Members' Interests) Regulations 1992<sup>(6)</sup> (interpretation); and
- (e) paragraph 2 of Schedule 6 to the Motor Vehicles (Driving Licences) Regulations 1999<sup>(7)</sup> (evidence of identity of test candidates).

### **Appointment of elected mayor's assistant**

3.—(1) An elected mayor of a local authority may appoint not more than one person (an “assistant”) to provide assistance to him.

- (2) Any appointment of an assistant is an appointment as an employee of the authority.
- (3) No appointment of an assistant shall be such as to extend beyond—
  - (a) the term of office for which the elected mayor was elected; or
  - (b) where the elected mayor ceases to be the elected mayor before the end of the term of office for which he was elected, the date on which he ceases to hold that office.

(4) Subject to paragraphs (7) and (8), an assistant shall be employed on such terms and conditions (including conditions as to remuneration) as the elected mayor thinks fit, within the financial resources available to the authority.

- (5) Where the elected mayor appoints an assistant, he shall report to the authority in writing—
  - (a) the name of the assistant; and
  - (b) the terms and conditions on which the assistant has been appointed.

(6) An assistant is to be regarded for the purposes of Part I of the 1989 Act (political restriction of officers and staff) as holding a politically restricted post under the local authority.

(7) Subject to paragraph (8), section 9(1), (3), (4), (8), (8A), (8B) and (9) of the 1989 Act<sup>(8)</sup> (assistants for political groups), and any order made by the Secretary of State under section 9(4a) of the 1989 Act, shall apply in relation to the appointment of an assistant as if any appointment to that post were the appointment of a person in pursuance of that section.

(8) Subsection (3) of section 9 of the 1989 Act shall apply in relation to the appointment of an assistant as if the words from and including “and that the appointment terminates” to the end of that subsection were omitted.

Signed by authority of the Secretary of State for Transport, Local Government and the Regions

*Nick Raynsford*  
Minister of State,  
Department for Transport, Local Government  
and the Regions

4th April 2002

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(5) 1995 c. 25.

(6) S.I. 1992/618; a relevant amending instrument is S.I. 1996/1215.

(7) S.I. 1999/2864.

(8) Section 9 was amended by S.I. 2001/2237. There are other amendments to section 9 that are not relevant to these Regulations.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 39(5) of the Local Government Act 2000 provides for the Secretary of State to make regulations specifying, for the purposes of certain enactments, that an elected mayor of an authority is to be treated as a member or a councillor of that authority.

Regulation 2 specifies those enactments in respect of which an elected mayor is to be treated as a councillor.

Paragraph 6 of Schedule 1 to the 2000 Act provides for the Secretary of State to make regulations providing for the appointment of a person to give assistance to an elected mayor.

Regulation 3 provides for the elected mayor to appoint one assistant (regulation 3(1)) who is appointed as an employee of the authority (regulation 3(2)). The assistant's term of office lasts until either: the end of the term of office for which the elected mayor was elected; or, the date upon which the elected mayor ceases to hold office, if it is before the end of the term of office for which he was elected (regulation 3(3)).

An elected mayor's assistant is to be employed on such terms and conditions, including remuneration, as the elected mayor sees fit. The elected mayor is required to inform the authority in writing of the name of the assistant and his terms and conditions of appointment (regulation 3(4) and (5)).

An elected mayor's assistant is treated as holding a politically restricted post for the purposes of Part I of the Local Government and Housing Act 1989 (regulation 3(6)). Certain provisions in section 9 of the 1989 Act relating to assistants for political groups shall apply to the appointment of an elected mayor's assistant (regulation 3(7) and (8)).