

SCHEDULES

SCHEDULE 1

POSITIONS OF RESPONSIBILITY

PART 1

FILLING POSITIONS OF RESPONSIBILITY BY NOMINATION

Application of this Part

1. The following provisions of this Part apply unless at the first annual meeting after a local general election the council by resolution passed by a qualified majority decides that Part 2 applies.

Selection of positions of responsibility etc. by nominating officers

2.—(1) At the first annual meeting of a council after a local general election the nominating officer of the party for which the formula in paragraph 3 gives the highest figure may select—

- (a) a position of responsibility; and
- (b) a term for which it may be held.

(2) The term selected must be a term beginning before the date of the next local general election and if the nominating officer selects the term beginning with the date of the meeting, the nominating officer must also nominate to hold the selected position of responsibility for the selected term a member of the council who stood in the name of the nominating officer's party when elected.

(3) If—

- (a) the nominating officer does not exercise any function conferred by sub-paragraph (1) or (2) within a period specified in standing orders; or
- (b) the person nominated under sub-paragraph (2) does not take up the selected position of responsibility within that period,

that function becomes exercisable by the nominating officer of the party for which the formula in paragraph 3 gives the next highest figure.

(4) Sub-paragraphs (1) to (3) must be applied as many times as may be necessary to secure that every position of responsibility has been selected (treating the holding

of a position of responsibility for each term as a separate position of responsibility and disregarding any selection where sub-paragraph (3)(b) applies).

The formula

3.—(1) Subject to sub-paragraphs (2) and (3), the formula is—

$$\frac{S}{1 + M}$$

where—

- S = the number of members of the council who stood in the name of the party when elected;
- M = the number of positions of responsibility (if any) which are held by such members of the council (treating the holding of a position of responsibility for each term as a separate position of responsibility).

(2) If at the first annual meeting after a local general election the council by resolution passed by a qualified majority so decides, the formula in sub-paragraph (1) has effect as if M were doubled.

(3) Where the figures given by the formula for two or more parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the last local general election.

Vacancies

4.—(1) Where a position of responsibility becomes vacant before the end of the term for which it is held, the nominating officer of the party on whose behalf the previous incumbent was nominated may nominate to hold the position of responsibility for the remainder of the term a member of the council who stood in the name of the party when elected.

(2) If—

- (a) the nominating officer does not exercise the power conferred by sub-paragraph (1) within a period specified in standing orders; or
- (b) a person nominated under sub-paragraph (1) does not take up the position of responsibility within that period,

the vacancy must be filled by applying paragraphs 2 and 3 within a period specified in standing orders.

Selection of members at subsequent annual meetings

5.—(1) At each subsequent annual meeting each nominating officer of a party must select a member of the council who stood in the name of that party when

elected to hold for the next term each position of responsibility selected by the nominating officer of that party under paragraph 2.

(2) In this paragraph—

“next term”, in relation to a subsequent annual meeting, means the term beginning with that meeting;

“subsequent annual meeting” means an annual meeting of the council after the annual meeting mentioned in paragraph 2(1) but before the next local general election.

(3) This paragraph does not apply in relation to a position of responsibility specified at section 6(1)(e) (member of a cabinet-style executive of the council) or section 6(1)(f) (external representative of the council).

New positions of responsibility

6.—(1) Where a new position of responsibility arises after the annual meeting mentioned in paragraph 2(1), then at the next meeting of the council (which need not be an annual meeting) the nominating officer of the party for which the formula in paragraph 3 gives the highest figure may select a term beginning before the date of the next local general election for which the new position of responsibility may be held.

(2) The first term begins with the date of the meeting and if the nominating officer selects that term, the nominating officer must also nominate to hold the new position of responsibility for that term a member of the council who stood in the name of the nominating officer’s party when elected.

(3) If—

(a) the nominating officer does not exercise any function conferred by sub-paragraph (1) or (2) within a period specified in standing orders; or

(b) the person nominated under sub-paragraph (2) does not take up the new position of responsibility within that period,

that function becomes exercisable by the nominating officer of the party for which the formula in paragraph 3 gives the next highest figure.

(4) Sub-paragraphs (1) to (3) must be applied as many times as may be necessary to secure that—

(a) each term has been selected for that position of responsibility; and

(b) in relation to the term beginning with the date of the meeting a person has taken up that position of responsibility.