

Status: Point in time view as at 31/01/2017.

Changes to legislation: Local Government Act 2000, SCHEDULE A1 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE A1

Section 9GB

EXECUTIVE ARRANGEMENTS IN ENGLAND: FURTHER PROVISION

Textual Amendments

- F1** Sch. A1 inserted (3.12.2011 for specified purposes, 9.3.2012 for the insertion of Sch. A1 paras. 1, 5 so far as not already in force, 4.5.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 2 para. 2](#); S.I. 2011/2896, art. 2(e); S.I. 2012/628, art. 2(a); S.I. 2012/1008, art. 4(b)

Mayor and cabinet executives

- 1 (1) This paragraph applies in relation to executive arrangements by a local authority which provide for a mayor and cabinet executive.
- (2) Subject to section 9C(5), the executive arrangements must include provision which enables the elected mayor to determine the number of councillors who may be appointed to the executive under section 9C(2)(b).
- (3) The executive arrangements must include provision which requires the elected mayor to appoint one of the members of the executive to be the elected mayor's deputy (referred to in this paragraph as the deputy mayor).
- (4) Subject to sub-paragraph (5), the person who is appointed deputy mayor, unless the person resigns as deputy mayor or ceases to be a member of the authority, is to hold office until the end of the term of office of the elected mayor.
- (5) The elected mayor may, if the elected mayor thinks fit, remove the deputy mayor from office.
- (6) Where a vacancy occurs in the office of deputy mayor, the elected mayor must appoint another person to be deputy mayor.
- (7) If for any reason the elected mayor is unable to act or the office of elected mayor is vacant, the deputy mayor must act in the elected mayor's place.
- (8) If for any reason—
- (a) the elected mayor is unable to act or the office of elected mayor is vacant, and
 - (b) the deputy mayor is unable to act or the office of deputy mayor is vacant,
- the executive must act in the elected mayor's place or must arrange for a member of the executive to act in the elected mayor's place.

Leader and cabinet executives (England)

- 2 (1) This paragraph applies in relation to executive arrangements by a local authority which provide for a leader and cabinet executive (England).

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- (2) Subject to section 9C(5), the executive arrangements must include provision which enables the executive leader to determine the number of councillors who may be appointed to the executive under section 9C(3)(b).
- (3) The executive arrangements must include provision which requires the executive leader to appoint one of the members of the executive to be the executive leader's deputy (referred to in this paragraph as the deputy executive leader).
- (4) Subject to sub-paragraph (5), the person who is appointed deputy executive leader, unless the person resigns as deputy executive leader or ceases to be a member of the authority, is to hold office until the end of any term of office of the executive leader (where the executive arrangements provide for such a term).
- (5) The executive leader may, if the executive leader thinks fit, remove the deputy executive leader from office.
- (6) Where a vacancy occurs in the office of deputy executive leader, the executive leader must appoint another person to be deputy executive leader.
- (7) If for any reason the executive leader is unable to act or the office of executive leader is vacant, the deputy executive leader must act in the executive leader's place.
- (8) If for any reason—
 - (a) the executive leader is unable to act or the office of executive leader is vacant, and
 - (b) the deputy executive leader is unable to act or the office of deputy executive leader is vacant,
 the executive must act in the executive leader's place or must arrange for a member of the executive to act in the executive leader's place.

Procedure

- 3 Executive arrangements by a local authority may include provision with respect to—
 - (a) the quorum, proceedings and location of meetings of the executive,
 - (b) the appointment of committees of the executive, and
 - (c) the quorum, proceedings and location of meetings of committees of the executive.

Meetings of executives and executive committees

- 4 A member of a local authority who is not a member of the authority's executive is entitled to attend, and speak at, a meeting of the executive, or of a committee of the executive, which is held in private only if invited to do so.

^{F2} Attendance of police and crime commissioner at meetings

Textual Amendments

- F2** Sch. A1 para. 4A and cross-heading inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 7(9), 183(1)(5)(e)**; S.I. 2017/399, reg. 2, Sch. para. 3

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- 4A (1) A relevant police and crime commissioner may attend, speak at and vote at—
- (a) a meeting of an executive of a local authority which is a fire and rescue authority, or
 - (b) a meeting of a committee of such an executive.
- (2) Sub-paragraph (1) applies—
- (a) only if and to the extent that the business of the meeting relates to the functions of the authority as a fire and rescue authority, and
 - (b) only if the executive has consented to the participation of the relevant police and crime commissioner in such meetings in response to a request by the commissioner to do so.
- (3) If a request under sub-paragraph (2)(b) is made to an executive of a local authority, the executive must—
- (a) consider the request,
 - (b) give reasons for its decision to agree to or refuse the request, and
 - (c) publish those reasons in such manner as it thinks appropriate.
- (4) In this paragraph “relevant police and crime commissioner” means a police and crime commissioner—
- (a) whose area is the same as, or contains all of, the area of the local authority, or
 - (b) all or part of whose area falls within the area of the local authority.]

Mayor's assistant

- 5 (1) The Secretary of State may by regulations make provision for or in connection with the appointment of a person (an “assistant”) to provide assistance to an elected mayor.
- (2) Regulations under this paragraph may, in particular, include provision with respect to the terms and conditions of appointment of an assistant.

Overview and scrutiny committees: education functions

- 6 (1) In paragraphs 7 and 8 “relevant authority” means a local authority which has education functions.
- (2) Paragraphs 7 and 8 apply to an overview and scrutiny committee of a relevant authority if the committee's functions under section 9F relate wholly or partly to any education functions which are the responsibility of the authority's executive.
- (3) Paragraph 7 and 8 also apply to a sub-committee of an overview and scrutiny committee of a relevant authority if the sub-committee's functions under section 9FA relate wholly or partly to any education functions which are the responsibility of the authority's executive.
- 7 (1) In the case of a relevant authority that maintains one or more Church of England schools, an overview and scrutiny committee or sub-committee to which this paragraph applies must include at least one qualifying person.
- (2) A person is a qualifying person for the purposes of sub-paragraph (1) if the person is nominated by the Diocesan Board of Education for any Church of England diocese which falls wholly or partly in the authority concerned's area.

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- (3) In the case of a relevant authority that maintains one or more Roman Catholic Church schools, an overview and scrutiny committee or sub-committee to which this paragraph applies must include at least one qualifying person.
 - (4) A person is a qualifying person for the purposes of sub-paragraph (3) if the person is nominated by the bishop of any Roman Catholic diocese which falls wholly or partly in the authority concerned's area.
 - (5) A member of an overview and scrutiny committee or sub-committee appointed by virtue of sub-paragraph (1) or (3) is to be entitled to vote at a meeting of the committee or sub-committee on any question—
 - (a) which relates to any education functions which are the responsibility of the authority concerned's executive, and
 - (b) which falls to be decided at the meeting.
 - (6) The Secretary of State may by directions to a relevant authority require any of the authority's overview and scrutiny committees or sub-committees to which this paragraph applies to include persons who are appointed, in accordance with the directions, as representatives of the persons who appoint foundation governors for the foundation or voluntary schools maintained by the authority which are not Church of England schools or Roman Catholic Church schools but which are specified in the directions.
 - (7) Directions under sub-paragraph (6) may make provision with respect to the voting rights of persons appointed in accordance with such directions.
- 8
- (1) The Secretary of State may by regulations require an overview and scrutiny committee or sub-committee to which this paragraph applies to include one or more persons elected, in accordance with the regulations, as representatives of parent governors at maintained schools which are maintained by the relevant authority concerned.
 - (2) Regulations under this paragraph may make provision for—
 - (a) the number of persons who are to be elected in the case of any relevant authority,
 - (b) the procedure to be followed in connection with the election of such persons and the persons who are entitled to vote at such an election,
 - (c) the circumstances in which persons are qualified or disqualified for being so elected or for holding office once elected,
 - (d) the term of office of persons so elected and their voting rights,
 - (e) the application to any such committee or sub-committee, with or without any modification, of any enactment (whenever passed or made) relating to committees or (as the case may be) sub-committees of a local authority,
 - (f) such other matters connected with such elections or persons so elected as the Secretary of State considers appropriate.
 - (3) Regulations under this paragraph may also make provision—
 - (a) enabling the Secretary of State to determine, where the Secretary of State considers it expedient to do so in view of the small number of maintained schools which are maintained by a relevant authority, that the requirement imposed on the committee or sub-committee by virtue of sub-paragraph (1) is to have effect as if it referred to representatives of parents of registered pupils (rather than representatives of parent governors) at those schools,

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- (b) for any regulations under this paragraph to have effect, where the Secretary of State makes any such determination, with such modifications as may be prescribed.
- 9 The following provisions of the Education Act 1996, namely—
- (a) section 496 (powers of Secretary of State to require duties under that Act to be exercised reasonably), and
- (b) section 497 (powers of Secretary of State where local authorities etc are in default),
- are to apply to the performance of any duty imposed on a local authority by virtue of paragraphs 6 to 8 as they apply to the performance by a local authority of a duty imposed by that Act.
- 10 (1) Except for the expression “local authority”, expressions used in paragraphs 6 to 9 and the School Standards and Framework Act 1998 have the same meaning in those paragraphs as in that Act.
- (2) In paragraphs 6 and 7 “education functions” has the meaning given by section 579(1) of the Education Act 1996.

Overview and scrutiny committees: voting rights of co-opted members

- 11 (1) A local authority may permit a co-opted member of an overview and scrutiny committee of the authority to vote at meetings of the committee.
- (2) Permission under sub-paragraph (1) may only be given in accordance with a scheme made by the local authority.
- (3) A scheme for the purposes of this paragraph may include—
- (a) provision for a maximum or minimum in relation to the number of co-opted members of an overview and scrutiny committee entitled to vote at meetings of the committee, and
- (b) provision for giving effect to any maximum or minimum established under paragraph (a).
- (4) The power to make a scheme for the purposes of this paragraph includes power to vary or revoke such a scheme.
- (5) In this paragraph, references to a co-opted member, in relation to an overview and scrutiny committee of a local authority, are to a member of the committee who is not a member of the authority.

Modifications etc. (not altering text)

C1 Sch. A1 paras. 11-13 applied (with modifications) by 2006 c. 41, s. 247A(3)(d) (as inserted (4.5.2012)) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 3 para. 78](#); [S.I. 2012/1008](#), art. 4(b))

- 12 (1) The Secretary of State may by regulations make provision about the exercise of the powers under paragraph 11.
- (2) Regulations under sub-paragraph (1) may, in particular, require schemes for the purposes of paragraph 11 (“voting rights schemes”)—
- (a) to provide for permission to be given only by means of approving a proposal by the committee concerned;

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- (b) to provide for a proposal for the purposes of the scheme (“a scheme proposal”) to specify—
 - (i) the person to whom the proposal relates,
 - (ii) the questions on which it is proposed the person should be entitled to vote, and
 - (iii) the proposed duration of the person's entitlement to vote,
 and to include such other provision about the form and content of such a proposal as the regulations may provide;
 - (c) to provide for a scheme proposal to be made only in accordance with a published statement of the policy of the committee concerned about the making of such proposals;
 - (d) to include such provision about the procedure to be followed in relation to the approval of scheme proposals as the regulations may provide.
- (3) Regulations under sub-paragraph (1) may include provision for the notification to the Secretary of State by local authorities of the making, variation or revocation of voting rights schemes.
- (4) The Secretary of State may by direction require a local authority to vary a voting rights scheme.

Modifications etc. (not altering text)

- C1** Sch. A1 paras. 11-13 applied (with modifications) by 2006 c. 41, s. 247A(3)(d) (as inserted (4.5.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 3 para. 78**; S.I. 2012/1008, art. 4(b))
- C2** Sch. A1 para. 12 applied (4.5.2012) by [The Local Authorities \(Committee System\) \(England\) Regulations 2012 \(S.I. 2012/1020\)](#), regs. 1, **11(5)**

- 13 (1) A local authority which makes a scheme for the purposes of paragraph 11 must, while the scheme is in force, make copies of it available at its principal office at all reasonable hours for inspection by members of the public.
- (2) If a local authority makes a scheme for the purposes of paragraph 11, or varies or revokes such a scheme, it must as soon as reasonably practicable after doing so publish in one or more newspapers circulating in its area a notice which complies with this paragraph.
- (3) In the case of the making of a scheme, the notice under sub-paragraph (2) must—
- (a) record the making of the scheme,
 - (b) describe what it does,
 - (c) state that copies of it are available for inspection at the principal office of the local authority, and
 - (d) specify—
 - (i) the address of that office, and
 - (ii) the times when the scheme is available for inspection there.
- (4) In the case of the variation of a scheme, the notice under sub-paragraph (2) must—
- (a) record the variation,
 - (b) describe what it does,
 - (c) state that copies of the scheme as varied are available for inspection at the principal office of the local authority, and

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(d) specify—

(i) the address of that office, and

(ii) the times when the scheme is available for inspection there.

(5) In the case of the revocation of a scheme, the notice under sub-paragraph (2) must record the revocation.]

Modifications etc. (not altering text)

C1 Sch. A1 paras. 11-13 applied (with modifications) by 2006 c. 41, s. 247A(3)(d) (as inserted (4.5.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 3 para. 78**; S.I. 2012/1008, art. 4(b))

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