

SCHEDULES

SCHEDULE 1

Section 23.

EXECUTIVE ARRANGEMENTS: FURTHER PROVISION

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 11(8), 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 11(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 his deputy (referred to in this paragraph as the deputy mayor).
 - (4) Subject to sub-paragraph (5), the deputy mayor, unless he 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 he 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 in his place.
 - (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 his 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 his place.
 - (9) In the case of a local authority in Wales, the deputy mayor is entitled to the style of “dirprwy faer”.

Leader and cabinet executives

- 2
- (1) This paragraph applies in relation to executive arrangements by a local authority which provide for a leader and cabinet executive.
 - (2) The executive arrangements may include provision with respect to—
 - (a) the election and term of office of the executive leader, and
 - (b) the appointment and term of office of members of the executive appointed under section 11(3)(b)(ii).

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- (3) Subject to section 11(8), the executive arrangements must include provision which either—
 - (a) enables the authority to determine the number of councillors who may be appointed to the executive under section 11(3)(b), or
 - (b) enables the executive leader to determine the number of councillors who may be so appointed.
- (4) Section 101 of the Local Government Act 1972 does not apply to the function of determining the number of councillors under sub-paragraph (2)(a).

Mayor and council manager executives

- 3 (1) This paragraph applies in relation to executive arrangements by a local authority which provide for a mayor and council manager executive.
- (2) The executive arrangements may include provision with respect to the appointment and term of office of the council manager.
- (3) The executive arrangements must include provision which requires the elected mayor to appoint a member of the authority to be his deputy (referred to in this paragraph as the deputy mayor).
- (4) The deputy mayor may not be—
 - (a) the chairman or vice-chairman of the authority, nor
 - (b) a member of an overview and scrutiny committee of the authority.
- (5) Subject to sub-paragraph (6), the deputy mayor, unless he 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.
- (6) The elected mayor may, if he thinks fit, remove the deputy mayor from office.
- (7) Where a vacancy occurs in the office of deputy mayor, the elected mayor must appoint another person in his place.
- (8) 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 his place.
- (9) 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 council manager must act in the elected mayor's place.
- (10) Subject to sub-paragraph (11), the council manager—
 - (a) is entitled to attend, and speak at, meetings of the authority or any committee or sub-committee of the authority, but
 - (b) is not entitled to vote at such meetings.
- (11) The council manager is entitled to attend, and speak at, meetings of an overview and scrutiny committee or sub-committee of the authority only if invited or required to do so by the committee or sub-committee.
- (12) The reference in sub-paragraph (10) to a committee or sub-committee of the authority includes a reference to a joint committee on which the authority is represented or a sub-committee of such a committee.

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- (13) The council manager—
- (a) is to be regarded for the purposes of Part I of the Local Government and Housing Act 1989 as holding a politically restricted post under the authority,
 - (b) may not also be the person who under section 151 of the Local Government Act 1972 has responsibility for the administration of the financial affairs of the authority, and
 - (c) may not also be the person who is responsible for performing the duties of the authority’s monitoring officer under section 5 of the Local Government and Housing Act 1989.
- (14) The executive arrangements may include provision for the appointment by the elected mayor of one or more committees to advise the executive.
- (15) The membership of any such committee as is mentioned in sub-paragraph (14) need not be determined in accordance with the political balance requirements.
- (16) In the case of a local authority in Wales, the deputy mayor is entitled to the style of “dirprwy faer”.

Procedure

- 4 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

- 5 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.

Mayor’s assistant

- 6 (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 include provision with respect to the terms and conditions of appointment of an assistant.
- (3) Nothing in sub-paragraph (2) affects the generality of the power under sub-paragraph (1).

Overview and scrutiny committees: education functions

- 7 (1) In this paragraph “relevant English authority” means a local authority in England which is a local education authority.
- (2) This paragraph applies to an overview and scrutiny committee of a relevant English authority if the committee’s functions under section 21 relate wholly or partly to any education functions which are the responsibility of the authority’s executive.

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- (3) This paragraph also applies to a sub-committee of an overview and scrutiny committee of a relevant English authority if the sub-committee's functions under section 21 relate wholly or partly to any education functions which are the responsibility of the authority's executive.
- (4) In the case of a relevant English authority which maintain 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.
- (5) A person is a qualifying person for the purposes of sub-paragraph (4) if he 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.
- (6) In the case of a relevant English authority which maintain 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.
- (7) A person is a qualifying person for the purposes of sub-paragraph (6) if he is nominated by the bishop of any Roman Catholic diocese which falls wholly or partly in the authority concerned's area.
- (8) A member of an overview and scrutiny committee or sub-committee appointed by virtue of sub-paragraph (4) or (6) 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.
- (9) The Secretary of State may by directions to a relevant English 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.
- (10) Directions under sub-paragraph (9) may make provision with respect to the voting rights of persons appointed in accordance with such directions.
- 8 (1) In this paragraph "relevant Welsh authority" means a local authority in Wales which is a local education authority.
- (2) This paragraph applies to an overview and scrutiny committee of a relevant Welsh authority if the committee's functions under section 21 relate wholly or partly to any education functions which are the responsibility of the authority's executive.
- (3) This paragraph also applies to a sub-committee of an overview and scrutiny committee of a relevant Welsh authority if the sub-committee's functions under section 21 relate wholly or partly to any education functions which are the responsibility of the authority's executive.
- (4) An overview and scrutiny committee or sub-committee to which this paragraph applies must include one or more persons appointed as representatives of the persons who appoint foundation governors for the maintained schools which are maintained by the authority concerned and which are specified in directions made by the National

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Assembly for Wales as schools which have a character connected with a particular religion, or particular religious denomination, specified in the directions.

- (5) Sub-paragraph (4) does not apply if there are no maintained schools which are maintained by the authority concerned and which are specified in directions under that sub-paragraph.
 - (6) A member of an overview and scrutiny committee or sub-committee appointed by virtue of sub-paragraph (4) 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.
 - (7) The National Assembly for Wales may by directions to a relevant Welsh 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 such of the maintained schools which are maintained by the authority concerned and which are not specified in directions under sub-paragraph (4) as may be specified in directions under this sub-paragraph.
 - (8) Directions under sub-paragraph (7) may make provision with respect to the voting rights of persons appointed in accordance with such directions.
- 9
- (1) In this paragraph “relevant authority” means a local authority which is a local education authority.
 - (2) This paragraph applies to an overview and scrutiny committee of a relevant authority if the committee’s functions under section 21 relate wholly or partly to any education functions which are the responsibility of the authority’s executive.
 - (3) This paragraph also applies to a sub-committee of an overview and scrutiny committee of a relevant authority if the sub-committee’s functions under section 21 relate wholly or partly to any education functions which are the responsibility of the authority’s executive.
 - (4) 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.
 - (5) 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,

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- (f) such other matters connected with such elections or persons so elected as the Secretary of State considers appropriate.
- (6) Regulations under this paragraph may also make provision—
- (a) enabling the Secretary of State to determine, where he 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 (4) is to have effect as if it referred to representatives of parents of registered pupils (rather than representatives of parent governors) at those schools,
 - (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.
- 10 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 education authorities etc. are in default),
- are to apply to the performance of any duty imposed on a local authority by virtue of paragraph 7, 8 or 9 as they apply to the performance by a local education authority of a duty imposed by that Act.
- 11 Except for the expression “local authority”, expressions used in paragraphs 7 to 10 and the School Standards and Framework Act 1998 have the same meaning in those paragraphs as in that Act.