

SCHEDULE 2

Regulation 3(1)

PROVISIONS TO BE INCORPORATED IN STANDING ORDERS REGULATING PROCEEDINGS AND BUSINESS

PART I

AUTHORITY WITH MAYOR AND CABINET EXECUTIVE OR MAYOR AND COUNCIL MANAGER EXECUTIVE

1. In this Part—

“elected mayor” and “executive” have the same meaning as in Part II of the Local Government Act 2000⁽¹⁾; and

“plan or strategy” and “working day” have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

2. Where the executive of the authority has submitted a draft plan or strategy to the authority for its consideration and, following consideration of that draft plan or strategy, the authority has any objections to it, the authority must take the action set out in paragraph 3.

3. Before the authority—

(a) amends the draft plan or strategy;

(b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

(c) adopts (with or without modification) the plan or strategy,

it must inform the elected mayor of any objections which it has to the draft plan or strategy and must give to him instructions requiring the executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

4. Where the authority gives instructions in accordance with paragraph 3, it must specify a period of at least five working days beginning on the day after the date on which the elected mayor receives the instructions on behalf of the executive within which the elected mayor may—

(a) submit a revision of the draft plan or strategy as amended by the executive (the “revised draft plan or strategy”), with the executive’s reasons for any amendments made to the draft plan or strategy, to the authority for the authority’s consideration; or

(b) inform the authority of any disagreement that the executive has with any of the authority’s objections and the executive’s reasons for any such disagreement.

5. Subject to paragraph 6, when the period specified by the authority, referred to in paragraph 4, has expired, the authority must, when—

(a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

(b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

(c) adopting (with or without modifications) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the executive’s reasons for those amendments, any disagreement that the

(1) 2000 c. 22.

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executive has with any of the authority's objections and the executive's reasons for that disagreement, which the elected mayor submitted to the authority, or informed the authority of, within the period specified.

6. Where the authority proposes to—

- (a) amend the draft plan or strategy or, as the case may be, the revised draft plan or strategy;
- (b) approve, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- (c) adopt with modifications the plan or strategy,

and that plan or strategy (whether or not in the form of a draft), with any proposed amendments or modifications, is not in accordance with the draft plan or strategy or, as the case may be, the revised draft plan or strategy, the question whether to amend, to approve or to adopt the plan or strategy must be decided in accordance with paragraph 7.

7. The question referred to in paragraph 6 must be decided by a two thirds majority of the members of the authority present and voting on the question at a meeting of the authority.

8. Subject to paragraph 14, where, before 8th February in any financial year, the authority's executive submits to the authority for its consideration in relation to the following financial year—

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992(2) (calculation of budget requirements etc.);
- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992 (precepts),

and following consideration of those estimates or amounts the authority has any objections to them, it must take the action set out in paragraph 9.

9. Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 8(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the elected mayor of any objections which it has to the executive's estimates or amounts and must give to him instructions requiring the executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.

10. Where the authority gives instructions in accordance with paragraph 9, it must specify a period of at least five working days beginning on the day after the date on which the elected mayor receives the instructions on behalf of the executive within which the elected mayor may—

- (a) submit a revision of the estimates or amounts as amended by the executive ("revised estimates or amounts"), which have been reconsidered in accordance with the authority's requirements, with the executive's reasons for any amendments made to the estimates or amounts, to the authority for the authority's consideration; or
- (b) inform the authority of any disagreement that the executive has with any of the authority's objections and the executive's reasons for any such disagreement.

(2) 1992 c. 14. Section 32 was amended by S.I.1994/246, 1995/234 and 2001/216 and Schedule 9 to the Police Act 1997 (c. 92). Section 33 was amended by S.I. 1994/246, 1995/234 and 2001/216. Section 43 was amended by S.I. 1994/246, 1995/234 and 2001/216 and Schedule 9 to the Police Act 1997. Section 44 was amended by S.I. 1994/246, 1995/234 and 2001/216. Section 46 was amended by Schedule 9 to the Police and Magistrates Courts Act 1994 (c. 29). Sections 52I, 52J, 52T and 52U were inserted by paragraph 1 of Schedule 1 to the Local Government Act 1999 (c. 27). There are other amendments to some of these sections which are not relevant to these Regulations.

11. Subject to paragraph 12, when the period specified by the authority, referred to in paragraph 10, has expired, the authority must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 8(a), or when issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account—

- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (b) the executive’s reasons for those amendments;
- (c) any disagreement that the executive has with any of the authority’s objections; and
- (d) the executive’s reasons for that disagreement,

which the elected mayor submitted to the authority, or informed the authority of, within the period specified.

12. Where the authority, for the purposes of making the calculations or issuing the precept, proposes to use estimates or amounts (“the different estimates or amounts”) which are not in accordance with the executive’s estimates or amounts or, as the case may be, the executive’s revised estimates or amounts, the question whether to use the different estimates or amounts must be decided in accordance with paragraph 13.

13. The question referred to in paragraph 12 must be decided by a two thirds majority of the members of the authority present and voting on the question at a meeting of the authority.

14. Paragraphs 8 to 13 shall not apply in relation to—

- (a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992 (limitation of council tax and precepts); and
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

PART II

AUTHORITY WITH LEADER AND CABINET EXECUTIVE

1. In this Part—

“executive” and “executive leader” have the same meaning as in Part II of the Local Government Act 2000(3); and

“plan or strategy” and “working day” have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

2. Where the executive of the authority has submitted a draft plan or strategy to the authority for its consideration and, following consideration of that draft plan or strategy, the authority has any objections to it, the authority must take the action set out in paragraph 3.

3. Before the authority—

- (a) amends the draft plan or strategy;
- (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- (c) adopts (with or without modification) the plan or strategy,

(3) 2000 c. 22.

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it must inform the executive leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

4. Where the authority gives instructions in accordance with paragraph 3, it must specify a period of at least five working days beginning on the day after the date on which the executive leader receives the instructions on behalf of the executive within which the executive leader may—

- (a) submit a revision of the draft plan or strategy as amended by the executive (the “revised draft plan or strategy”), with the executive’s reasons for any amendments made to the draft plan or strategy, to the authority for the authority’s consideration; or
- (b) inform the authority of any disagreement that the executive has with any of the authority’s objections and the executive’s reasons for any such disagreement.

5. When the period specified by the authority, referred to in paragraph 4, has expired, the authority must, when—

- (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
- (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
- (c) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the executive’s reasons for those amendments, any disagreement that the executive has with any of the authority’s objections and the executive’s reasons for that disagreement, which the executive leader submitted to the authority, or informed the authority of, within the period specified.

6. Subject to paragraph 10, where, before 8th February in any financial year, the authority’s executive submits to the authority for its consideration in relation to the following financial year—

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the authority has any objections to them, it must take the action set out in paragraph 7.

7. Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the executive leader of any objections which it has to the executive’s estimates or amounts and must give to him instructions requiring the executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority’s requirements.

8. Where the authority gives instructions in accordance with paragraph 7, it must specify a period of at least five working days beginning on the day after the date on which the executive leader receives the instructions on behalf of the executive within which the executive leader may—

- (a) submit a revision of the estimates or amounts as amended by the executive (“revised estimates or amounts”), which have been reconsidered in accordance with the authority’s

requirements, with the executive's reasons for any amendments made to the estimates or amounts, to the authority for the authority's consideration; or

- (b) inform the authority of any disagreement that the executive has with any of the authority's objections and the executive's reasons for any such disagreement.

9. When the period specified by the authority, referred to in paragraph 8, has expired, the authority must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account—

- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- (b) the executive's reasons for those amendments;
- (c) any disagreement that the executive has with any of the authority's objections; and
- (d) the executive's reasons for that disagreement,

which the executive leader submitted to the authority, or informed the authority of, within the period specified.

10. Paragraphs 6 to 9 shall not apply in relation to—

- (a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.