
STATUTORY INSTRUMENTS

1993 No. 202

The Local Authorities (Standing Orders) Regulations 1993

PART I

PRELIMINARY

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Authorities (Standing Orders) Regulations 1993 and shall come into force on 1st April 1993.

(2) In these Regulations—

“the Act” means the Local Government and Housing Act 1989,

“chief officer”, in relation to a relevant authority, means—

- (a) the head of their paid service, designated under section 4(1) of the Act;
- (b) their monitoring officer;
- (c) a statutory chief officer mentioned in paragraph (a), (c) or (d) of section 2(6) of the Act, or
- (d) a non-statutory chief officer (within the meaning of section 2(7) of the Act);

and any reference to an appointment or purported appointment of a chief officer includes a reference to the engagement or purported engagement of such an officer under a contract of employment;

“the Common Council” means the Common Council of the City of London in its capacity as a local authority, police authority or port health authority;

“disciplinary action” in relation to an officer of an authority means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the officer’s personal file, and includes any proposal for dismissal of an officer for any reason other than redundancy or permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract;

“monitoring officer” means the officer designated under section 5(1) of the Act;

“relevant authority” means a county or district council, the council of a London borough, the Common Council and the Council of the Isles of Scilly; and

“relevant joint committee”, in relation to an authority, means a joint committee on which the authority are represented.

PART II

STANDING ORDERS RELATING TO CHIEF OFFICERS

Standing orders

2. No later than the first ordinary meeting of the authority falling after the day on which these Regulations come into force, a relevant authority shall, in respect of the appointment of its chief officers and disciplinary action against the head of its paid service—

- (a) make standing orders incorporating—
 - (i) the provisions set out in Part I of Schedule 1 to these Regulations, or
 - (ii) provisions to the like effect, or
 - (iii) provisions incorporating the effect of those provisions modified as provided in Part II of that Schedule; and
- (b) modify any existing standing orders of theirs in so far as is necessary to conform with those provisions;

and shall not thereafter vary standing orders so made or modified other than by way of incorporating provision having effect as described in Part II of that Schedule.

Investigation of alleged misconduct

3.—(1) Where after standing orders have been made in pursuance of regulation 2 it appears to a relevant authority that a complaint of misconduct by the head of its paid service (“the relevant officer”) requires to be investigated, the authority shall appoint for the purposes of the standing order numbered 4 in Schedule 1 a person (“the designated independent person”), being such person as may be agreed between the authority and the relevant officer or, in default of such agreement, appointed by the Secretary of State.

- (2) The designated independent person—
 - (a) may direct—
 - (i) that the authority terminate any suspension of the relevant officer, or
 - (ii) that any such suspension shall continue after the expiry of the period mentioned in standing order 4(2), or, as the case may be, the expiry of any period specified in any such previous direction, or
 - (iii) that the terms on which any such suspension has taken place shall be varied in accordance with the direction;
 - (iv) that no steps (whether by the authority or any committee, sub-committee or officer of theirs) towards disciplinary action or further disciplinary action against the relevant officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under subparagraph (d) below;
 - (b) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the authority, or which the authority has power to authorise him to inspect;
 - (c) may require any officer of the authority to answer questions concerning the conduct of the relevant officer;
 - (d) shall make a report to the authority—
 - (i) stating his opinion as to whether (and if so, the extent to which) the evidence he has obtained supports any allegation of misconduct against the relevant officer, and

- (ii) recommending any disciplinary action which appears to him to be appropriate for the authority to take against the relevant officer; and
 - (e) shall no later than the time at which he makes his report under sub-paragraph (d), send a copy of the report to the relevant officer.
- (3) A relevant authority shall pay the remuneration of a relevant designated independent person, and any costs incurred by him in or in connection with the discharge of his functions under this regulation.

PART III

STANDING ORDERS RELATING TO MEETINGS AND PROCEEDINGS

Meetings and proceedings

4.—(1) No later than the first ordinary meeting of the authority falling after the day on which these Regulations come into force, a county or district council, the council of a London borough and the Council of the Isles of Scilly shall, in respect of the matters mentioned in paragraph (2)—

- (a) make standing orders incorporating the provisions set out in Schedule 2 to these Regulations, or provisions to the like effect, and
 - (b) modify any existing standing orders in so far as is necessary to conform with those provisions.
- (2) The matters referred to in paragraph (1) are—
- (a) the recording of votes of the authority or any of their committees or sub-committees, or of any relevant joint committee, or sub-committee of such a committee; and
 - (b) the signing of minutes of the authority.

29th January 1993

Michael Howard
Secretary of State for the Environment

4th February 1993

David Hunt
Secretary of State for Wales