
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under sections 8, 20 and 190 of the Local Government and Housing Act 1989 (“*the 1989 Act*”) and require relevant authorities to incorporate into their standing orders certain provisions relating to their staff, meetings and proceedings.

Regulation 3 and Schedule 1 require relevant authorities to make such provision in relation to the appointment of chief officers. Regulation 4 and Schedule 2 require standing orders to be made in relation to the recording of votes, and the signing of minutes at extraordinary meetings.

Relevant authorities in Wales are required to make or modify standing orders so that they include the provisions set out in the Regulations, or provisions to the like effect.

Part II of the Local Government Act 2000 (“*the 2000 Act*”) provides for local authorities to draw up proposals for the operation of executive arrangements (under which certain functions of the authority are the responsibility of an executive) or, in the case of certain authorities, for the operation of alternative arrangements. In the case of executive arrangements, the local authority’s executive must take one of the forms specified in section 11 of the 2000 Act.

A relevant authority which operates executive arrangements must have standing orders relating to its staff which include the provisions set out in Schedule 3. The standing orders must be the appropriate ones for the particular form that the executive takes (as set out in different Parts of Schedule 3) and, if that form changes, the standing orders must be varied accordingly (regulation 5).

A relevant authority which is operating alternative arrangements must have standing orders relating to its staff which include the provisions set out in Part 4 of Schedule 3 (or provisions to the like effect) (regulation 6).

Appointment, discipline, suspension and dismissal of teachers and other school staff employed by the local education authority are not dealt with in these Regulations but in regulations made under section 35(4) and (5) of the Education Act 2002 (see, at present, the Staffing of Maintained Schools (Wales) Regulations 2006 (S.I.2006/873 (W.81)).

A relevant authority must, in respect of disciplinary action against the head of the authority’s paid service, its monitoring officer or its chief finance officer, make standing orders incorporating the provisions set out in Schedule 4 (or provisions to the like effect). Such standing orders must be made no later than the first ordinary meeting of the relevant authority falling after the day on which these Regulations come into force (regulation 8).

Regulation 9 provides for consideration by an investigation committee of an allegation of misconduct made against the head of the authority’s paid service (unless the head of the authority’s paid service is the authority’s council manager), its monitoring officer or its chief finance officer and prescribes a procedure for further investigation by an independent person, which is to be followed, where there is alleged to have been misconduct by the head of the authority’s paid service, its monitoring officer or its chief finance officer which the investigation committee, having considered the matter, consider should be further investigated. Similar provisions were included in the Local Authorities (Standing Orders) Regulations 1993 (“*the 1993 Regulations*”) in relation to the head of the authority’s paid service. Following the relevant authority’s consideration of the report prepared under paragraph (6) (d), the relevant authority must then comply with the relevant statutory procedures for disciplinary hearings.

Regulation 10 revokes the 1993 Regulations in so far as they extend to Wales (but not in relation to a National Park Authority in Wales).

Status: *This is the original version (as it was originally made).*

Regulation 11 contains transitional provisions in relation to existing standing orders for disciplinary action made under the 1993 Regulations.