
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authorities (Standing Orders) (Wales) Regulations 2006 (S.I. 2006/1275) (W. 121) (“the 2006 Regulations”).

The 2006 Regulations require relevant authorities (county and county borough councils in Wales) to incorporate into their standing orders certain provisions relating to their staff, meetings and proceedings. Relevant authorities are required to make or modify standing orders so that they include the provisions set out in the 2006 Regulations or provisions to the like effect.

In part these Regulations amend the 2006 Regulations to reflect provisions in the Local Government (Wales) Measure 2011 (nawm 4) (“the Measure”).

Section 8 of the Measure made provision for county borough councils or county councils in Wales to designate one of their officers as the head of democratic services.

Section 34 of the Measure removed the elected mayor and council manager option from the executive arrangements available in Wales. Section 35 of the Measure provided that county borough councils or county councils in Wales operating alternative arrangements must move to operating one of the executive arrangements described in section 11 of the Local Government Act 2000.

Regulation 3 inserts in the 2006 Regulations definitions of the “head of democratic services” and “remuneration”.

Regulations 3 to 5 remove references in the 2006 Regulations to “alternative arrangements” and the “council manager”.

Regulation 6 amends regulation 7 of the 2006 Regulations to require all decisions on the remuneration of chief officers to be taken by resolution of the authority itself.

Regulations 7 and 8 make provision for any investigation into alleged misconduct by a head of democratic services or by any officer who was, but at the time the investigation committee is appointed no longer is, an officer referred to in regulation 8(1) of the 2006 Regulations to follow the procedures applying to a head of paid service, a monitoring officer or a chief finance officer, where the alleged misconduct or, as the case may be, the reason for the proposal for dismissal, occurred during the period when the officer was an officer referred to in that regulation. A minor amendment is also made to regulation 9 of the 2006 Regulations.

Regulation 9 amends Part 1 of Schedule 1 to the 2006 Regulations so that where the relevant authority proposes to appoint a chief officer and the remuneration it proposes to pay to the chief officer is £100,000 per annum or greater, the vacancy must be advertised externally. The obligation to advertise externally does not apply where the authority proposes to appoint a chief officer for a period of no longer than 12 months. Regulation 9 also amends Part 2 of Schedule 1 to the 2006 Regulations to remove the authorised variation permitting authorities to decide not to advertise externally when they propose to appoint a non-statutory chief officer.

Regulation 10 amends the 2006 Regulations so as to prevent the appointment or dismissal of, or the taking of disciplinary action against, a monitoring officer or a head of democratic services being discharged by the head of the authority’s paid service or by an officer nominated by the head of the authority’s paid service. The regulation extends the same protection to any officer in relation to whom disciplinary action is proposed and who was, but at the time of the proposed disciplinary action no longer is, an officer referred to in that regulation where the alleged misconduct or, as the

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case may be, the reason for the proposal for dismissal, occurred during the period when the officer was an officer referred to in that regulation.

Regulation 10 removes Parts 3 and 4 of Schedule 3 to the 2006 Regulations, which relate to the abolished mayor and council manager executive arrangements and to alternative arrangements.

Regulation 11 amends Schedule 4 to the 2006 Regulations to be consistent with the other amendments made by these Regulations.

Regulation 12 contains transitional provisions in relation to existing standing orders for disciplinary action made under the 2006 Regulations.

Regulation 13 provides that a relevant authority must revise its existing standing orders in so far as is necessary to conform with the amendments made by these Regulations by no later than the date ten weeks after these Regulations come into force.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Scrutiny, Democracy and Participation Team, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.