
STATUTORY INSTRUMENTS

1993 No. 202

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Standing Orders) Regulations 1993

Made - - - - *4th February 1993*
Laid before Parliament *12th February 1993*
Coming into force - - *1st April 1993*

The Secretary of State for the Environment as respects England and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by sections 8, 20 and 190 of the Local Government and Housing Act 1989(1), and of all other powers enabling them in that behalf, hereby make the following Regulations:

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;

(1) 1989 c. 42. Section 20 is extended by paragraph 30 of Schedule 11, which amends paragraph 41 of Schedule 12 to the Local Government Act 1972 (c. 70).

“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 sub-paragraph (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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

4th February 1993

David Hunt
Secretary of State for Wales

SCHEDULE 1

Regulation 2

Standing orders relating to chief officers

PART I

PRESCRIBED STANDING ORDERS

Appointments

1. Where the authority propose to appoint a chief officer, and it is not proposed that the appointment be made exclusively from among their existing officers, they shall—

- (a) draw up a statement specifying—
 - (i) the duties of the officer concerned, and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

2.—(1) Where a post has been advertised as provided in standing order 1(b), the authority shall—

- (a) interview all qualified applicants for the post, or
- (b) select a short list of such qualified applicants and interview those included on the short list.

(2) Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with standing order 1(b).

3. Every appointment of a chief officer shall be made by the authority.

Disciplinary action

4.—(1) No disciplinary action (within the meaning of Part II of the Local Authorities (Standing Orders) Regulations 1992) in respect of the head of the authority's paid service, except action described in paragraph (2), may be taken by an authority, or by a committee, sub-committee, relevant joint committee or any other person acting on their behalf, other than in accordance with a recommendation in a report made by a designated independent person under regulation 3 of those Regulations.

(2) The action mentioned in paragraph (1) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

PART II

AUTHORISED VARIATIONS

1. The standing orders may provide that—

- (a) the steps taken under standing order 1 or 2 above may be taken by a committee, sub-committee or chief officer of the authority;

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- (b) any chief officer may be appointed by a committee or sub-committee of the authority, or a relevant joint committee.
2. The standing orders may provide that where the duties of a chief officer include the discharge of functions of two or more local authorities in pursuance of section 101(5) of the Local Government Act 1972—
- (a) the steps taken under standing order 1 or 2 above may be taken by a joint committee of those authorities, a sub-committee of that committee or a chief officer of any of the authorities concerned; and
 - (b) any chief officer may be appointed by such a joint committee, a sub-committee of that committee or a committee or sub-committee of any of those authorities.
3. There may be excluded from the application of standing orders 1 to 3—
- (a) any appointment of a non-statutory chief officer (within the meaning of section 2(7)(a) or (b) of the Act), and
 - (b) any appointment in pursuance of section 9 (assistants for political groups) of the Act.

SCHEDULE 2

Regulation 4

Standing orders relating to meetings and proceedings

Recording of votes

1.—(1) Where immediately after a vote is taken at a meeting of a relevant body any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his vote for the question or against the question or whether he abstained from voting.

(2) In this paragraph “relevant body” means the authority, a committee or sub-committee of the authority or a relevant joint committee or sub-committee of such a committee.

Signing minutes — extraordinary meetings

2. Where in relation to any meeting of the authority the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule(2).

(2) Paragraph 41 is amended by paragraph 30 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under sections 8 and 20 of the Local Government and Housing Act 1989 the Secretary of State may by regulations require local authorities to incorporate in standing orders provision relating to their staff, meetings and proceedings.

Regulation 2 and Schedule 1 accordingly require authorities to make such provision in relation to the appointment of chief officers. Regulation 3 prescribes a procedure for investigation by an independent person, which is to be followed where there is alleged to have been misconduct by the head of an authority's paid service.

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.