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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations require certain local authorities in England 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 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 that Act.

A county council, district council or London borough council which is operating executive arrangements must have standing orders relating to its staff which include the provisions set out in *Schedule 1* and must have standing orders for regulating its proceedings and business which include the provisions set out in *Schedule 2* (or provisions to the like effect). The standing orders must be the appropriate ones for the particular form that the executive takes (as set out in different Parts of Schedules 1 and 2) and, if that form changes, the standing orders must be varied accordingly (*regulation 3*).

A county council, district council or London borough council which is operating alternative arrangements must have standing orders relating to its staff which include the provisions set out in *Part IV of Schedule 1* (or provisions to the like effect) (*regulation 4*).

A county council, district council, London borough council, the Common Council of the City of London and the Council of the Isles of Scilly must, in respect of disciplinary action against the head of the authority's paid service, its monitoring officer and its chief finance officer, make standing orders incorporating the provisions set out in *Schedule 3* (or provisions to the like effect). Such standing orders must be made no later than the first ordinary meeting of the local authority falling after the day on which these Regulations come into force (*regulation 6*).

*Regulation 7* 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 the authority's paid service (unless he is the authority's council manager), its monitoring officer or its chief finance officer. 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 and *regulation 8* revokes the similar provisions in the 1993 Regulations in so far as they extend to England (but not in relation to a National Park authority in England to which the 1993 Regulations apply by virtue of the National Park Authorities (England) Order 1996).

*Regulation 9* amends the Local Government Changes for England Regulations 1994 so that these Regulations apply to a shadow authority that will become a county council in England, a district council or a London borough council.

*Regulation 10* contains transitional provisions in relation to existing standing orders for disciplinary action made under the 1993 Regulations. It also sets out consequential provisions for authorities that have already submitted proposals for executive arrangements or alternative arrangements to the Secretary of State when these Regulations come into force or started operating such arrangements before that date.