

## SCHEDULE 1

Regulations 3(1) and 4(1)

### PROVISIONS TO BE INCORPORATED IN STANDING ORDERS RELATING TO STAFF

## PART I

### AUTHORITY WITH MAYOR AND CABINET EXECUTIVE

**1.** In this Part—

“the 1989 Act” means the Local Government and Housing Act 1989(1);

“the 2000 Act” means the Local Government Act 2000(2);

“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

“elected mayor” and “executive” have the same meaning as in Part II of the 2000 Act;

“member of staff” means a person appointed to or holding a paid office or employment under the authority; and

“proper officer” means an officer appointed by the authority for the purposes of the provisions in this Part.

**2.** Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority’s paid service or by an officer nominated by him.

**3.** Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against—

(a) the officer designated as the head of the authority’s paid service;

(b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act(3) (politically restricted posts);

(c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;

(d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act;

(e) a person appointed in pursuance of section 9 of the 1989 Act(4) (assistants for political groups); or

(f) a person appointed in pursuance of regulations under paragraph 6 of Schedule 1 to the 2000 Act (mayor’s assistant).

**4.—(1)** Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an officer designated as the head of the authority’s paid service, the authority must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.

(2) Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraphs (a), (b), (c) or (d) of paragraph 3, at least one member of the executive must be a member of that committee or sub-committee.

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(1) 1989 c. 42.

(2) 2000 c. 22.

(3) Section 2(6) was amended by paragraph 95 of Schedule 37 to the Education Act 1996 (c. 56).

(4) There are amendments to section 9 which are not relevant to these Regulations.

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**5.—(1)** In this paragraph, “appointor” means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.

(2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointor until—

- (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
- (b) the proper officer has notified every member of the executive of the authority of—
  - (i) the name of the person to whom the appointor wishes to make the offer;
  - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
  - (iii) the period within which any objection to the making of the offer is to be made by the elected mayor on behalf of the executive to the proper officer; and
- (c) either—
  - (i) the elected mayor has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he nor any other member of the executive has any objection to the making of the offer;
  - (ii) the proper officer has notified the appointor that no objection was received by him within that period from the elected mayor; or
  - (iii) the appointor is satisfied that any objection received from the elected mayor within that period is not material or is not well-founded.

**6.—(1)** In this paragraph, “dismissor” means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.

(2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until—

- (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (b) the proper officer has notified every member of the executive of the authority of—
  - (i) the name of the person who the dismissor wishes to dismiss;
  - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
  - (iii) the period within which any objection to the dismissal is to be made by the elected mayor on behalf of the executive to the proper officer; and
- (c) either—
  - (i) the elected mayor has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the executive has any objection to the dismissal;
  - (ii) the proper officer has notified the dismissor that no objection was received by him within that period from the elected mayor; or

(iii) the dismissor is satisfied that any objection received from the elected mayor within that period is not material or is not well-founded.

7. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by—

- (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
- (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

## PART II

### AUTHORITY WITH LEADER AND CABINET EXECUTIVE

1. In this Part—

“the 1989 Act” means the Local Government and Housing Act 1989<sup>(5)</sup>;

“the 2000 Act” means the Local Government Act 2000<sup>(6)</sup>;

“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

“executive” and “executive leader” have the same meaning as in Part II of the 2000 Act;

“member of staff” means a person appointed to or holding a paid office or employment under the authority; and

“proper officer” means an officer appointed by the authority for the purposes of the provisions in this Part.

2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority’s paid service or by an officer nominated by him.

3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against—

- (a) the officer designated as the head of the authority’s paid service;
- (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act<sup>(7)</sup> (politically restricted posts);
- (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
- (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
- (e) a person appointed in pursuance of section 9 of the 1989 Act<sup>(8)</sup> (assistants for political groups).

4.—(1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an officer designated as the head of the authority’s paid service, the authority must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.

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(5) 1989 c. 42.

(6) 2000 c. 22.

(7) Section 2(6) was amended by paragraph 95 of Schedule 37 to the Education Act 1996 (c. 56).

(8) There are amendments to section 9 which are not relevant to these Regulations.

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(2) Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the executive must be a member of that committee or sub-committee.

**5.—(1)** In this paragraph, “appointor” means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.

(2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointor until—

- (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
- (b) the proper officer has notified every member of the executive of the authority of—
  - (i) the name of the person to whom the appointor wishes to make the offer;
  - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
  - (iii) the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and
- (c) either—
  - (i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he nor any other member of the executive has any objection to the making of the offer;
  - (ii) the proper officer has notified the appointor that no objection was received by him within that period from the executive leader; or
  - (iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

**6.—(1)** In this paragraph, “dismissor” means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.

(2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until—

- (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (b) the proper officer has notified every member of the executive of the authority of—
  - (i) the name of the person who the dismissor wishes to dismiss;
  - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
  - (iii) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and
- (c) either—

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- (i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the executive has any objection to the dismissal;
  - (ii) the proper officer has notified the dismissor that no objection was received by him within that period from the executive leader; or
  - (iii) the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
7. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by—
- (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
  - (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

### PART III

#### AUTHORITY WITH MAYOR AND COUNCIL MANAGER EXECUTIVE

1. In this Part—
- “the 2000 Act” means the Local Government Act 2000<sup>(9)</sup>;
  - “council manager” has the same meaning as in section 11(4)(b) of the 2000 Act;
  - “disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001; and
  - “member of staff” means a person appointed to or holding a paid office or employment under the authority.
2. Subject to paragraphs 3 and 4, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the council manager or by an officer nominated by him.
3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against—
- (a) the council manager<sup>(10)</sup>;
  - (b) a person appointed in pursuance of section 9 of the Local Government and Housing 1989 Act<sup>(11)</sup> (assistants for political groups); or
  - (c) a person appointed in pursuance of regulations under paragraph 6 of Schedule 1 to the 2000 Act (mayor’s assistant).
4. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal—
- (a) by another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
  - (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

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<sup>(9)</sup> 2000 c. 22.

<sup>(10)</sup> The council manager is appointed to the executive by the authority: *see* section 11(4)(b) and (10) of the 2000 Act.

<sup>(11)</sup> 1989 c. 42. There are amendments to section 9 which are not relevant to these Regulations.

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## PART IV

### AUTHORITY OPERATING ALTERNATIVE ARRANGEMENTS

1. In this Part—

“the 1989 Act” means the Local Government and Housing Act 1989<sup>(12)</sup>;

“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001; and

“member of staff” means a person appointed to or holding a paid office or employment under the authority.

2. Subject to paragraphs 3 and 5, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority’s paid service or by an officer nominated by him.

3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against—

(a) the officer designated as the head of the authority’s paid service;

(b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act<sup>(13)</sup> (politically restricted posts);

(c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;

(d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or

(e) a person appointed in pursuance of section 9 of the 1989 Act<sup>(14)</sup> (assistants for political groups).

4. Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an officer designated as the head of the authority’s paid service, the authority must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.

5. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by—

(a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or

(b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

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<sup>(12)</sup> 1989 c. 42.

<sup>(13)</sup> Section 2(6) was amended by paragraph 95 of Schedule 37 to the Education Act 1996 (c. 56).

<sup>(14)</sup> There are amendments to section 9 which are not relevant to these Regulations.