
STATUTORY INSTRUMENTS

2015 No. 881

**The Local Authorities (Standing Orders)
(England) (Amendment) Regulations 2015**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and come into force on 11th May 2015.

(2) In these Regulations—

“the 2001 Regulations” means the Local Authorities (Standing Orders) (England) Regulations 2001(1).

Amendments relating to approval of dismissal of certain officers

2.—(1) The 2001 Regulations are amended as follows.

(2) In regulation 5, after “the appointment or dismissal of the head of the authority’s paid service” insert “, or the dismissal of the authority’s monitoring officer or chief finance officer,”.

(3) For regulation 6 substitute—

“Standing orders in respect of disciplinary action

6. No later than the first ordinary meeting of the authority falling after 11th May 2015 a local authority must, in respect of disciplinary action against the head of the authority’s paid service, its monitoring officer or its chief finance officer—

(a) incorporate in standing orders the provisions set out in Schedule 3 or provisions to the like effect; and

(b) modify any of its existing standing orders in so far as is necessary to conform with those provisions, in particular by removing from its existing standing orders the provisions which were set out in Schedule 3 as it was immediately before the date that the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 came into force, or provisions to the like effect.”.

(4) Regulations 7 (investigation of alleged misconduct) and 10 (transitional and consequential provisions) are omitted.

(5) In Schedule 1 (provisions to be incorporated in standing orders relating to staff)—

(a) in paragraph 4 of Part 1 (authority with mayor and cabinet executive) and in paragraph 4 of Part 2 (authority with leader and cabinet executive), in each case for paragraph (1) substitute—

“(1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment 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 that person.

(1A) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice is given to that person.”;

(b) for paragraph 4 of Part 4 (authority operating committee system), substitute—

“4.—(1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment 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 that person.

(2) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice of dismissal is given to that person.”.

(6) For Schedule 3 (provisions to be incorporated in standing orders in respect of disciplinary action) substitute the Schedule set out in the Schedule to these Regulations.

Transitional and saving provisions

3.—(1) Where, before the date on which these Regulations come into force, anything was being done in respect of an allegation of misconduct in accordance with—

- (a) regulation 7 of the 2001 Regulations, including that regulation as applied by regulation 10(1)(b) of the 2001 Regulations; or
- (b) the provisions set out in paragraph 4 of Part 1 of Schedule 1 to the Local Authorities (Standing Orders) Regulations 1993(2), or Schedule 3 to the 2001 Regulations (or provisions to the like effect) incorporated in the local authority's standing orders,

the provisions mentioned in paragraphs (a) and (b) shall continue to apply in respect of the allegation of misconduct in question.

(2) Anything which, before the date on which the local authority incorporated or modified provisions in standing orders in accordance with the 2001 Regulations as amended by regulation 2, was being done by, to or in relation to an officer in accordance with a provision mentioned in paragraph (1) may be continued after that date by, to or in relation to that officer in accordance with that provision.

(3) Nothing in these Regulations shall apply in relation to the standing orders of the New Forest National Park Authority as provided for in Part 1 of Schedule 3 to the New Forest National Park Authority (Establishment) Order 2005(3).

(2) [S.I. 1993/202](#). The Local Authorities (Standing Orders) Regulations 1993 were repealed by [S.I. 2001/3384](#) subject to savings specified in regulation 8(3) of [S.I. 2001/3384](#)

(3) [SI 2005/421](#). Article 16 of Part 1 of Schedule 3 of the Order applies regulation 7 of the 2001 Regulations to the New Forest National Park Authority, as if it were a local authority as referred to in the 2001 Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

25th March 2015

Kris Hopkins
Parliamentary Under Secretary of State
Department for Communities and Local
Government