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WELSH STATUTORY INSTRUMENTS

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**2006 No. 1275 (W.121)**

**LOCAL GOVERNMENT, WALES**

The Local Authorities (Standing Orders) (Wales) Regulations 2006

Made - - - - 9 May 2006  
Coming into force - - 3 July 2006

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 8, 20 and 190 of the Local Government and Housing Act 1989 <sup>M1</sup> and which are now vested in the National Assembly for Wales so far as exercisable in relation to Wales <sup>M2</sup>.

**Marginal Citations**

- M1** 1989 c. 42. Section 8 was amended by S.I. 2002/803 (W. 88).  
**M2** The functions of the Secretary of State under sections 8, 20 and 190 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of the [National Assembly for Wales \(Transfer of Functions\) Order 1999 \(S.I. 1999/672\)](#); see the entry in Schedule 1 for the Local Government and Housing Act 1989.

**Title, commencement and application**

1.—(1) The title of these Regulations is the Local Authorities (Standing Orders) (Wales) Regulations 2006 and they come into force on 3 July 2006.

(2) These Regulations apply in relation to Wales.

**Interpretation**

2. In these Regulations—

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

“the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000 <sup>M3</sup>;

“the 1993 Regulations” (“*Rheoliadau 1993*”) means the Local Authorities (Standing Orders) Regulations 1993 <sup>M4</sup>;

<sup>F1</sup>  
...

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[<sup>F2</sup>“chief executive” (“*prif weithredwr*”) means the person appointed as chief executive under section 54 of the Local Government and Elections (Wales) Act 2021;]

“chief officer” (“*prif swyddog*”), in relation to a relevant authority, means–

- (a) [<sup>F3</sup>its chief executive;]
- (b) its monitoring officer;
- (c) a statutory chief officer mentioned in paragraph (a), (c) or (d) of section 2(6) of the 1989 Act, or
- (d) a non-statutory chief officer (within the meaning of section 2(7) of the 1989 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;

“chief finance officer” (“*prif swyddog cyllid*”) means the officer having responsibility, for the purposes of section 151 of the Local Government Act 1972 <sup>M5</sup> (financial administration) for the administration of the local authority's financial affairs;

<sup>F4</sup> ...

“disciplinary action” (“*camau disgyblu*”) in relation to a member of staff of a relevant authority means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, 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 relevant authority has undertaken to renew such a contract;

“elected mayor” (“*maer etholedig*”), “executive” (“*corff gweithredol*”), “executive arrangements” (“*trefniadau gweithredol*”) and “executive leader” (“*arweinydd gweithredol*”) have the same meaning as in Part II of the 2000 Act;

[<sup>F5</sup>“head of democratic services” (“*pennaeth gwasanaethau democrataidd*”) means the officer designated under section 8 of the Local Government (Wales) Measure 2011 (head of democratic services);]

<sup>F6</sup> ...

“member of staff” (“*aelod o'r staff*”) means a person appointed to or holding a paid office or employment, under a relevant authority;

“monitoring officer” (“*swyddog monitro*”) means the officer designated under section 5(1) of the 1989 Act <sup>M6</sup> (designation and reports of monitoring officer);

“relevant authority” (“*awdurdod perthnasol*”) means [<sup>F7</sup>(subject to regulation 4A)] a county council or county borough council in Wales;

“relevant joint committee” (“*cydbwyllgor perthnasol*”), in relation to a relevant authority, means a joint committee on which the relevant authority is represented; <sup>F8</sup>...

[<sup>F9</sup>“remuneration” (“*cydnabyddiaeth ariannol*”) has the same meaning as in section 43(3) of the Localism Act 2011;]

“working day” (“*diwrnod gwaith*”) means any day which is not a Saturday, a Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a bank holiday in Wales or a day appointed for public thanksgiving or mourning (and “bank holiday” means a day to be observed as such under section 1 of and Schedule 1 to the Banking and Financial Dealings Act 1971 <sup>M7</sup>).

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- F1** Words in reg. 2 omitted (1.7.2014) by virtue of *The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014* (S.I. 2014/1514), regs. 1(2), **3(a)** (with reg. 12)
- F2** Words in reg. 2 inserted (5.5.2022) by *The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022* (S.I. 2022/355), regs. 1(2), **3(2)(c)** (with reg. 9)
- F3** Words in reg. 2 substituted (5.5.2022) by *The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022* (S.I. 2022/355), regs. 1(2), **3(2)(a)** (with reg. 9)
- F4** Words in reg. 2 omitted (1.7.2014) by virtue of *The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014* (S.I. 2014/1514), regs. 1(2), **3(b)** (with reg. 12)
- F5** Words in reg. 2 inserted (1.7.2014) by *The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014* (S.I. 2014/1514), regs. 1(2), **3(d)(i)** (with reg. 12)
- F6** Words in reg. 2 omitted (5.5.2022) by virtue of *The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022* (S.I. 2022/355), regs. 1(2), **3(2)(b)** (with reg. 9)
- F7** Words in reg. 2 inserted (5.5.2017) by *The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017* (S.I. 2017/460), regs. 1(1), **2(2)**
- F8** Word in reg. 2 omitted (1.7.2014) by virtue of *The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014* (S.I. 2014/1514), regs. 1(2), **3(c)** (with reg. 12)
- F9** Words in reg. 2 inserted (1.7.2014) by *The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014* (S.I. 2014/1514), regs. 1(2), **3(d)(ii)** (with reg. 12)

#### Marginal Citations

- M3** 2000 c. 22.
- M4** S.I. 1993/202.
- M5** 1972 c. 70.
- M6** Subsection (1) of section 5 (as amended).
- M7** 1971 c. 80.

### Standing orders relating to chief officers

3. No later than the first ordinary meeting of the relevant authority falling after the day on which these Regulations come into force, the relevant authority must, in respect of the appointment of its chief officers—

- (a) make standing orders incorporating—
- (i) the provisions set out in Part 1 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 2 of that Schedule; and
- (b) modify any of its existing standing orders in so far as is necessary to conform with those provisions;

and must not thereafter vary standing orders so made or modified other than by way of incorporating provision having effect as described in Part 2 of that Schedule or provisions to the like effect.

### Standing Orders relating to Meetings and Proceedings

4.—(1) No later than the first ordinary meeting of the relevant authority falling after the day on which these Regulations come into force, the relevant authority must, in respect of the matters mentioned in paragraph (2)—

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- (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 of its 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 relevant authority or any of its 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 relevant authority.

### [<sup>F10</sup> Standing orders relating to local planning authorities

**4A.**—(1) In this regulation—

“committee” (“*pwylgor*”) means a committee of a relevant authority by which a relevant function is to be discharged and includes a sub-committee;

“relevant authority” (“*awdurdod perthnasol*”) means a local planning authority in Wales which is—

- (a) a county council or county borough council;
- (b) a joint planning board; or
- (c) a National Park authority;

“relevant function” (“*swyddogaeth berthnasol*”) has the meaning given by section 319ZD of the Town and Country Planning Act 1990.

(2) No later than the first ordinary meeting of the relevant authority falling after 5 May 2017, the relevant authority must, in respect of the matters mentioned in paragraph (3)—

- (a) make standing orders incorporating the provisions set out in Schedule 2A, or provisions to like effect; and
- (b) modify any of their existing standing orders so far as it is necessary to do so to conform with those provisions.

(3) The matters referred to in paragraph (2) are—

- (a) quorum for a meeting of a committee;
- (b) [<sup>F11</sup>membership of a committee.]

**F10** Reg. 4A inserted (5.5.2017) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2017 \(S.I. 2017/460\)](#), regs. 1(1), **2(3)**

**F11** Reg. 4A(3)(b) omitted (temp.) (22.4.2020) by virtue of [The Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020 \(S.I. 2020/442\)](#), regs. 1(3), **15(a)**

### Executive arrangements- standing orders relating to staff

**5.**—(1) Subject to paragraph (3) of regulation 11, where a relevant authority operates executive arrangements under Part II of the 2000 Act, it must upon the coming into force of these Regulations:

- (a) where a relevant authority's executive takes the form specified in section 11(2) of the 2000 Act (mayor and cabinet executive), incorporate in standing orders relating to its staff <sup>M8</sup> the provisions set out in Part 1 of Schedule 3 or provisions to the like effect;
- (b) where its executive takes the form specified in section 11(3) of the 2000 Act (leader and cabinet executive), incorporate in standing orders relating to its staff the provisions set out in Part 2 of Schedule 3 or provisions to the like effect;

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<sup>F12</sup>(c) .....

(d) modify any of its existing standing orders in so far as is necessary to conform with the provisions referred to in sub-paragraphs [<sup>F13</sup>(a) and (b)].

(2) A relevant authority which has incorporated provisions in standing orders pursuant to paragraph (1) must, where it proposes to change its executive arrangements so that its executive will take a different form, make variations to its standing orders to the extent necessary to conform with the provisions referred to in sub-paragraph [<sup>F14</sup>(a), (b) or (d)] of paragraph (1), as the case may be, on or before the date on which it starts to operate those changed executive arrangements.

- F12** Reg. 5(1)(c) omitted (1.7.2014) by virtue of [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **4(a)** (with reg. 12)
- F13** Words in reg. 5(1)(d) substituted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **4(b)** (with reg. 12)
- F14** Words in reg. 5(2) substituted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **4(c)** (with reg. 12)

**Marginal Citations**

**M8** See paragraph 42 of Schedule 12 to the Local Government Act 1972.

**Alternative arrangements- standing orders relating to staff**

<sup>F15</sup>6. ....

**F15** Reg. 6 omitted (1.7.2014) by virtue of [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **5** (with reg. 12)

**Standing orders relating to staff**

[<sup>F16</sup>7.—(1) Where a relevant authority has standing orders incorporating the provisions of these Regulations mentioned in paragraph (2), the functions referred to in that paragraph must be exercised by the authority itself and accordingly section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to the exercise of those functions.

(2) The provisions are—

- (a) paragraph 4(1) of Part 1 of Schedule 3 and paragraph 4(1) of Part 2 of Schedule 3 relating to the function of approving the appointment or dismissal of the [<sup>F17</sup>authority’s chief executive]; and
- (b) paragraph 6 of Part 1 of Schedule 3 and paragraph 6 of Part 2 of Schedule 3 relating to the function of determining the level, and any change in the level, of remuneration to be paid to a chief officer.]

- F16** Reg. 7 substituted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **6** (with reg. 12)
- F17** Words in reg. 7(2)(a) substituted (5.5.2022) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Transitional Provision\) \(Chief Executives\) Regulations 2022 \(S.I. 2022/355\)](#), regs. 1(2), **3(3)** (with reg. 9)

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## Standing orders in respect of disciplinary action

8.—<sup>[F18]</sup>(1) No later than the first ordinary meeting of the relevant authority falling after the day on which these Regulations come into force, a relevant authority must, in respect of disciplinary action against the <sup>[F19]</sup>authority’s chief executive], its monitoring officer <sup>[F20]</sup>, its chief finance officer, its head of democratic services or any officer referred to in paragraph (2)—

- (a) incorporate in standing orders the provisions set out in Schedule 4 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.

<sup>[F21]</sup>(2) An officer in relation to whom disciplinary action is proposed where—

- (a) the officer was, but at the time of the proposed disciplinary action no longer is, an officer referred to in paragraph (1); and
- (b) 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 paragraph (1).]

- |            |  |
|------------|--|
| <b>F18</b> | Reg. 8 renumbered as reg. 8(1) (1.7.2014) by <a href="#">The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514)</a> , regs. 1(2), <b>7(1)</b> (with reg. 12)  |
| <b>F19</b> | Words in reg. 8(1) substituted (5.5.2022) by <a href="#">The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022 (S.I. 2022/355)</a> , regs. 1(2), <b>3(4)</b> (with reg. 9) |
| <b>F20</b> | Words in reg. 8(1) substituted (1.7.2014) by <a href="#">The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514)</a> , regs. 1(2), <b>7(2)</b> (with reg. 12)  |
| <b>F21</b> | Reg. 8(2) inserted (1.7.2014) by <a href="#">The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514)</a> , regs. 1(2), <b>7(3)</b> (with reg. 12)  |

## Investigation of alleged misconduct

9.—<sup>[F22]</sup>(1) Where, after a relevant authority has incorporated provisions in standing orders pursuant to regulation 8, it appears to the relevant authority that an allegation of misconduct which may lead to disciplinary action has been made against a relevant officer, the relevant authority must appoint a committee (“an investigation committee”) to consider the alleged misconduct.

(1A) For the purposes of this regulation “a relevant officer” (“*swyddog perthnasol*”) is—

- <sup>[F23]</sup>(a) the authority’s chief executive;]
- (b) its monitoring officer;
  - (c) its chief finance officer;
  - (d) its head of democratic services; or
  - (e) an officer who was, but at the time the investigation committee is appointed no longer is, an officer referred to in sub-paragraphs (a) to (d) where the alleged misconduct occurred during the period when the officer was an officer referred to in those sub-paragraphs.]

(2) The investigation committee must:

- (a) consist of a minimum of 3 members of the relevant authority;
- (b) be politically balanced in accordance with section 15 of the 1989 Act; and

must, within 1 month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.

(3) For the purpose of considering the allegation of misconduct, the investigation committee:

- (a) may make such enquiries of the relevant officer or any other person it considers appropriate;
  - (b) may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and
  - (c) may receive written or oral representations from the relevant officer or any other person it considers appropriate.
- (4) Where it appears to the investigation committee that an allegation of misconduct by the relevant officer should be further investigated, it must appoint a person (“*the designated independent person*”) for the purposes of the standing order which incorporates the provisions in Schedule 4 (or provisions to the like effect).
- (5) The designated independent person who is appointed–
- (a) must be such person as may be agreed between the relevant authority and the relevant officer within 1 month of the date on which the requirement to appoint the designated independent person arose; or
  - (b) where there is no such agreement, must be such person as is nominated for the purpose by the [<sup>F24</sup>Welsh Ministers].
- (6) The designated independent person–
- (a) may direct–
    - (i) that the relevant authority terminate any suspension of the relevant officer;
    - (ii) that any such suspension is to continue after the expiry of the period referred to in paragraph 3 of Schedule 4 (or in provisions to the like effect);
    - (iii) that the terms on which any such suspension has taken place are to be varied in accordance with the direction; or
    - (iv) that no steps (whether by the relevant authority or any committee, sub-committee or officer acting on behalf of the relevant authority) by way of 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);
  - (b) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the relevant authority, or which the relevant authority has power to authorise the designated independent person to inspect;
  - (c) may require any member or member of staff of the relevant authority to answer questions concerning the conduct of the relevant officer;
  - (d) must make a report to the relevant authority–
    - (i) stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and
    - (ii) recommending any disciplinary action which appears appropriate for the relevant authority to take against the relevant officer, and
  - (e) must no later than the time at which the report is made under sub-paragraph (d), send a copy of the report to the relevant officer.
- (7) Subject to paragraph (8), the relevant officer and relevant authority must, after consulting the designated independent person, attempt to agree a timetable within which the designated independent person is to undertake the investigation.
- (8) Where there is no agreement under paragraph (7), the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.

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(9) The relevant authority must consider the report prepared under paragraph (6) (d) within 1 month of receipt of that report.

(10) A relevant authority must pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with, the discharge of functions under this regulation.

<sup>F25</sup>(11) .....

- F22** Reg. 9(1)(1A) substituted for reg. 9(1) (1.7.2014) by The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514), regs. 1(2), **8(a)** (with reg. 12)
- F23** Reg. 9(1A)(a) substituted (5.5.2022) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022 (S.I. 2022/355), regs. 1(2), **3(5)** (with reg. 9)
- F24** Words in reg. 9(5)(b) substituted (1.7.2014) by The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514), regs. 1(2), **8(b)** (with reg. 12)
- F25** Reg. 9(11) omitted (1.7.2014) by virtue of The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514), regs. 1(2), **8(c)** (with reg. 12)

**Revocation of the 1993 Regulations**

**10.** The 1993 Regulations are hereby revoked in relation to Wales save in so far as they apply to National Park Authorities in Wales.

**Transitional and consequential provisions**

<sup>F26</sup>**11.** .....

- F26** Reg. 11 revoked (5.5.2022) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022 (S.I. 2022/355), regs. 1(2), **10** (with reg. 9)

<sup>M9</sup>Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

- .....
- Marginal Citations**
- M9** 1998 c. 38.



## SCHEDULE 1

Regulation 3

### STANDING ORDERS RELATING TO CHIEF OFFICERS

#### PART 1

##### Prescribed Standing Orders

###### *“Appointments*

- [<sup>F27</sup>1.—(1) A relevant authority must take the steps set out in sub-paragraph (2) where—
- (a) it proposes to appoint a chief officer (within the meaning of the Local Authorities (Standing Orders) (Wales) Regulations 2006); and
  - (b) the remuneration which it proposes to pay to the chief officer is £100,000 or more per annum.

(2) The steps are to—

- (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 publicly 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.

(3) Where sub-paragraph (1) applies, the relevant authority is not required to take the step set out in sub-paragraph (2)(b) if it proposes to appoint the chief officer for a period of no longer than 12 months.]

2.—(1) Where a post has been advertised as provided in paragraph [<sup>F28</sup>1(2)(b)], the relevant authority must—

- (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, or if the relevant authority decide to re-advertise the appointment, the relevant authority may make further arrangements for advertisement in accordance with paragraph [<sup>F29</sup>1(2)(b)].”

**F27** Sch. 1 Pt. 1 para. 1 substituted (1.7.2014) by The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514), regs. 1(2), 9(1)(a) (with reg. 12)

**F28** Word in Sch. 1 Pt. 1 para. 2(1) substituted (1.7.2014) by The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514), regs. 1(2), 9(1)(b) (with reg. 12)

**F29** Word in Sch. 1 Pt. 1 para. 2(2) substituted (1.7.2014) by The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514), regs. 1(2), 9(1)(c) (with reg. 12)

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- F27** Sch. 1 Pt. 1 para. 1 substituted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **9(1)(a)** (with reg. 12)
- F28** Word in Sch. 1 Pt. 1 para. 2(1) substituted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **9(1)(b)** (with reg. 12)
- F29** Word in Sch. 1 Pt. 1 para. 2(2) substituted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **9(1)(c)** (with reg. 12)

## PART 2

### Authorised Variations

1. The standing orders may provide that—
  - (a) the steps taken under paragraph 1 or 2 above may be taken by a committee, sub-committee or chief officer of the relevant authority;
  - (b) any chief officer may be appointed by a committee or sub-committee of the relevant 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 relevant authorities in pursuance of section 101(5) of the Local Government Act 1972—
  - (a) the steps taken under paragraph 1 or 2 above may be taken by a joint committee of those relevant authorities, a sub-committee of that committee or a chief officer of any of the relevant 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 relevant authorities.
  
3. There may be excluded from the application of paragraph 1 and 2—
  - <sup>F30</sup>(a) .....
  - (b) any appointment in pursuance of section 9 (assistants for political groups) of the Act, and
  - (c) any appointment in pursuance of regulations made under paragraph 6 of Schedule 1 to the Local Government Act 2000 (mayor's assistant).

- F30** Sch. 1 Pt. 2 para. 3(a) omitted (1.7.2014) by virtue of [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **9(2)** (with reg. 12)

## 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 must be recorded in the minutes of the proceedings of that

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meeting whether that person cast a vote for the question or against the question or whether that person abstained from voting.

(2) In this paragraph “relevant body” (“*Corff perthnasol*”) means the relevant authority, a committee or sub-committee of the relevant 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 relevant 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 relevant authority (being a meeting called otherwise than under that paragraph) must be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule <sup>M10</sup>.”

#### **Marginal Citations**

**M10** Paragraph 41 is amended by paragraph 30 of Schedule 11 to the [Local Government and Housing Act 1989 \(c. 42\)](#).

#### **Marginal Citations**

**M10** Paragraph 41 is amended by paragraph 30 of Schedule 11 to the [Local Government and Housing Act 1989 \(c. 42\)](#).

## [<sup>F31</sup>SCHEDULE 2A

regulation 4A

### Standing orders relating to local planning authorities

**F31** Sch. 2A inserted (5.5.2017) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2017 \(S.I. 2017/460\)](#), regs. 1(1), **2(4)**

#### **Quorum**

1. No business is to be transacted at a meeting of a committee unless at least half of the total number of members of the committee, rounded to the nearest whole number, is present.

#### **Substitute members**

2. [<sup>F32</sup>A relevant authority is not to appoint another of their members to act as a member of a committee in the absence of the member appointed in accordance with the Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017.]]

**F32** Sch. 2A para. 2 omitted (temp.) (22.4.2020) by virtue of [The Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020 \(S.I. 2020/442\)](#), regs. 1(3), **15(b)**

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## SCHEDULE 3

Regulation 5(1) and 6

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

## PART 1

### Authority with Mayor and Cabinet Executive

**1.** In this Part—

“the 1989 Act” (“*Deddf 1989*”) means the Local Government and Housing Act 1989<sup>M11</sup>;

“the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000<sup>M12</sup>;

“disciplinary action” (“*camau disgyblu*”) has the same meaning as in the Local Authorities (Standing Orders) (Wales) Regulations 2006;

“elected mayor” (“*maer etholedig*”) and “executive” (“*corff gweithredol*”) have the same meaning as in Part II of the 2000 Act;

“member of staff” (“*aelod o'r staff*”) means a person appointed to or holding a paid office or employment under the authority; and

“proper officer” (“*swyddog priodol*”) means an officer appointed by the authority for the purposes of the provisions in this Part.

**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 relevant authority must be discharged, on behalf of the relevant authority, by [<sup>F33</sup>the person appointed as the authority’s chief executive or by an officer nominated by the authority’s chief executive].

**3.**—[<sup>F34</sup>(1)] Paragraph 2 does not apply to the appointment or dismissal of, or disciplinary action against—

[<sup>F35</sup>(a) the person appointed as the authority’s chief executive;]

(b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act<sup>M13</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;

(e) a person appointed in pursuance of section 9 of the 1989 Act<sup>M14</sup> (assistants for political groups);

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

(g) a person to whom regulations made under section 35(4) and (5) (provision with respect to the appointment, discipline, suspension and dismissal of teachers and other staff of schools employed by the [<sup>F36</sup>local authority]) of the Education Act 2002<sup>M15</sup> apply;

[<sup>F37</sup>(h) the officer designated as the authority’s monitoring officer; or

(i) the officer designated as the authority’s head of democratic services.]

[<sup>F38</sup>(2) Paragraph 2 does not apply to the dismissal of, or disciplinary action against, an officer in relation to whom disciplinary action is proposed—

- (a) who was, but at the time of the proposed disciplinary action no longer is, an officer referred to in paragraph 3(1)(a) to (i); and
- (b) 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 paragraph 3(1)(a) to (i).]

4.—(1) Where a committee, sub-committee or officer is discharging, on behalf of the relevant authority, the function of the appointment or dismissal of [<sup>F39</sup>a person appointed as the authority’s chief executive], the relevant authority must approve that appointment before an offer of appointment is made or, as the case may be, must approve that dismissal before notice of dismissal is given.

(2) Where a committee or a sub-committee of the relevant authority is discharging, on behalf of the relevant authority, the function of the appointment or dismissal of any officer referred to in sub-paragraphs (a), (b), (c)[<sup>F40</sup>, (d), (h), or (i) of paragraph 3(1) or the function of dismissal of any officer referred to in paragraph 3(2)]—

- (a) at least one member of the executive must be a member of that committee or sub-committee; and
- (b) not more than half the members of that committee or sub-committee are to be members of the executive of the relevant authority.

5. Nothing in paragraph 2 prevents a person from serving as a member of any committee or sub-committee established by the relevant authority to consider an appeal by a member of staff of the relevant authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

[<sup>F41</sup>6. The relevant authority must determine the level, and any change in the level, of the remuneration to be paid to a chief officer.”]

- F33** Words in Sch. 3 Pt. 1 para. 2 substituted (5.5.2022) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Transitional Provision\) \(Chief Executives\) Regulations 2022 \(S.I. 2022/355\)](#), regs. 1(2), **3(6)(a)** (with reg. 9)
- F34** Sch. 3 Pt. 1 para. 3 renumbered as Sch. 3 Pt. 1 para. 3(1) (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(1)(a)** (with reg. 12)
- F35** Sch. 3 Pt. 1 para. 3(1)(a) substituted (5.5.2022) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Transitional Provision\) \(Chief Executives\) Regulations 2022 \(S.I. 2022/355\)](#), regs. 1(2), **3(6)(b)** (with reg. 9)
- F36** Words in Sch. 3 Pt. 1 para. 3(g) substituted (5.5.2010) by [The Local Education Authorities and Childrens Services Authorities \(Integration of Functions\) \(Subordinate Legislation\) \(Wales\) Order 2010 \(S.I. 2010/1142\)](#), art. 1(1), **Sch. 2 para. 18(2)**
- F37** Sch. 3 Pt. 1 para. 3(1)(h)(i) inserted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(1)(b)** (with reg. 12)
- F38** Sch. 3 Pt. 1 para. 3(2) inserted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(1)(c)** (with reg. 12)
- F39** Words in Sch. 3 Pt. 1 para. 4(1) substituted (5.5.2022) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Transitional Provision\) \(Chief Executives\) Regulations 2022 \(S.I. 2022/355\)](#), regs. 1(2), **3(6)(c)** (with reg. 9)
- F40** Words in Sch. 3 Pt. 1 para. 4(2) substituted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(1)(d)** (with reg. 12)

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- F41** Sch. 3 para. 6 inserted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(1)(e)** (with reg. 12)

#### Marginal Citations

- M11** 1989 c. 42.  
**M12** 2000 c. 22.  
**M13** Section 2(6) was amended by paragraph 95 of Schedule 37 to the [Education Act 1996 \(c. 56\)](#), **paragraph 3(a)**, (b) and (c) of Schedule 2 to the [Children Act 2004 \(c. 31\)](#), and Schedule 2 to the [Fire and Rescue Services Act 2004 \(c. 21\)](#).  
**M14** There are amendments to section 9 which are not relevant to these Regulations.  
**M15** 2002 c. 32.

- F33** Words in Sch. 3 Pt. 1 para. 2 substituted (5.5.2022) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Transitional Provision\) \(Chief Executives\) Regulations 2022 \(S.I. 2022/355\)](#), regs. 1(2), **3(6)(a)** (with reg. 9)  
**F34** Sch. 3 Pt. 1 para. 3 renumbered as Sch. 3 Pt. 1 para. 3(1) (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(1)(a)** (with reg. 12)  
**F35** Sch. 3 Pt. 1 para. 3(1)(a) substituted (5.5.2022) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Transitional Provision\) \(Chief Executives\) Regulations 2022 \(S.I. 2022/355\)](#), regs. 1(2), **3(6)(b)** (with reg. 9)  
**F36** Words in Sch. 3 Pt. 1 para. 3(g) substituted (5.5.2010) by [The Local Education Authorities and Childrens Services Authorities \(Integration of Functions\) \(Subordinate Legislation\) \(Wales\) Order 2010 \(S.I. 2010/1142\)](#), art. 1(1), **Sch. 2 para. 18(2)**  
**F37** Sch. 3 Pt. 1 para. 3(1)(h)(i) inserted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(1)(b)** (with reg. 12)  
**F38** Sch. 3 Pt. 1 para. 3(2) inserted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(1)(c)** (with reg. 12)  
**F39** Words in Sch. 3 Pt. 1 para. 4(1) substituted (5.5.2022) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Transitional Provision\) \(Chief Executives\) Regulations 2022 \(S.I. 2022/355\)](#), regs. 1(2), **3(6)(c)** (with reg. 9)  
**F40** Words in Sch. 3 Pt. 1 para. 4(2) substituted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(1)(d)** (with reg. 12)  
**F41** Sch. 3 para. 6 inserted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(1)(e)** (with reg. 12)

#### Marginal Citations

- M11** 1989 c. 42.  
**M12** 2000 c. 22.  
**M13** Section 2(6) was amended by paragraph 95 of Schedule 37 to the [Education Act 1996 \(c. 56\)](#), **paragraph 3(a)**, (b) and (c) of Schedule 2 to the [Children Act 2004 \(c. 31\)](#), and Schedule 2 to the [Fire and Rescue Services Act 2004 \(c. 21\)](#).  
**M14** There are amendments to section 9 which are not relevant to these Regulations.  
**M15** 2002 c. 32.

## PART 2

### Authority with Leader and Cabinet Executive

**“1. In this Part—**

“the 1989 Act” (“*Deddf 1989*”) means the Local Government and Housing Act 1989 <sup>M16</sup>;

“the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000 <sup>M17</sup>;

“disciplinary action” (“*camau disgyblu*”) has the same meaning as in the Local Authorities (Standing Orders) (Wales) Regulations 2006;

“executive” (“*corff gweithedol*”) and “executive leader” (“*arweinydd gwreithredol*”) have the same meaning as in Part II of the 2000 Act;

“member of staff” (“*aelod o'r staff*”) means a person appointed to or holding a paid office or employment under the authority; and

“proper officer” (“*swyddog priodol*”) means an officer appointed by the authority for the purposes of the provisions in this Part.

**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 relevant authority must be discharged, on behalf of the relevant authority, by [<sup>F42</sup>the person appointed as the authority’s chief executive or by an officer nominated by the authority’s chief executive].

**3.—**[<sup>F43</sup>(1)] Paragraph 2 does not apply to the appointment or dismissal of, or disciplinary action against—

- [<sup>F44</sup>(a) the person appointed as the authority’s chief executive;]
- (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act <sup>M18</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;
- (e) a person appointed in pursuance of section 9 of the 1989 Act <sup>M19</sup> (assistants for political groups); or
- (f) a person to whom regulations made under section 35(4) and (5) (provision with respect to the appointment, discipline, suspension and dismissal of teachers and other staff of schools employed by the [<sup>F45</sup>local authority]) of the Education Act 2002 <sup>M20</sup> apply;
- [<sup>F46</sup>(g) the officer designated as the authority’s monitoring officer;
- (h) the officer designated as the authority’s head of democratic services.]

[<sup>F47</sup>(2) Paragraph 2 does not apply to dismissal of, or disciplinary action against, an officer in relation to whom disciplinary action is proposed—

- (a) who was, but at the time of the proposed disciplinary action no longer is, an officer referred to in paragraph 3(1)(a) to (h); and
- (b) 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 paragraph 3(1)(a) to (h).]

**4.—**(1) Where a committee, sub-committee or officer is discharging, on behalf of the relevant authority, the function of the appointment or dismissal of [<sup>F48</sup>a person appointed as the authority’s chief executive], the relevant authority must approve that appointment before an offer of appointment is made or, as the case may be, must approve that dismissal before notice of dismissal is given.

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(2) Where a committee or a sub-committee of the relevant authority is discharging, on behalf of the relevant authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c)<sup>[F49]</sup>, (d), (g), or (h) of paragraph 3(1) or the function of dismissal of any officer referred to in paragraph 3(2)]–

- (a) at least one member of the executive must be a member of that committee or sub-committee; and
- (b) not more than half of the members of that committee or sub-committee are to be members of the executive of the relevant authority.

5. Nothing in paragraph 2 prevents a person from serving as a member of any committee or sub-committee established by the relevant 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 relevant authority; or
- (b) a member of staff of the relevant authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

<sup>[F50]</sup>6. The relevant authority must determine the level, and any change in the level, of the remuneration to be paid to a chief officer.”]

- F42** Words in Sch. 3 Pt. 2 para. 2 substituted (5.5.2022) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Transitional Provision\) \(Chief Executives\) Regulations 2022 \(S.I. 2022/355\)](#), regs. 1(2), **3(7)(a)** (with reg. 9)
- F43** Sch. 3 Pt. 2 para. 3 renumbered as Sch. 3 Pt. 2 para. 3(1) (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(2)(a)** (with reg. 12)
- F44** Words in Sch. 3 Pt. 2 para. 3(1)(a) substituted (5.5.2022) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Transitional Provision\) \(Chief Executives\) Regulations 2022 \(S.I. 2022/355\)](#), regs. 1(2), **3(7)(b)** (with reg. 9)
- F45** Words in Sch. 3 Pt. 2 para. 3(f) substituted (5.5.2010) by [The Local Education Authorities and Childrens Services Authorities \(Integration of Functions\) \(Subordinate Legislation\) \(Wales\) Order 2010 \(S.I. 2010/1142\)](#), art. 1(1), **Sch. 2 para. 18(2)**
- F46** Sch. 3 Pt. 2 para. 3(1)(g)(h) inserted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(2)(b)** (with reg. 12)
- F47** Sch. 3 Pt. 2 para. 3(2) inserted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(2)(c)** (with reg. 12)
- F48** Words in Sch. 3 Pt. 2 para. 4(1) substituted (5.5.2022) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Transitional Provision\) \(Chief Executives\) Regulations 2022 \(S.I. 2022/355\)](#), regs. 1(2), **3(7)(c)** (with reg. 9)
- F49** Words in Sch. 3 Pt. 2 para. 4(2) substituted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(2)(d)** (with reg. 12)
- F50** Sch. 3 para. 6 inserted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(2)(e)** (with reg. 12)

#### Marginal Citations

- M16** 1989 c. 42.
- M17** 2000 c. 22.
- M18** Section 2(6) was amended by paragraph 95 of Schedule 37 to the [Education Act 1996 \(c. 56\)](#), **paragraph 3(a)**, (b) and (c) of Schedule 2 to the [Children Act 2004 \(c. 31\)](#), and Schedule 2 to the [Fire and Rescue Services Act 2004 \(c. 21\)](#).
- M19** There are amendments to section 9 which are not relevant to these Regulations.
- M20** 2002 c. 32.



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- F42** Words in Sch. 3 Pt. 2 para. 2 substituted (5.5.2022) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Transitional Provision\) \(Chief Executives\) Regulations 2022 \(S.I. 2022/355\)](#), regs. 1(2), **3(7)(a)** (with reg. 9)
- F43** Sch. 3 Pt. 2 para. 3 renumbered as Sch. 3 Pt. 2 para. 3(1) (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(2)(a)** (with reg. 12)
- F44** Words in Sch. 3 Pt. 2 para. 3(1)(a) substituted (5.5.2022) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Transitional Provision\) \(Chief Executives\) Regulations 2022 \(S.I. 2022/355\)](#), regs. 1(2), **3(7)(b)** (with reg. 9)
- F45** Words in Sch. 3 Pt. 2 para. 3(f) substituted (5.5.2010) by [The Local Education Authorities and Childrens Services Authorities \(Integration of Functions\) \(Subordinate Legislation\) \(Wales\) Order 2010 \(S.I. 2010/1142\)](#), art. 1(1), **Sch. 2 para. 18(2)**
- F46** Sch. 3 Pt. 2 para. 3(1)(g)(h) inserted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(2)(b)** (with reg. 12)
- F47** Sch. 3 Pt. 2 para. 3(2) inserted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(2)(c)** (with reg. 12)
- F48** Words in Sch. 3 Pt. 2 para. 4(1) substituted (5.5.2022) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Transitional Provision\) \(Chief Executives\) Regulations 2022 \(S.I. 2022/355\)](#), regs. 1(2), **3(7)(c)** (with reg. 9)
- F49** Words in Sch. 3 Pt. 2 para. 4(2) substituted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(2)(d)** (with reg. 12)
- F50** Sch. 3 para. 6 inserted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(2)(e)** (with reg. 12)

#### Marginal Citations

**M16** 1989 c. 42.

**M17** 2000 c. 22.

**M18** Section 2(6) was amended by paragraph 95 of Schedule 37 to the [Education Act 1996 \(c. 56\)](#), **paragraph 3(a)**, (b) and (c) of Schedule 2 to the [Children Act 2004 \(c. 31\)](#), and Schedule 2 to the [Fire and Rescue Services Act 2004 \(c. 21\)](#).

**M19** There are amendments to section 9 which are not relevant to these Regulations.

**M20** 2002 c. 32.

## <sup>F51</sup>PART 3

### Authority with Mayor and Council Manager Executive

- F51** Sch. 3 Pt. 3 omitted (1.7.2014) by virtue of [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(3)** (with reg. 12)

## <sup>F52</sup>PART 4

### Authority Operating Alternative Arrangements

- F52** Sch. 3 Pt. 4 omitted (1.7.2014) by virtue of [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **10(3)** (with reg. 12)

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SCHEDULE 4

Regulation 8

PROVISIONS TO BE INCORPORATED IN STANDING ORDERS IN RESPECT OF DISCIPLINARY ACTION

“1. In paragraph 2, “chief finance officer” (“*prif swyddog cyllid*”),<sup>F53</sup> ... “disciplinary action” (“*camau disgyblu*”), [<sup>F54</sup> “chief executive” (“*prif weithredwr*”)]<sup>F55</sup>, “monitoring officer” (“*swyddog monitro*”) and “head of democratic services” (“*pennaeth gwasanaethau democrataidd*”), have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 and “designated independent person” (“*person annibynnol dynodedig*”) has the same meaning as in regulation 9 of those Regulations.

2.—<sup>F56</sup>(1) No disciplinary action (other than action to which paragraph 3 applies) in respect of [<sup>F57</sup>the authority’s chief executive]<sup>F58</sup> ..., its monitoring officer [<sup>F59</sup>its chief finance officer, its head of democratic services or any officer referred to in sub-paragraph (2)], may be taken by the relevant authority, or by a committee, a sub-committee, a joint committee on which the relevant authority is represented or any other person acting on behalf of the relevant authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 (investigation of alleged misconduct).

<sup>F60</sup>(2) An officer in relation to whom disciplinary action is proposed where—

- (a) the officer was, but at the time of the proposed disciplinary action no longer is, an officer referred to in sub-paragraph (1); and
- (b) 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 sub-paragraph (1).]

3. The action to which this paragraph applies is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; provided such suspension is on full pay and terminates no later than the expiry of two months beginning on the day on which the suspension takes effect.”

**F53** Words in Sch. 4 para. 1 omitted (1.7.2014) by virtue of The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514), regs. 1(2), **11(1)(a)** (with reg. 12)

**F54** Words in Sch. 4 para. 1 substituted (5.5.2022) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022 (S.I. 2022/355), regs. 1(2), **3(8)(a)** (with reg. 9)

**F55** Words in Sch. 4 para. 1 substituted (1.7.2014) by The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514), regs. 1(2), **11(1)(b)** (with reg. 12)

**F56** Sch. 4 para. 2 renumbered as Sch. 4 para. 2(1) (1.7.2014) by The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514), regs. 1(2), **11(2)(a)** (with reg. 12)

**F57** Words in Sch. 4 para. 2(1) substituted (5.5.2022) by The Local Government and Elections (Wales) Act 2021 (Consequential Amendments and Transitional Provision) (Chief Executives) Regulations 2022 (S.I. 2022/355), regs. 1(2), **3(8)(b)** (with reg. 9)

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- F58** Words in Sch. 4 para. 2(1) omitted (1.7.2014) by virtue of [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **11(2)(b)(i)** (with reg. 12)
- F59** Words in Sch. 4 para. 2(1) substituted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **11(2)(b)(ii)** (with reg. 12)
- F60** Sch. 4 para. 2(2) inserted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **11(2)(c)** (with reg. 12)

- F53** Words in Sch. 4 para. 1 omitted (1.7.2014) by virtue of [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **11(1)(a)** (with reg. 12)
- F54** Words in Sch. 4 para. 1 substituted (5.5.2022) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Transitional Provision\) \(Chief Executives\) Regulations 2022 \(S.I. 2022/355\)](#), regs. 1(2), **3(8)(a)** (with reg. 9)
- F55** Words in Sch. 4 para. 1 substituted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **11(1)(b)** (with reg. 12)
- F56** Sch. 4 para. 2 renumbered as Sch. 4 para. 2(1) (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **11(2)(a)** (with reg. 12)
- F57** Words in Sch. 4 para. 2(1) substituted (5.5.2022) by [The Local Government and Elections \(Wales\) Act 2021 \(Consequential Amendments and Transitional Provision\) \(Chief Executives\) Regulations 2022 \(S.I. 2022/355\)](#), regs. 1(2), **3(8)(b)** (with reg. 9)
- F58** Words in Sch. 4 para. 2(1) omitted (1.7.2014) by virtue of [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **11(2)(b)(i)** (with reg. 12)
- F59** Words in Sch. 4 para. 2(1) substituted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **11(2)(b)(ii)** (with reg. 12)
- F60** Sch. 4 para. 2(2) inserted (1.7.2014) by [The Local Authorities \(Standing Orders\) \(Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/1514\)](#), regs. 1(2), **11(2)(c)** (with reg. 12)

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## EXPLANATORY NOTE

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

These Regulations are made under sections 8, 20 and 190 of the Local Government and Housing Act 1989 (“*the 1989 Act*”) and require relevant authorities to incorporate into their standing orders certain provisions relating to their staff, meetings and proceedings.

Regulation 3 and Schedule 1 require relevant authorities to make such provision in relation to the appointment of chief officers. 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.

Relevant authorities in Wales are required 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 (“*the 2000 Act*”) 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 the 2000 Act.

A relevant authority which operates executive arrangements must have standing orders relating to its staff which include the provisions set out in Schedule 3. The standing orders must be the appropriate ones for the particular form that the executive takes (as set out in different

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Parts of Schedule 3) and, if that form changes, the standing orders must be varied accordingly (regulation 5).

A relevant authority which is operating alternative arrangements must have standing orders relating to its staff which include the provisions set out in Part 4 of Schedule 3 (or provisions to the like effect) (regulation 6).

Appointment, discipline, suspension and dismissal of teachers and other school staff employed by the local education authority are not dealt with in these Regulations but in regulations made under section 35(4) and (5) of the Education Act 2002 (see, at present, the Staffing of Maintained Schools (Wales) Regulations 2006 (S.I. 2006/873 (W.81))).

A relevant authority must, in respect of disciplinary action against the head of the authority's paid service, its monitoring officer or its chief finance officer, make standing orders incorporating the provisions set out in Schedule 4 (or provisions to the like effect). Such standing orders must be made no later than the first ordinary meeting of the relevant authority falling after the day on which these Regulations come into force (regulation 8).

Regulation 9 provides for consideration by an investigation committee of an allegation of misconduct made against the head of the authority's paid service (unless the head of the authority's paid service is the authority's council manager), its monitoring officer or its chief finance officer and prescribes a procedure for further 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, its monitoring officer or its chief finance officer which the investigation committee, having considered the matter, consider should be further investigated. 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. Following the relevant authority's consideration of the report prepared under paragraph (6)(d), the relevant authority must then comply with the relevant statutory procedures for disciplinary hearings.

Regulation 10 revokes the 1993 Regulations in so far as they extend to Wales (but not in relation to a National Park Authority in Wales).

Regulation 11 contains transitional provisions in relation to existing standing orders for disciplinary action made under the 1993 Regulations.

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