

SCHEDULE 1

Regulation 3

STANDING ORDERS RELATING TO CHIEF OFFICERS

PART 1

Prescribed Standing Orders

“Appointments

1. Where the relevant authority proposes to appoint a chief officer (within the meaning of the Local Authorities (Standing Orders) (Wales) Regulations 2006), and it is not proposed that the appointment be made exclusively from among its existing officers, it must—

- (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 paragraph 1(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 1(b).”

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.

Status: This is the original version (as it was originally made).

3. There may be excluded from the application of paragraph 1 and 2–
- (a) any appointment of a non-statutory chief officer (within the meaning of section 2(7)(a) or (b) of the 1989 Act), and
 - (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).

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 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(1).”

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” (“*Ddeddf 1989*”) means the Local Government and Housing Act 1989(2);

“the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000(3);

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

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

(2) 1989 c. 42.

(3) 2000 c. 22.

“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 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 the head of the authority's paid service.

3. Paragraph 2 does 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(4) (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(5) (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 local education authority) of the Education Act 2002(6) apply.

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 an officer designated as the head of the authority's paid service, 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) or (d) of paragraph 3—

- (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.”

(4) 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).

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

(6) 2002 c. 32.

PART 2

Authority with Leader and Cabinet Executive

“1. In this Part–

“the 1989 Act” (“*Ddeddf 1989*”) means the Local Government and Housing Act 1989(7);

“the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000(8);

“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 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 the head of the authority’s paid service.

3. Paragraph 2 does 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(9) (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(10) (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 local education authority) of the Education Act 2002(11) apply.

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 an officer designated as the head of the authority’s paid service, 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-paragraph (a), (b), (c) or (d) of paragraph 3–

(7) 1989 c. 42.

(8) 2000 c. 22.

(9) 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).

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

(11) 2002 c. 32.

- (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.”

PART 3

Authority with Mayor and Council Manager Executive

- “1. In this Part–
- “the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000(12);
 - “council manager” (“*reolwr cyngor*”) has the same meaning as in section 11(4)(b) of the 2000 Act;
 - “disciplinary action” (“*camau disgyblu*”) has the same meaning as in the Local Authorities (Standing Orders) (Wales) Regulations 2006; and
 - “member of staff” (“*aelod o'r staff*”) means a person appointed to or holding a paid office or employment under the relevant 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 relevant authority must be discharged, on behalf of the relevant authority, by the council manager or by an officer nominated by the council manager.
3. Paragraph 2 does not apply to the appointment or dismissal of, or disciplinary action against–
- (a) the council manager(13);
 - (b) a person appointed in pursuance of section 9 of the Local Government and Housing 1989 Act(14) (assistants for political groups);
 - (c) a person appointed in pursuance of regulations under paragraph 6 of Schedule 1 to the 2000 Act (mayor’s assistant); or
 - (d) 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 local education authority) of the Education Act 2002(15) apply.
4. 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 or, or taking disciplinary action against, that member of staff.”

(12) 2000 c. 22.

(13) The council manager is appointed to the executive by the authority. See section 11(4)(b) and (10) of the 2000 Act.

(14) 1989 c. 42. There are amendments to section 9 which are not relevant to these Regulations.

(15) 2002 c. 32.

PART 4

Authority Operating Alternative Arrangements

“1. In this Part–

“the 1989 Act” (“*Ddeddf 1989*”) means the Local Government and Housing Act 1989⁽¹⁶⁾;

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

“member of staff” (“*aelod o'r 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 relevant authority must be discharged, on behalf of the relevant 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 the head of the authority’s service.

3. Paragraph 2 does 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⁽¹⁷⁾ (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⁽¹⁸⁾ (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 local education authority) of the Education Act 2002⁽¹⁹⁾ apply.

4. Where a committee, sub-committee or officer is discharging, on behalf of the relevant authority, the function of the appointment or dismissal of an officer designated as the head of the authority’s paid service, 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.

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.”

⁽¹⁶⁾ 1989 c. 42.

⁽¹⁷⁾ 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).

⁽¹⁸⁾ There are amendments to section 9 which are not relevant to these Regulations.

⁽¹⁹⁾ 2002 c. 32.

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”*), “council manager” (*“rheolwr cyngor”*), “disciplinary action” (*“camau disgyblu”*), “head of the authority’s paid service” (*“pennaeth gwasanaeth taledig yr awdurdod”*) and “monitoring officer” (*“swyddog monitro”*), 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. No disciplinary action (other than action to which paragraph 3 applies) in respect of the head of the authority’s paid service (unless the head of the authority’s paid service is also a council manager of the relevant authority), its monitoring officer or its chief finance officer, 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).

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.”