Changes to legislation: *The Local Authorities (Standing Orders) (Wales) Regulations 2006 is up to date with all changes known to be in force on or before 03 May 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

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 [F1] and which are now vested in the National Assembly for Wales so far as exercisable in relation to Wales [F2].

F1 1989 c. 42. Section 8 was amended by S.I. 2002/803 (W. 88).

F2 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 [F3];

"the 1993 Regulations" ("*Rheoliadau 1993*") means the Local Authorities (Standing Orders) Regulations 1993 [F4];

[F5]...

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

(a) the head of its paid service;

(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 [F6] (financial administration) for the administration of the local authority's financial affairs;

[F7]...

"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;

[[F8]"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);**]**

"head of the authority's paid service" ("*pennaeth gwasanaeth taledig yr awdurdod*") means the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service);

"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 [F9] (designation and reports of monitoring officer);

"relevant authority" ("*awdurdod perthnasol*") means **[**[F10](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; [F11]...

[[F12]"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 [F13]).

F3 2000 c. 22.
F4 S.I. 1993/202.

F5 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)
F6 1972 c. 70.
F7 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)
F8 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)
F9 Subsection (1) of section 5 (as amended).
F10 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)**
F11 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)
F12 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)
F13 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)–

(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.

[F14Standing orders relating to local planning authorities

4A.—(1) In this regulation—

"committee" ("*pwyllgor*") 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) **[**F15membership of a committee**].]**

F14 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)**

F15 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 F16 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;

F17(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 **[**F18(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 **[**F19(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.

F16 *See* paragraph 42 of Schedule 12 to the Local Government Act 1972.

F17 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)

F18 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)

F19 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)

Alternative arrangements- standing orders relating to staff

[F20 6. . . . . . .

F20 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

[F21 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 head of the authority's paid service; 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.**]**

F21 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)

Standing orders in respect of disciplinary action

8.—**[F22**(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 head of the authority's paid service, its monitoring officer**[F23**, 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.

[F24(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).**]**

F22 Reg. 8 renumbered as reg. 8(1) (1.7.2014) by The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (S.I. 2014/1514), regs. 1(2), **7(1)** (with reg. 12)