STATUTORY INSTRUMENTS

2015 No. 881

LOCAL GOVERNMENT, ENGLAND

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

Made - - - -	*25th March 2015*
Laid before Parliament	*25th March 2015*
Coming into force - -	*11th May 2015*

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by sections 8, 20 and 190(1) of the Local Government and Housing Act 1989(**1**) makes the following Regulations.

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(**2**).

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—

(**1**) 1989 c. 42. Section 20 was amended by section 119 of, and Schedule 6 to, the Local Democracy, Economic Development and Construction Act 2009 (c. 20).
(**2**) S.I. 2001/3384. There are no relevant amendments.

(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(**3**), or Schedule 3 to the 2001 Regulations (or provisions to the like effect) incorporated in the local authority's standing orders,

(**3**) 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