

REPORT OF THE CHIEF EXECUTIVE (HEAD OF LEGAL SERVICES)

COUNCIL – 19 DECEMBER 2001

(This item of business was not specified on the Agenda but is a matter of urgency within the meaning of Section 100B(4) of the Local Government Act 1972 (as amended) by reason that it is business which is expressly required by statute to be done.)

STANDING ORDERS

Summary

To report on the requirements of Regulation 6 of the Local Authority (Standing Orders) (England) Regulations 2001 to the first ordinary Council meeting after the Regulations come into force.

Recommendation

<i>To substitute Council's Standing Order 21 by paragraphs 2 and 3 of Schedule 3 of the 2001 Regulations.</i>

Contact Officer: J W Horne, extension 2320.

1. Regulation 6 of the Local Authorities (Standing Orders) (England) Regulations 2001 provides:

No later than the first ordinary meeting of the local authority falling after the day on which these Regulations come into force, a local authority must, in respect of disciplinary action against the head of the authority's paid service, its monitoring officer and its chief finance officer –

- (a) incorporate in standing orders the provisions set out in Schedule 3 or provisions to the like effect; and
- (b) modify any of its existing standing orders in so far as is necessary to conform with those provisions.

2. Schedule 3 provides:

1. In paragraph 2, "chief finance officer", "council manager", "disciplinary action", "head of authority's paid service" and "monitoring officer", have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and "designated independent person" has the same meaning as in regulation 7 of those Regulations.
2. No disciplinary action in respect of the head of the authority's paid service (unless he is also a council manager of the authority), its monitoring officer or its chief finance officer, except action described in paragraph 3, may be taken by the

authority, or by a committee, a sub-committee, a joint committee on which the authority is represented or any other person acting on behalf of the authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).

3. The action mentioned in paragraph 2 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
3. The Regulations came into force on 7 November 2001 and the Council is now duly required to incorporate the above requirements into its Council Standing Orders. It is recommended that Council Standing Order 21 should be substituted by the insertion of paragraphs 2 and 3 of Schedule 3 above.

Background Papers

The Local Authorities (Standing Orders) (England) Regulations 2001.

Resource Implications

Additional budget requirement	Current Year	Full Year
	None	None

Impact on Corporate Objectives

The requirements are part of the new modernisation agenda and will be embodied in the Constitution.

Appendices

None.

J.P. MOIR

Chief Executive

The officer to whom reference should be made concerning inspection of the background papers is the Democratic Services Manager, Chief Executive's Department, White Cliffs Business Park, Dover, Kent CT16 3PJ. Telephone: (01304) 821199, Extension 2352.