

Report to:	Council
Relevant Officer:	Mark Towers, Director of Governance and Regulatory Services
Relevant Cabinet Member	Councillor Simon Blackburn, Leader of the Council
Date of Meeting	8 July 2015

THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015 – APPOINTMENT AND DISMISSAL OF SENIOR OFFICERS

1.0 Purpose of the report:

1.1 To consider the necessary changes to the Council’s Constitution in light of regulations recently published concerning disciplinary action against Chief Officers.

2.0 Recommendation(s):

2.1 To authorise the Director of Governance and Regulatory Services to amend the Chief Officer Employment Rules to reflect the changes, as described within the body of the report, relating to the new Regulations.

2.2 To agree to appoint a Disciplinary Panel to comprise of the three Independent Persons who have been appointed under the Members’ Code of Conduct framework (Section 28 (7) of the Localism Act 2011), as set out in paragraph 5.4 below.

3.0 Reasons for recommendation(s):

3.1 To make the necessary changes to the Council’s Constitution in light of new regulations.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council’s approved budget? Yes

3.3 Other alternative options to be considered:

None – it is a requirement of the regulations.

4.0 Council Priority:

- 4.1 The relevant Council Priority is “Deliver quality services through a professional, well-rewarded and motivated workforce.”

5.0 Background Information

- 5.1 The Council is required by law to adopt Standing Orders governing the recruitment, appointment and dismissal of its staff (and other matters) in accordance the Standing Orders Regulations. The Officer Employment Procedure Rules (set out in Part 4 of the Council’s Constitution) are the Standing Orders adopted by the Council for this purpose. As far as is relevant they provide that, amongst other things, no disciplinary action in respect of the Council’s Head of Paid Service, its Chief Financial Officer, or its Monitoring Officer may be taken by the Council other than in accordance with a recommendation in a report made by a Designated Independent Person appointed for that purpose under the Local Authorities (Standing Orders) (England) Regulations 2001.
- 5.2 The 2015 Regulations, which come into force on 11 May 2015, amend the current position. The Constitution sets out the rules and procedures within which the Council operates. Within these, there is a Chapter relating to Officer Employment Procedure Rules, which set out the procedures for recruitment and appointment of Chief Officers, discipline and dismissal matters. Part of the current rules provide that in an instance where a Chief Officer is subject to disciplinary action, that no subsequent action can be taken other than in accordance with a recommendation in a report made by a ‘designated independent person’ (DIP). In practice, this would usually be someone external to the Council, such as an investigating officer appointed by the North West Employers Organisation. Their recommendation would be binding on the Council.
- 5.3 The new Regulations are intended to simplify the process, in particular by putting the decision fully in the hand of Council members who must consider any advice, views or recommendations from an independent panel. In practice, the matter would initially be considered by the Chief Officers Employment Committee, which would make its recommendation to Council after considering the views of the Panel, the conclusions of the investigation and representations from the officer concerned. The views, advice or recommendations of the Panel would also be reported direct to Council.
- 5.4 The Council is required to invite independent persons who have been appointed to support the members’ conduct framework to form the Panel. A consultation has taken place with the independent persons appointed under the standards mechanism, namely Mr Horrocks, Mr Ellwood and Mr Mozley. They have agreed that they will fulfil this role. This may well necessitate some training and this enhanced

role will require further consideration, in terms of their remuneration payment, from the Independent Remuneration Panel, as referred to elsewhere on the agenda.

Does the information submitted include any exempt information? No

List of Appendices:

None

6.0 Legal considerations:

6.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 state that an authority must amend its standing orders so that decisions in relation to dismissal of certain statutory officers must be considered by full Council, following a recommendation from an independent Panel.

7.0 Human Resources considerations:

7.1 The proposals are in accordance with statutory procedures in relation to the dismissal of the Head of the Authority's Paid Service, the Monitoring Officer and the Chief Finance Officer.

8.0 Equalities considerations:

8.1 None.

9.0 Financial considerations:

9.1 Consideration will need to be given as to whether the persons appointed to the Panel will receive any additional allowance. This would be met from the Members' Allowances Scheme.

10.0 Risk management considerations:

10.1 Adoption of the procedures will ensure that the authority complies with legislation in cases of dismissal.

11.0 Ethical considerations:

11.1 None.

12.0 Internal/ External Consultation undertaken:

12.1 Consultation has taken place with the three independent persons who currently support the Standards framework and the Standards Committee and they are willing to serve on the Panel.

13.0 Background papers:

13.1 None