

<b>Report to:</b>	Standards Committee
<b>Relevant Officer:</b>	Mark Towers, Director of Governance and Partnerships / Monitoring Officer
<b>Date of Meeting:</b>	19 July 2016

## DISMISSAL ARRANGEMENTS – STATUTORY OFFICERS

### 1.0 Purpose of the report:

- 1.1 To consider an update report from the Monitoring Officer on how the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 have been interpreted and to report on the creation of a procedure for Blackpool and Fylde Councils.

### 2.0 Recommendation(s):

- 2.1 To consider the update report.

### 3.0 Reasons for recommendation(s):

- 3.1 To update Standards Committee members on these arrangements.

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. This is an update report.

### 4.0 Council Priority:

- 4.1 This report covers all Council priorities.

### 5.0 Background Information

- 5.1 At the meeting of the committee in June 2015, the Committee was updated on the

legislative changes in relation to the role of the standards Independent Persons in relation to Chief Officer disciplinary / dismissal matters.

- 5.2 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. Prior to the legislative changes last year, where the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer of the authority were subject to a dismissal action, no subsequent action could have been taken other than in accordance with a recommendation in a report made by a 'designated independent person' (DPI). In practice, this would usually be someone external to the Council, such as an investigating officer appointed by the North West Employers Organisation.
- 5.3 The new Regulations were intended to simplify the process, in particular by putting the decision fully in the hand of the full Council meeting, who would be obliged to consider any advice, views or recommendations from an independent panel (in effect a committee of the Council). That Independent Panel to comprise of at least two of the Independent Persons appointed under the Localism Act to advise on standards matters for councillors.
- 5.4 The Council subsequently agreed "..... 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),.....". Since that report was written, one Independent Person, Mr Ellwood has been replaced by Mrs Broughton and she has also agreed to sit on the Panel.
- 5.5 There has been some uncertainty in local government circles as to whether this requirement incorporated the need to maintain political balance in this committee. That would mean that there would need to be the requisite number of councillors also appointed on a proportional political party basis (as per appointments to other committees). The Joint Negotiating Committee for Chief Executives of Local Authorities, having consulted the Department for Communities and Local Government, has accepted that it is possible that the Panel can comprise only independent persons provided that is what the authority resolves and therefore in the national model process, the Independent Panel shall comprise only independent persons (at least two) appointed under S28(7) of the Localism Act 2011. In other words, no elected members should sit on the Panel. Fortunately that was the interpretation applied in Blackpool when the Panel was set up in July 2015.
- 5.6 In discussions with the Independent Persons in recent months and also during the induction of the new appointee Mrs Broughton, it was acknowledged that as this was a new area for the Independent Persons that briefings/ training should be organised for them and a procedure drawn up, to enable that Panel to act quickly should the occasion ever arise.

5.7 This has now commenced and it is envisaged that a procedure will be brought back to the next meeting of the Standards Committee for consideration.

Does the information submitted include any exempt information?

No

**List of Appendices:**

None

**6.0 Legal considerations:**

6.1 These are covered within the report.

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 There are no financial implications associated with this report.

**10.0 Risk management considerations:**

10.1 None.

**11.0 Ethical considerations:**

11.1 None.

**12.0 Internal/ External Consultation undertaken:**

12.1 Consultation has taken place with the three Independent Persons.

**13.0 Background papers:**

13.1 Letter from the Joint Negotiating Committee for Chief Executives of Local Authorities dated 5 May 2016.