

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

**Submitted by:** Monitoring Officer

**Portfolio:** Communications, Policy and Partnerships

**Ward(s) affected:** All

**Purpose of the Report**

To amend the Council's Procedure Rules to make changes to the procedure for disciplining and dismissing senior officers in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ('the Regulations'), which come into force on 11th May 2015.

**RECOMMENDATION:**

**That Council approve the modifications to Council Procedure Rules (Appendix 7 of the Constitution, Annex 3) in relation to the appointment and dismissal of senior officers.**

1. **Background**

- 1.1 The Constitution is the set of rules that describe and constrain how the Council operates, how its decisions are made and the procedures to be followed.
- 1.2 The Council is required by common law and statute (principally the Local Government Acts 1972 and 2000, and the Local Government and Housing Act 1989) to regulate its proceedings and to have an up to date Constitution which is fit for purpose.
- 1.3 The changes come into force from the 11<sup>th</sup> May 2015 and therefore the existing Appendix 7, Annex 3 will remain in place until then. A copy of the revised document is attached at Appendix A

2. **Issues**

- 2.1 The Regulations simplify and localise the disciplinary process for the most senior members of a council, i.e. the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer. They remove the current requirement that a Designated Independent Person (DIP) be appointed to investigate and make a binding recommendation on disciplinary action against these senior officers.
- 2.2 The Government states that the Regulations simplify the processes for dismissing the most senior council staff, in particular putting any decisions fully in the hands of the Council's Members who are accountable to their electorate for the decisions they take. With the new arrangements in place, the Government expects that the performance management of the most senior staff will be both more effective and efficient with potentially lower costs in the case of departures/dismissals than currently.
- 2.3 The Regulations provide that, in place of the DIP process, the decision should be taken transparently by Full Council, who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.

2.4 In the case of a proposed disciplinary action against one of these officers, the Council is required to invite Independent Persons who have been appointed under the Members' Code of Conduct regime (Section 28(7) of the Localism Act 2011) to form an independent panel. The Council currently has 3 Independent Persons. An independent panel will be formed if 2 or more Independent Persons accept the invitations, and the Council should issue invitations in the following priority order:

- An Independent Person who has been appointed by the Council and who is a local government elector;
- Any other Independent Person who has been appointed by the Council; and
- An Independent Person who has been appointed by another council or councils.

2.5 These requirements allow local people to be involved in the disciplinary process for senior officers and makes councils more accountable to the community.

### 3. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

The Constitution governs the way the Council works. These changes are intended to enable the public, Members and officers to engage more effectively with the decision making processes of the Council and also ensure that processes are lawful. Improvements to processes are key to the corporate priority of becoming a Co-operative Council.

An effective Constitution contributes to the overall ethical wellbeing of the Council, and helps to ensure a culture of high ethical standards, which the public and the Council's partners can have confidence in. This will thereby also contribute to the Council's priority of becoming a Co-operative Council.

### 4. Legal and Statutory Implications

It is a legal requirement that the Council has a Constitution that accords with statute.

### 5. Impact Assessment

No impact has been identified arising from these legislative changes.

### 6. Major Risks

That the Constitution will be inaccessible, procedures will be inefficient or decisions are vitiated by reason of unlawful procedure with consequential damage to the reputation, finances and objectives of the Council.

### 7. Financial Implications

No resources will be required in relation to the changes. The Constitution provides the framework and rules for ensuring value for money.

### 8. Key Decision Information

This is not a key decision.

9. Background papers

The Constitution

Local Authorities (Standing Orders) (England) Regulations 2015