

Report of: Head of Service HR and Section Head Legal Services

Report to: full Council

Date: 8 July 2015

Subject: Amendments to the Constitution following the introduction of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

The General Purposes Committee at their meeting on 16th June 2015 met to consider changes to the council's procedures following the introduction of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ("the Regulations"). The Regulations were made on 25 March 2015 and came into force on 11 May 2015. They amend the Local Authorities (Standing Orders) (England) Regulations 2001 in relation to the disciplinary process for relevant senior officers namely the Chief Executive (as the authority's head of paid service), the Deputy Chief Executive (as the council's chief finance officer) and the City Solicitor (monitoring officer).

The Regulations provide for new arrangements in the disciplinary process, in particular, reference to a panel comprising Independent Persons before a decision is made. Provision is made for councils to make modifications to their procedures no later than the first ordinary council meeting held after the 11 May 2015.

The Regulations require consequential amendments to the Employment Committee Terms of Reference; the Officer Employment Procedure Rules; and establishment of a panel to advise the authority on matters relating to the dismissal of relevant officers. At the same time, amendments are necessary to the Employment Committee Terms of Reference and Officer Employment Procedure Rules to give clarity on the recruitment and dismissal processes for senior officers.

The Report and appendices considered by the General Purposes Committee (the submitted report) is attached at Appendix A. The General Purposes Committee resolved to

recommend to full Council:

- a) That amendments be made to the Employment Committee terms of reference as set out at Appendix A of the submitted report
- b) that amendments be made to the Officer Employment Procedure Rules as set out at Appendix B of the submitted report with the caveat that, in advance of interviews taking place, Executive Board members be informed of those candidates that the Employment Committee has shortlisted for interview; and
- c) that a panel be established to comprise of a minimum of two Independent Persons as set out at appendix C of the submitted report.

Recommendations

Members are asked to approve:

- 1 Amendments to the Employment Committee Terms of Reference as set out at Appendix A to the submitted report.
- 2 Amendments to the Officer Employment Procedure Rules as set out at Appendix B to the submitted report with the additional wording shown at paragraph 2.2 (c) of that Appendix to reflect the changes suggested by the General Purposes Committee .
- 3 That a panel be established to comprise of a minimum of two Independent Persons with the Terms of Reference as set out in Appendix C to the submitted report.

1 Purpose of this report

- 1.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (“the Regulations”) were made on 25 March 2015 and came into force on 11 May 2015. The Regulations amend the Local Authorities (Standing Orders) (England) Regulations 2001 in relation to the disciplinary process for relevant officers, the most senior council officers, namely the Chief Executive (as the authority’s head of paid service), the Deputy Chief Executive (as the authority’s chief finance officer), and the City Solicitor (as monitoring officer).
- 1.2 The Regulations provide for new arrangements in the disciplinary process, in particular, reference to a panel comprising Independent Persons before a decision is made. Provision is made for councils to make modifications to their procedures no later than the first ordinary council meeting held after the 11 May 2015.
- 1.3 The Regulations require changes to the Employment Committee Terms of Reference and the Officer Employment Procedure Rules; and the establishment of a panel of independent persons.
- 1.4 At the same time, amendments are necessary to the Employment Committee Terms of Reference and Officer Employment Procedure Rules to provide clarity on the recruitment and dismissal process for senior officers.

- 1.5 The General Purposes Committee met on 16th June 2015 to consider changes to the council's procedures following the introduction of the Regulations and resolved to recommend to full Council
- a) That amendments be made to the Employment Committee terms of reference as set out at Appendix A of the submitted report
 - b) that amendments be made to the Officer Employment Procedure Rules as set out at Appendix B of the submitted report with the caveat that, in advance of interviews taking place, Executive Board members be informed of those candidates that the Employment Committee has shortlisted for interview; and
 - c) that a panel be established to comprise of a minimum of two Independent Persons as set out at appendix C of the submitted report.

2 Background information

Background information is set out in the report submitted to the General Purposes Committee as shown at Appendix A of this report.

3 Main Issues

As set out in Appendix A of this report.

4 Corporate Considerations

4.1 Consultation and Engagement

The Government had consulted on the new Regulations before they were made. Leaders of the political groups have been consulted in relation to the suggested changes to the Employment Committee Terms of Reference and the Officer Employment Procedure Rules. The impact of the proposals and how they fit with the terms and conditions of employment of the senior officers concerned is not currently known as further guidance is awaited on this. There would be consultation with the senior officers if changes to terms and conditions of employment are proposed. It is also proposed to inform the council's recognised trade unions of these changes.

4.2 Equality and Diversity / Cohesion and Integration

There are no implications for this report.

4.3 Council policies and the Best Council Plan

The council includes within its values "being open, honest and trusted". The Regulations provide a simpler process for dismissal of the most senior officers and includes arrangements for considering representations from independent persons.

4.4 Resources and value for money

The Regulations make provisions limiting the remuneration that should be paid to independent persons on the Panel to the level of the remuneration which they would normally receive as an independent person in the conduct regime. This remuneration is a modest annual allowance or small meeting fee and this approach is intended to ensure that the new process does not involve a high cost.

4.5 Legal Implications, Access to Information and Call In

The Regulations require that the council changes its procedures.

4.6 Risk Management

In amending the constitution to accommodate the Regulations, the risk of any failure to comply with the Regulations is minimised.

5 Conclusions

The Regulations impose requirements in relation to the disciplinary procedure for the senior designated statutory post holders. Amendments to reflect this and to provide greater clarity in relation to the procedure for the recruitment of senior officers, ensures compliance with legislation and transparency and consistency in how the legislation is applied.

6 Recommendations

Members are asked to approve:

- a) Amendments to the Employment Committee Terms of Reference as set out at Appendix A to the submitted report.
- b) Amendments to the Officer Employment Procedure Rules as set out at Appendix B to the submitted report with the additional wording shown at paragraph 2.2 (c) of that Appendix to reflect the changes suggested by the General Purposes Committee.
- c) That a panel be established to comprise of a minimum of two Independent Persons with the Terms of Reference as set out in Appendix C to the submitted report.

7 Background documents

None