

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	Within Cabinets powers		No
		Need to be recommendations to Council Key Decision		YES No
Lead Member: Cllr Nick Daubney E-mail:cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Emma Duncan E-mail:emma.duncan@west-norfolk.gov.uk Direct Dial: 616327		Other Officers consulted: Chief Executive, Personnel Manager, Democratic Services Manager, Assistant Director		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications (incl S.17) YES	Equal Impact Assessment NO	Risk Management Implications NO

Date of meeting: 10 June 2015

OFFICER EMPLOYMENT RULES AMENDMENT

Summary

The report recommends amendments to the standing orders to bring into effect changes to the Officer Employment Rules in the Constitution following the enactment of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881).

Recommendation

That the Council's Constitution be amended to reflect the requirements of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881)

Reason for Decision

To comply with the change in legislation

1 Background

- 1.1 The discipline and dismissal of senior officers of the Council (the Head of Paid Service) ("HoPs"), Monitoring Officer ("MO") and Chief Financial Officer ("CFO") has previously been subject to certain statutory requirements, in particular that Council consider the report of a designated independent person "(DIP)" prior to any discipline or dismissal taking place. Statutory Officers were afforded this additional protection to reflect the requirement on them to make statutory reports to the Council in certain situations.

- 1.2 The Government have enacted legislation to make changes to the regulations and this reports sets out those changes and seeks authority from the Council for those changes to be implemented into the Constitution.

2 New Provisions

- 2.1 Following the enactment of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881) the Council is required to implement changes to the Constitution to reflect the new rules from the date of the first meeting of the Council, following the Annual Meeting.

- 2.2 The rules require all English local authorities to pass new constitutional arrangements for the appointment and dismissal of the Head of Paid Service (HoPS), Monitoring Officer (MO) and Chief Financial Officer (CFO).

- 2.3 The new regulations have the following effects;

- The Regulations provide that the final decision to dismiss any statutory officer must be taken by full Council, before taking that decision, Council must invite at least two Independent Persons to be members of a Panel, and Council must take into account any recommendation of that Panel before taking a final decision to dismiss.
- There is no longer a requirement to appoint a designated independent person (DIP) before taking any disciplinary action or dismissing a chief officer for any reason other than ill health or redundancy. Instead the Council is to use Independent Persons appointed to the authority's Standards Committee (or another authority's standards committee).
- The Independent Persons should be local electors for the area of the authority, but may be another Independent Person appointed by the authority or another authority.
- The two or more Independent Persons are to be appointed to a Panel (being a Committee of the Council) who are to offer any advice, views or recommendations to a meeting of the full council in relation to any proposal to dismiss the HoPS, MO or CFO [there is no longer any protection in relation to disciplinary action short of dismissal].
- The Regulations provide that the Panel is to be a committee of the authority and so it is subject to all the legal requirements for committees, including the proportionality rules.
- The Independent Persons do not vote on the Panel; nor is there any proportionality requirement in terms of the number of Independent Persons on the Panel as opposed to voting members of the authority.
- The Panel must be appointed (but there is not requirement for it to meet) at least 20 working days before the meeting of the authority which is to consider any proposal to dismiss the officer.

2 Policy Implications

2.1 None

3 Financial Implications

3.1 To ensure that the new process will not involve high costs, the Regulations limit 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.

4 Statutory Implications

4.1 The Council is required by law to implement these changes.