

PART A

Report to: Council
Date of meeting: 24 June 2015
Report of: Head of Democracy and Governance
Title: The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015

1.0 **SUMMARY**

- 1.1 Council notes the requirement to amend the procedure rules relating to the dismissal of the Council's statutory officers to comply with the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015.

2.0 **RECOMMENDATIONS**

- 2.1 That the Council Procedure Rules relating to the appointment and dismissal of Chief Officers as attached at appendix 1 be approved.

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3.0 **DETAILED PROPOSAL**

- 3.1 The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 came into force on 11 May 2015. These regulations require all local authorities in England to amend their procedure rules relating to the appointment and dismissal of chief officers no later than the first ordinary council meeting after 11 May 2015.
- 3.2 The Regulations amend the procedure for the dismissal of the Council's three statutory officers, that is the Head of Paid Service, Chief Finance Officer and Monitoring Officer.
- 3.3 The regulations require that before any of the above officers is dismissed the approval of the notice of dismissal is by full council. Secondly the requirement to appoint an independent person to investigate any allegations of misconduct against any of those officers has now been removed. Instead should the Council decide to commence disciplinary action against any of them it is required to appoint a panel to consider any allegations and must appoint to that panel at least two independent persons. These have to be those persons appointed by the authority to act as critical friend in relation to the Code of Conduct. If the authority only has one such Independent Person, then they can appoint an Independent person from another authority to make up the two.
- 3.4 The panel must meet to consider the allegations at least 20 working days before the meeting of Council to consider whether to dismiss and Council must take into account the advice, views or recommendations of the panel, the conclusions of any investigation into the proposed dismissal and any representations of the relevant officer before making its decision.
- 3.5 Appendix 1 shows the revised procedure rules incorporating the necessary amendments.

4.0 **IMPLICATIONS**

4.1 **Financial**

- 4.1.1 The Shared Director of Finance comments that there are no financial implications in this report.

4.2 **Legal Issues** (Monitoring Officer)

- 4.2.1 The Head of Democracy and Governance comments that the legal implications are contained in the body of the report.

Appendices

Chief Officer Appointment and Dismissal Procedure Rules

Background Papers

The Local Authorities (Standing Orders)(England) (Amendment) Regulations 2015

File Reference

- None