

**PROPOSED CHANGES TO THE CONSTITUTION - DISMISSAL AND DISCIPLINARY OF STATUTORY OFFICERS**

Committee: Full Council

Date: 16 July 2015

Author Principal Solicitor & Monitoring Officer

[Q37]

1.0 ISSUE

1.1 To consider changes to the Council's Constitution.

2.0 RECOMMENDATION(S)

2.1 To authorise the Monitoring Officer to amend the Officer Employment Procedure Rules in the Constitution (page 4(53)-(55)) to make changes to the procedure for appointment and dismissal of senior officers.

3.0 BACKGROUND/OPTIONS

Officer Employment Procedure Rules

- 3.1 The Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015 came into force from 11<sup>th</sup> May 2015 and required the Council to, no later than its first *ordinary* meeting, falling after the Annual Meeting, incorporate changes in respect of the disciplinary action against the Head of Paid Service, Monitoring Officer and Chief Finance Officer into its standing orders.
- 3.2 These Regulations simplify and localise the disciplinary process for the most senior officers of the Council. The decision to dismiss the Head of Paid Service has been extended to the Chief Finance Officer and Monitoring Officer and can only be made by Full Council.
- 3.3 They also remove the requirement for the appointment of the Designated Independent Person (DIP) to investigate, make binding recommendations on disciplinary action and make provision for a new procedure to be followed in order to dismiss these senior officers.
- 3.4 The Regulations require that, before dismissing one of the officers identified above, the Council must appoint a 'panel' for the purposes of advising on matters in relation to the dismissal of the relevant officer. The Council must invite two Independent Persons who have previously been appointed under the Members' Code of Conduct regime (Section 28(7) of the Localism Act 2011) for appointment to the panel.

- 3.5 The circumstances giving rise to the need to appoint the panel are likely to occur infrequently, if at all. There is a difficulty in attempting to appoint a standing panel as there is a need for the panel to be comprised of members who are impartial. However, until the circumstances surrounding the need for the appointment of the panel arise, it would not be possible to identify which members could or could not sit on the panel. Therefore, to ensure that conflicts of interest do not make the panel unworkable, it is proposed that the Council should not yet appoint a panel. This would be subject to a further report to Council at the relevant time.

#### 4.0 ARGUMENTS/CONCLUSIONS

- 4.1 The requirements of the 2015 Regulations are mandatory insofar as they relate to the adoption of the prescribed standing orders and therefore it is not possible to put options before the Council for consideration.

#### 5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 5.1 The Regulations make provision limiting remuneration paid to the independent person when appointed on a panel. This will be the level of the remuneration which they would normally receive under the Code of Conduct regime, i.e. an annual allowance and travel and subsistence fees that were agreed on their appointment. (IP £750 & deputy IP £400)

- 5.2 Equality Impact Assessment (INRA) is not required.

#### 6.0 APPENDICES

- 6.1 None

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##### **Background Documents**

<http://www.legislation.gov.uk/ukxi/2015/881/contents/made>

##### **Location**

Room 112  
The  
Grange,  
Ely

##### **Contact Officer**

Amanda Apcar  
Principal Solicitor and  
Monitoring Officer  
(01353) 616347

E-mail:  
[amanda.apcar@eastcambs.gov.uk](mailto:amanda.apcar@eastcambs.gov.uk)