

REPORT TO THE COUNCIL MEETING OF 22 JUNE 2015

Meeting: Council
Date: 22 June 2015
Subject: The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015
Report of: Beth Murgatroyd – Deputy Monitoring Officer
Decision
Status:
Relevant Ward(s): All

1 Purpose Report

1.1.1 To amend the relevant sections of the Council's Constitution as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ("2015 Regulations")

1.2

2 Recommendations:

2.1 That the amendments to the Officer Employment Procedure Rules set out in Part 4 Section 8 of the Constitution as set out in Appendix A be approved

2.2 That authority be given to the Employment Committee to consider more detailed disciplinary and dismissal procedures for the Head of Paid Service, Chief Finance Officer and Monitoring Officer incorporating the requirements of the amended Officer Employment Procedure Rules and the 2015 Regulations

3 Summary of Reasons for the Recommendations

3.1 To ensure compliance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

4 Impact on Communities

4.1 None as far as this report is concerned

5 Key Facts

- 5.1 The 2015 Regulations require that, no later than the first ordinary meeting of the authority falling after 11 May 2015, the authority must, in respect of the disciplinary action against the Head of Paid Service, the Monitoring Officer or its Chief Finance Officer incorporate into its standing order certain provisions as set out in the 2015 Regulations, and to modify any other of its standing orders to conform with those provisions.
- 5.2 The 2015 Regulations also make amendments to the arrangements for the appointment of the Head of Paid Service, and to the dismissal, for reasons other than disciplinary, for the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.
- 5.3 Prior to the implementation of the Regulations, the Head of Paid Service, Chief Finance Officer and Monitoring Officer certain procedures had to be complied with before any disciplinary action or dismissal of those officers could take place. The main provision was the appointment of a Designated Independent Person (DIP) had to be appointed to investigate and report upon the allegations to Full Council.
- 5.4 The 2015 Regulations introduce a new requirement dispensing with the requirement for a DIP instead making it a requirement that dismissal of the Statutory Officers can only take place after a decision of Full Council and that at least 20 working days prior to the matter being considered by Full Council it must be referred to a “panel” on which “Independent Persons” must be invited to sit. The recommendations and/or views of the panel must be taken into account by Full Council.
- 5.5 “Independent Persons” in this context refer to the independent Persons appointed by the Council in respect of complaints regarding elected members. The 2015 Regulations set out the basis for their appointment to the Panel.

6 Legal Issues

- 6.1 The 2015 Regulations came into effect on 11th May 2015 and require all local authorities to make the necessary changes to Standing Orders to reflect the new provisions.
- 6.2 However at this stage there are still certain legal issues to resolve. The 2015 Regulations do not account for the right to a fair and impartial investigation or provide a right to appeal. The fact that the Full Council is the initial decision maker leaves no avenue for an appeal.
- 6.3 There are currently national negotiations taking place relating to JNC terms and conditions, which a significant number of Statutory Officers are governed by. Those terms and conditions currently provide for a DIP process. .None of the Statutory Officers at Harborough District Council are on JNC conditions but there is a recommendation that consideration is given to placing the Corporate Directors on JNC terms and conditions.

6.4 It is recommended that detailed disciplinary and/or dismissal procedures for the Statutory Officers be considered by the Employment Committee following the conclusion of the national JNC negotiations and further advice from the Local Government Association.

7 Resource Issues

7.1 The Council needs to ensure that its employment procedures are legally sound to protect both officers and the authority. The Council could be vulnerable to employment claims if its procedures are not legally compliant

8 Equality Implications

8.1 None as far as this report is concerned

9 Impact on the Organisation

9.1 None as far as this report is concerned

10 Community Safety Implications

10.1 None as far as this report is concerned

11. Carbon Management Implications

11.1 None as far as this report is concerned

12. Risk Management Implications

12.1 None as far as this report is concerned

13 Consultation

13.1 The Leader has been consulted on the 2015 Regulations.

14 Options Considered

14.1 The Council is under a legal obligation to amend its standing orders in line with the 2015 Regulations. This has to take place no later than the first ordinary meeting of the Council after the 11 May 2015.

15 Background Papers

15.1 The Local Authorities (Standing Orders) (England) Regulations 2001 and the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

Previous report(s): None

Information Issued Under Sensitive Issue Procedure:

Ward Members Notified:

Appendices: *list any appendices here including title and filename in brackets (e.g. Performance Data 2010 (perfdata.doc)).*

Appendix A – Amendments to the Officer Employment Procedure Rules