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Ward (s) affected	N/A
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Subject	Amendments to the Constitution – The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015
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RECOMMENDATIONS

It is recommended that the Constitution be amended as detailed in paragraphs 1.5 to 1.6 below to reflect the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 in relation to the disciplinary process for the posts of Head of Paid Service, Monitoring Officer and Chief Finance Officer (S151 officer).

EXECUTIVE SUMMARY

New Regulations on local authorities' disciplinary procedures in respect of statutory officers came into force on 11th May 2015. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 require local authorities to amend their Constitutions to incorporate the new arrangements for taking disciplinary action against the Head of Paid Service, Monitoring Officer and S151 officer. This modification must be made by the first ordinary meeting of the Council held after the 7th May 2015 elections.

The Council has the authority to determine the Recommendations

CORPORATE PRIORITIES

The Constitution provides the framework within which the Council can achieve its priorities.

1. BACKGROUND

1.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 came into force on 15th May 2015. The Regulations now provide that where the final decision to dismiss any statutory officer (Head of Paid Service, Monitoring Officer, S151 officer) must be taken by the Council, before taking that decision, Council must invite at least two Independent Persons, who have been appointed for the purposes of the standards regime, to be members of a Panel, and Council must take account any advice, views and recommendations of that Panel before taking a final decision to dismiss.

1.3 The invitations should be sent to the Independent Persons in accordance with the following priority order:

- (a) an Independent Person who has been appointed by the Council and who is a

- local government elector;
- (b) any other Independent Person who has been appointed by the Council; and
- (c) an Independent Person who has been appointed by another Council or Councils.

1.4 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 Panel must be appointed at least 20 working days before the meeting of the Council to consider whether or not to dismiss the relevant post holder.

Amendments to the Constitution

1.5 The previous Regulations with regard to the disciplinary procedures in respect of statutory officers are included in the functions of the Appointments Committee at Appendix 4 to Part 3 of the Constitution. It is proposed, therefore, that the functions of the Appointments Committee be amended to reflect the new Regulations and that the Appointments Committee, together with the inclusion of at least two Independent Persons, should form the Panel (which must be appointed at least 20 working days before the relevant meeting) and whose advice, views and recommendations, together with the conclusions of any investigation into the proposed dismissal and any representations from the relevant officer are taken into account by the Council before taking a final decision to dismiss.

1.6 As the new Regulations require the Council to take the final decision to dismiss any statutory officer, it is proposed that Article 4 – The Council – and Appendix 1 to part 3 of the Constitution – Reservation of Powers to the Council – are amended to include confirmation of dismissal of Monitoring Officer and S151 officer as well as the Head of Paid Service, and the information the Council is required to take into account when making that decision.

2. FINANCIAL IMPLICATIONS

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 under the standards regime. This authority's Independent Persons have been appointed on the basis of no allowance being paid but that travel and appropriate expenses (determined by the Monitoring Officer) would be payable.

3. LEGAL IMPLICATIONS

The Council is required to amend its Constitution to incorporate the new arrangements set out in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

4. CORPORATE IMPLICATIONS

Monitoring Officer commentary - The Monitoring Officer confirms that all relevant legal implications have been taken into account.

S151 Officer commentary - The S151 Officer confirms that the relevant financial implications have been considered in this report.

Risk implications - Amending the Constitution to ensure compliance with the Regulations will mean that the Council is acting in accordance with statute.

Equalities Implications - There are no equalities implications as a result of this report.

Employment Issues - The Regulations provide for changes to the procedure for disciplining and dismissing the Council's statutory officers.

Sustainability Issues - There are no sustainability implications as a result of this report.

Consultation and Communications - The revised Constitution will be published on the Council's website once the amendments have been made.

BACKGROUND PAPERS

None other than published documents