

Meeting:	Audit & Governance Committee
Meeting date:	16 July 2015
Title of report:	Changes to the statutory appointment and dismissal procedures for head of paid service, monitoring officer and s151 finance officer
Report by:	Deputy solicitor to the council regulatory & people

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Countywide

Purpose

To advise on the requirement to implement changes required by the Local Authorities (standing Orders) (England) Regulations 2015.

Recommendation(s)

THAT:

- (a) the changes to the statutory dismissal procedures be noted; and**
- (b) the monitoring officer makes the necessary changes to the constitution as required by law by no later than 17 July 2015.**

Alternative options

- 1 None; this is a statutory requirement.

Reasons for recommendations

- 2 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (“the regulations”) mandates that by no later than the first ordinary meeting of the council after 11 May 2015 it must incorporate in standing orders the new provisions and modify any of its existing standing orders in so far as necessary to conform with those provisions.

Key considerations

- 3 The regulations make changes to the statutory procedures relating to the dismissal and discipline of three protected officers, namely the head of paid service, monitoring officer and s151 finance officer.
- 4 These changes are required to be implemented by 17 July 2015 which is the first ordinary council meeting falling after 11 May.
- 5 The dismissal of the monitoring officer and section 151 officers now requires full council’s approval; mirroring the requirement relating to the head of paid service.
- 6 In addition, the disciplinary procedures have been changed and no longer require a designated independent person (“DIP”) to be appointed; instead a panel of at least two people drawn from the council’s (or a neighbouring authority’s) appointed independent persons. A new revised procedure set out in the regulations under schedule 3 must be incorporated.
- 7 As these changes are required by law the monitoring officer shall amend section 9 in part 4 of the constitution, (in particular paragraphs 4.9.1.3, 4.9.3.7 and 4.9.4).
- 8 It should be noted that in some cases the previous requirement to appoint a DIP will be incorporated into terms and conditions of employment and that the statutory constitutional changes do not affect that individual right. It is anticipated that the Joint Negotiating Committee will amend the model procedures through collective agreement thereby removing any need to make changes to terms and conditions at a local level.

Community impact

- 9 There are no direct impacts arising from the recommendations.

Equality duty

- 10 There are no direct impacts arising from the recommendations.

Financial implications

- 11 There are no direct impacts arising from the recommendations.

Legal implications

- 12 The regulations state that the authority must make these changes. The council’s constitution delegates authority to the monitoring officer to amend the constitution to reflect changes to the law.

Risk management

- 13 If changes are not made to individual terms and conditions via a collective agreement then the authority will have to be mindful of how the new requirements can run alongside the individual right to have involvement of a DIP appointed.

Consultees

- 14 None

Appendices

None

Background papers

None identified.