

## **REPORT TO EXECUTIVE AND COUCNIL**

**Date of Meeting: 14 July 2015 and 28 July 2015**

**Report of: Corporate Manager - Legal Services & Monitoring Officer.**

**Title: The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015**

**Is this a Key Decision?**

No

**Is this an Executive or Council Function?**

Council

### **1. What is the report about?**

1.1 This report deals with the requirement set out in Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 to amend the Council's Standing Orders to incorporate the new arrangement for taking disciplinary action against the most senior council staff namely:

- The Head of Paid Service.
- The Section 151 Finance Officer.
- The Monitoring Officer.

1.2 These Regulations came into force on the 11 May 2015 and Councils must give effect to their content no later than the first ordinary Council meeting held after the 7 May elections.

### **2. Recommendations:**

2.1 The Executive recommends to Council to amend its Standing Orders and in particular Standing Order 54 to give effect to the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. In particular :

(a) The Head of Paid Service, Section 151 officer and Monitoring Officer may only be dismissed by Council.

(b) When considering whether to dismiss any of the officers set out in 2.1(a) above, Council must have regard to any view expressed by an Independent Persons Panel.

### **3. Reasons for the recommendation:**

The recommendation is in response to a legislative requirement.

### **4. What are the resource implications including non financial resources?**

None

**5. Section 151 Officer comments:**

There are no financial implications contained within this report.

**6. What are the legal aspects?**

These changes are mandatory. The Council has no option but to amend its Standing Orders to comply with the new rules set out in the Regulations.

**7. Monitoring Officer's comments:**

Please see my comment set out in paragraph 6 above.

**8. Report details:**

- 8.1 In early 2013 DCLG wrote to a few stakeholders seeking their views on draft Amendment Regulations that would remove the requirement for a Designated Independent Person (DIP) to investigate allegation of misconduct by senior local government officers.
- 8.2 The governments rationale for these changes was that the existing DIP process was bureaucratic and time consuming and that it often led to authorities making inflated severance payments to senior officers in order to avoid taking the costly DIP route.
- 8.3 As a result the new Regulations require that the final decision to dismiss any of the statutory post holders must be made by full Council.
- 8.4 In addition full Council is required to invite Independent Persons (IPs) who have been appointed for the purpose of the Members' Conduct regime under section 28(7) of the Localism Act to form an independent Panel.
- 8.5 An Independent Panel will be formed if two or more IPs accept the invitation. The Council is required to issue such invitation in accordance with the following priority:
- (a) An IP who has been appointed by the Council and who's a local government elector.
  - (b) Any other IP who has been appointed but the Council. For example a member from the Independent remuneration panel.
  - (c) An IP who has been appointed by another Council/s.
- 8.6 It is the governments' view that these new requirements allow local people to be involved in the disciplinary process for senior officers and makes Council's more accountable to their community.

**9. How does the decision contribute to the Council's Corporate Plan?**

Not applicable.

**10. What risks are there and how can they be reduced?**

Not applicable.

**11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

None.

**12. Are there any other options?**

No.

**Corporate Manager - Legal Services**

**Local Government (Access to Information) Act 1972 (as amended)  
Background papers used in compiling this report:-**

1. Local Authorities (Standing Orders)(England) Regulations 2015
2. Explanatory memorandum to the Local Authorities (Standing Orders)(England) Regulations 2015 published by DCLG.

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