



COUNCIL

29TH SEPTEMBER 2015

AGENDA ITEM (12)

**THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS
2015 - DISMISSAL OF STATUTORY OFFICERS**

Accountable Officer	Nigel Adams Head of Democratic Services 01285 623202 nigel.adams@cotswold.gov.uk
Purpose of Report	To enable the Council to comply with the legal obligation imposed upon it to incorporate new constitutional provisions dealing with the dismissal of statutory officers for alleged misconduct; and to approve related procedural matters.
Recommendations	<p>(a) That the Head of Democratic Services be authorised to include the provisions set out in Appendix A to this report, or provisions to the like effect, into the Officer Employment Procedure Rules in Part D8 of the Council's Constitution;</p> <p>(b) that, whenever necessary, the Head of Democratic Services be authorised to appoint the Panel and convene meetings of it;</p> <p>(c) that the Head of Democratic Services be authorised to make any consequential amendments to the Constitution as necessary to reflect the requirements contained in the Local Authorities (Standing Order) (England) (Amendment) Regulations 2015, and associated procedures.</p>
Reason(s) for Recommendation(s)	To ensure that the statutory provisions are met; and that associated procedures are put in place.
Ward(s) Affected	N/A
Key Decision	No
Recommendation to Council	N/A
Financial Implications	Whilst there are no direct financial implications arising from the report, the removal of the requirement to appoint a Designated Independent Person means that, should disciplinary action ever be taken against a statutory officer, the Council would avoid the expense involved, which could have been considerable.

	In the event that the Panel is convened, the Council would be limited to paying each independent person no more than the amount currently paid to them for their standards role, which would be met from existing budgets.
Legal and Human Rights Implications	The Council is required to introduce revised requirements which comply with the recent Amendment Regulations.
Environmental and Sustainability Implications	None
Human Resource Implications	None
Key Risks	None
Equalities Impact Assessment	The procedure would apply to all statutory officers.

Related Decisions	None
Background Documents	(i) Existing Constitution and Procedure Rules (ii) The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015
Appendices	Appendix A - Extract from Regulations setting out the statutory obligations

Performance Management Follow Up	Implement Council decision(s).
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Options for Joint Working	The Regulations provide that the Panel can comprise independent persons from authorities other than Cotswold District Council.
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<p>Background Information</p> <p>1. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 came into force on 11th May 2015, and set out compulsory arrangements relating to staff and disciplinary procedures.</p> <p>2. The Regulations repealed the previous statutory provision which required, when taking disciplinary proceedings against any of the statutory officers (the Head of the Paid Service, the Section 151 Officer and the Monitoring Officer), the appointment of a Designated Independent Person to conduct an investigation and make a binding recommendation to the Council on the action to be taken.</p>

3. The Regulations require each principal council to adopt new/amend previous standing orders/procedure rules as part of their Constitution which reflect the provisions set out in the Schedule to the Regulations. This must be done 'no later than the first ordinary meeting of the authority falling after 11th May 2015'. The precise statutory obligation is to incorporate the provisions in the schedule to the Regulations, as reproduced in **Appendix A**, or provisions to the 'like effect'.
4. The new Regulations include the mandatory appointment of a Panel whose role is to give advice, views and recommendations to the Council which must be taken into account before a decision is taken to dismiss any of the statutory officers referred to in the previous paragraph. The Council must appoint to the Panel at least two 'relevant independent persons', being persons appointed by the authority it or any other council under Section 28(7) of the Localism Act 2011 for the purposes of the members' conduct regime.
5. It is evident from the Government's explanatory memorandum to the 2015 Regulations that the Panel is meant to be an independent check on the overall process, to replace the previous check provided via the role of the Designated Independent Person.
6. This Council only has one 'relevant independent person' (who is a local government elector in the District), and this is based on the outcome of the initial recruitment process and an assessment of the likely call on such person's time to deal with code of conduct complaints. This arrangement has proved sufficient, in practice, to meet such needs. However, as the Regulations allow for 'relevant independent persons' appointed by other authorities to be 'used' as Panel members and the need for a Panel meeting to be convened would, hopefully, be rare, it is not recommended that a further CDC 'relevant independent person' be sought for the moment. If a Panel meeting does prove necessary, an approach would be made to the 'relevant independent persons' appointed by West Oxfordshire District Council and/or the other Gloucestershire authorities.
7. The statutorily required provisions do not define the final composition of the required Panel, other than it shall number at least two, and that there shall be at least two 'relevant independent persons'.
8. Given that the Regulations relate to the Council's statutory officers, it is recommended that, as with other formal meetings, the Head of Democratic Services be given delegated authority to appoint a Panel and convene meetings of it (if and when necessary).

(END)