



## Public Session

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**To:** Council  
**Date:** 23 June 2015  
**Author:** Gillian Marshall, Solicitor to the Council  
**Executive Member:** Councillor Mark Crane  
**Lead Officer:** Jonathan Lund, Deputy Chief Executive

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**Title:** Amendments to the Constitution to give effect to the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

### Summary:

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 were made on 25 March 2015 and came into force on 11 May 2015. They require Councils to amend standing orders at the first ordinary meeting of Council after they come into force.

The report proposes changes to Article 11 of the Constitution and the Officer Employment Procedure Rules.

### Recommendations:

- i. **To authorise the Monitoring Officer to make amendments to constitution to give effect to the arrangements outlined in section 4 of the Report**

### Reasons for recommendation

To comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

#### 1. Introduction and background

- 1.1 Statutory protection requiring an appointment of a designated independent person (DIP) to investigate any allegation of misconduct against statutory post holders was introduced in the 2001 Standing Orders Regulations. Those Regulations provided that no disciplinary action in respect of the three

statutory post holders could be taken other than in accordance with the recommendation in a report made by a DIP.

- 1.2 The new regulations require the Council to amend the standing orders at this meeting to remove the previous DIP process and provide for a new process as set out in the Regulations.

## **2 The Report**

- 2.1 The key components of the new process are that the dismissal of a protected Officer (Chief Executive, Monitoring Officer and s151 Officer), must be approved by way of a vote at a meeting of the full Council who will be able to dismiss provided they take into account:
  - any advice, views or recommendations of an independent panel,
  - the conclusions of any investigation into the proposed dismissal; and
  - any representations from the protected officer concerned.
- 2.2 The new Regulations do not prescribe how a council's procedure should work in practice including how an investigation should be handled. LGA Guidance suggests creating a politically balanced Standing Committee with powers to appoint an investigator who could report back findings and recommendations. These findings and recommendations could then be referred by the Committee to Council and to an Independent Panel who could advise Council as described below.
- 2.3 The new Regulations also say that the local authority should invite at least 2 independent persons who have been appointed for the purposes of the members' conduct regime to form a panel. These requirements are intended to allow local people to be involved in the disciplinary process in relation to senior officers and to make councils more accountable to their community. Selby has two independent persons who are local electors and could be invited to become the panel for this purpose.

## **3 Legal/Financial Controls and other Policy matters**

### **3.4 Legal Issues**

The changes need to be made at this first Ordinary Meeting of Council after the regulations came into force. The matter is therefore urgent as the Council must comply with the law.

### **3.5 Financial Issues**

None identified

## **4. Conclusion**

- 4.1 That amendments should be made to Article 11 and the Officer Employment Procedure Rules to provide for a standing Employment Committee consisting of the Leader of Council, the Deputy Leader of Council, one non-executive Councillor from the Conservative Group and the Leader of the Labour Group. The terms of reference for that Committee should include the functions

recommended by the LGA to comply with good employment practices and the new Regulations and the existing functions of the Appointments Panel provided for in the constitution.

- 4.2 That a standing Independent Panel consisting of the two Independent Persons appointed for the purposes of the standards arrangements to advise the Council in the event of a proposal to dismiss a protected statutory officer.

## **5. Background Documents**

None

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**Appendices:**

None