

11. AMENDMENT TO STANDING ORDERS - DISMISSAL OF CERTAIN OFFICERS

1. Purpose of the report

To approve amendments to the Authority's Standing Orders to reflect provisions within The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Key Issues

- **The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (“the 2015 Regulations”) require the Authority to amend its Standing Orders where they refer to the process for the dismissal of certain officers.**
- **This requires the Authority to amend Part 5 of Standing Orders, the terms of reference for the Appeals Panel and the composition of the Panel when considering the dismissal of chief officers.**
- **As these Standing Orders are mandatory the Authority has no discretion on whether to approve the proposed changes.**
- **As the Regulations came into force on 11 May 2015 the Authority is required to approve the amendments to Standing Orders at the first ordinary meeting falling after 11 May 2015.**

2. Recommendation(s)

- 1. To amend Part 5 of Standing Orders – Chief Officers to reflect the requirements of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (Appendix 1)**
- 2. To note that, following consultation on changes to the conditions of employment of relevant officers and consultation with the Independent Persons, a report will be brought to a future meeting of the Authority to approve the process to be followed when considering the dismissal of a relevant officer and to amend;**
 - a) the terms of reference and membership of the Employee Appeals Panel to reflect the amendments in 1 above; and**
 - b) the job description of the Independent Persons.**

3. How does this contribute to our policies and legal obligations?

On 25 March the Secretary of State issued the 2015 Regulations in exercise of the powers conferred by sections 8, 20 and 190(1) of the Local Government and Housing Act 1989.

The 2015 Regulations amend the Local Authorities (Standing Orders) (England) Regulations 2001 (“the 2001 Regulations”) and require certain local authorities in England to make or modify standing orders so that they include certain provisions relating to staff and other matters. For the purposes of the 2015 Regulations the National Park Authority is a relevant Authority and therefore, in accordance with the 2015 Regulations, the Authority must modify its Standing Orders at the first ordinary meeting after 11 May 2015.

4. Background

The 2001 Regulations required that a “designated independent person” be appointed by a local authority before it could discipline or dismiss its head of paid service, monitoring officer or chief finance officer. These provisions were incorporated into Part 5 of the Authority’s Standing Orders and made applicable to the Head of Paid Service, Monitoring Officer, Chief Finance Officer and non-statutory chief officers. The current Standing Orders require when making a decision to discipline or dismiss a relevant officer the decision making body’s decision must be made in accordance the recommendation of the designated independent person.

The 2015 Regulations make new provisions about the procedure to be followed in such cases, which authorities are required to include in their standing orders. To meet these requirements the Authority must:

- a) establish a Panel, appointed under section 102(4) of the Local Government Act 1972 for the purpose of advising the Authority on matters relating to the dismissal of relevant officers.
- b) appoint at least two “relevant independent persons” to the Panel. In practice this means the Independent Persons appointed to participate in determining Member Complaints under section 28(7) of the Localism Act 2011.

The legislation itself does not provide detail of how the new process will work in practice. The Local Government Association as issued interim guidance pending clarification of the new requirements by DCLG and discussions within the JNC for Chief Executives of local authorities regarding amendments to the model disciplinary procedure. This report therefore proposes that we make the necessary changes to Standing Orders now as required in the regulations and consider details on their operation when further guidance is issued.

5. Proposals

To meet the requirements of the 2015 Regulations it is proposed that Part 5 of Standing Orders be amended as set out in appendix 1 of this report. As the proposed amendments to standing orders are mandatory the decision can be made at this meeting without a need to defer.

To notes that details on the application of these Standing Orders be considered at a future meeting when further guidance has been published and the relevant employees and the Independent Persons consulted.

Are there any corporate implications members should be concerned about?

6. Financial:

There are no financial implications arising from implementation of the new regulations, as the Independent Persons already receive an annual allowance from the Authority and the 2015 Regulations state that any payment paid by the Authority to an independent person appointed to the Panel must not exceed the level of remuneration payable to that independent person in respect of that persons role as an independent person under the 2011 Act.

7. Risk Management:

Without a decision to amend Part 5 of Standing Orders the Authority will be in breach of the new regulations.

8. **Sustainability:**
None

9. **Equality:**
None

10. **Background papers (not previously published)**
None

Appendices

Appendix 1- Amendments to Standing Orders – Part 5 - Chief Officers

Report Author, Job Title and Publication Date

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