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Elections and Members' Services

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Date: 12 November 2015

Dear Councillor

COUNCIL - WEDNESDAY 18 NOVEMBER 2015

Please find enclosed the following report which was unavailable when the main agenda was dispatched. Please bring this document to the meeting.

Agenda No	Item
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| 12. | <u>Establishment of an Independent Panel.</u> (Pages 3 - 6) |
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Yours sincerely

A handwritten signature in black ink, appearing to be "Lyndsey Parnell". The signature is fluid and cursive, with the first letter being a large, stylized 'L'.

Lyndsey Parnell
Members' Services Officer
Encs

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Report to Council

Subject: Establishment of an Independent Panel

Date: 18 November 2015

Author: John Robinson, Chief Executive

Wards Affected

All

1. Purpose of the Report

To establish an Independent Panel for the purpose of advising the Council on matters relating to the dismissal of the Council's statutory officers.

2. Background

- 2.1 At its meeting held on 15 July 2015, Council approved amendments to Standing Orders Relating to Staff in order to comply with legislative changes.
- 2.2 These changes – the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 introduced new arrangements for dealing with the dismissal of the Council's three Statutory Officers. These are the Chief Executive, Chief Financial Officer and Council Solicitor and Monitoring Officer.
- 2.3 Under the 2015 Regulations, only Full Council can dismiss one of the statutory officers whereas previously, with the exception of the Chief Executive, the decision could have been delegated to a committee.
- 2.4 In addition, the new regulations require that before Full Council makes a decision on dismissal, prior consideration has to be given by a Panel set up to advise the Council on matters relating to the dismissal of statutory officers.
- 2.5 The regulations require the Council to invite at least two Independent Persons (IP) on to the Panel. Firstly, the IP appointed under the Localism Act 2011 to deal with standards complaints (in our case, John Baggaley). Secondly, any other IP it has appointed, or failing that, IPs from other Councils.
- 2.6 As there is no requirement for the Panel to be a standing committee of the Council, its establishment is on an as and when required basis.

- 2.7 As members will be aware, the Appointments and Conditions of Service Committee have recently approved proposals for consultation relating to a range of management arrangements within the Council. Under the proposals, the Council Solicitor and Monitoring Officer and Chief Financial officer are potentially at risk of dismissal if they fail to secure a post in the proposed new management structure.
- 2.8 This report, therefore, proposes the establishment of a Panel as required by the 2015 Regulations in the event that it is needed.
- 2.9 In terms of process, the Appointments and Conditions of Service Committee will be responsible for making decisions on the filling of new senior management posts, including those of statutory officers.
- 2.10 If the Appointments and Conditions of Service Committee do not appoint one or both of the current post holders (Council Solicitor and Monitoring Officer and Chief Financial Officer), the Panel referred to in this report will be convened and subsequently advise Full Council on matters relating to the dismissal(s).

3. Proposals

- 3.1 It is proposed that Full Council appoints the Appeals and Retirements Committee, together with the required inclusion of Independent Persons, as an advisory committee under Section 102 of the Local Government Act 1972 for the purpose of fulfilling the 2015 Regulations as outlined in this report.

4. Financial Implications

- 4.1 None

5. Appendices

- 5.1 None

6. Background Papers

Report to Full Council dated 15 July 2015.

7. Recommendation

It is recommended that:

- (i) Council constitutes the Appeals and Retirements Committee along with the required inclusion of Independent Persons as an advisory committee under Section 102 of the Local Government Act 1972 and for the purposes of fulfilling the 2015 Regulations outlined in the report.
- (ii) Council delegates authority to the Monitoring Officer (or Deputy Monitoring Officer where the Monitoring Officer is subject of the dismissal) to convene the

Independent Panel and invite and appoint relevant Independent Persons to the Panel as set out in the report.

