

REPORT FOR DECISION

Agenda Item	
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DECISION OF:	HUMAN RESOURCES & APPEALS PANEL COUNCIL
DATE:	24 JUNE 2015 1 JULY 2015
SUBJECT:	LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015
REPORT FROM:	ACTING ASSISTANT DIRECTOR OF HUMAN RESOURCES
CONTACT OFFICER:	TRACY MURPHY ACTING ASSISTANT DIRECTOR OF HUMAN RESOURCES
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	Within the public domain
SUMMARY:	New Regulations have been passed for Standing Orders to be amended to remove the requirement to appoint a Designated Independent Person to investigate disciplinary issues for the Head of Paid Service, Monitoring Officer and Section 151 Officer. The new Regulations replace the statutory provision with a panel process.
OPTIONS & RECOMMENDED OPTION	The Council is required to put in place the amendment to the Standing Orders. It is therefore recommended that the necessary adjustments are made to the Officer Employment Procedure Rules as set out in the Council Constitution.
IMPLICATIONS:	There will no longer be a requirement to appoint a Designated Independent Person to investigate

	disciplinary matters relating to the senior officers referred to. In place of this any decisions related to disciplinary action are to be taken by full Council.
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no resource or risk implications.
Health and Safety Implications	None.
Statement by Executive Director of Resources & Regulation (including Health and Safety Implications)	There are no financial or health and safety implications.
Equality/Diversity implications:	None.
Considered by Monitoring Officer:	Yes JH The report sets out changes to current constitutional arrangements required by new Regulations. Consideration will have to be given at the appropriate time to the appointment of independent persons as set out in Paragraph 2.3 of the report.
Wards Affected:	All
Scrutiny Interest:	Overview and Scrutiny Committee

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
Scrutiny Committee	Cabinet/Committee	Council	
	HR & Appeals 24.6.15	1.7.15	

1.0 BACKGROUND

- 1.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 have recently been laid in Parliament to come into force on 11 May 2015.
- 1.2 These Regulations amend the Local Authorities (Standing Orders) (England) Regulations 2001 ("the 2001 Regulations") in order to make provision about the Standing Orders of Local Authorities in relation to staff and disciplinary procedures.

2.0 ISSUES

Including statements on issues of:

- 2.1 The Regulations, which apply to all principal councils in England, simplify and localise the disciplinary process for the most senior officers of the Council ie the Head of Paid Service, the Monitoring Officer and the Section 151 Officer. They remove the requirement that a Designated Independent Person (DIP) be appointed to investigate and make a binding recommendation on disciplinary action against these senior staff.
- 2.2 The Regulations provide that, in place of the DIP process, the decision is to be taken transparently by full Council, who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.
- 2.3 In the case of a proposed disciplinary action against one of these most senior officers, the Council is required to invite independent persons who have been appointed for the purposes of the members' conduct regime under Section 28(7) of the Localism Act 2011 to form an independent panel, and must include in that invitation any of its independent persons who are electors for the Council's area.
- 2.4 Councils are required to modify their Standing Orders to implement these Regulations.

3.0 CONCLUSION

- 3.1 The Council is required to put in place the requirements of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, and make necessary adjustments to the Officer Employment Procedure Rules as set out in the Council Constitution.

List of Background Papers:

- Statutory Instrument 2015 No 881
- Explanatory Memorandum to The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

Contact Details:

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