

**To the Chair and Members of the COUNCIL**

**Changes to (Standing Orders) (England) (Amendment) Regulations 2015**

**EXECUTIVE SUMMARY**

1. The report is to inform Members of the changes to the procedure, when dealing with the disciplining and dismissal of the Chief Executive (Head of Paid Service), Chief Finance Officer (Section 151 Officer) and Monitoring Officer as are set out in Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

**EXEMPT REPORT**

2. This is not exempt.

**RECOMMENDATIONS**

3. That Council incorporate the changes to standing orders (i.e. Employment Procedure Rules) in Section 8 of Part 4, paragraphs 6 and 7 of the Council's Constitution in respect of disciplinary action against the Head of Paid Service, its Monitoring Officer and Chief Finance Officer (Section 151 Officer) as set out in Appendix A.

**WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

4. There is no impact of the citizens of Doncaster.

**BACKGROUND**

5. The Council's current process requires that disciplinary action cannot be taken against any of the protected officers other than in accordance with a report made by a Designated Independent Person (DIP). The process for the appointment of the DIP was set out in Statute (the Local Authorities (Standing Orders) (England) Regulations 2001) and the Council's own processes reflected the law. The law has been changed by the introduction of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. The new Regulations have introduced new provisions about the procedure to be followed which includes the setting up of a Panel for the purposes of advising on matters relating to the dismissal of a Relevant Officer. The Council's existing Chief Officers Investigatory Sub Committee (the Panel) fulfils this purpose.

6. The new Regulations remove the requirement to engage a DIP but require the Panel to include at least 2 independent persons. There are statutory rules about the appointment of such persons. This will require the amendment of the terms of reference of the Panel. These recommendations are covered under a separate report to be dealt with at item 13 of today's meeting. At present we have one Independent Person, Phil Beavers, appointed under the Members' Code of Conduct regime (Section 28(7) of the Localism Act 2011) and he has agreed to also fulfil this role in the Panel if required. A further Independent Person will need to be appointed; the Regulations do allow use of an Independent Person appointed by another Council if necessary.
7. The Council also has a policy that governs the process of disciplining/dismissing the Relevant Officers. This policy will need to be amended to reflect the new provisions.

### OPTIONS CONSIDERED

8. There are no other options that are appropriate for consideration.

### REASONS FOR RECOMMENDED OPTION

9. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 requires local authorities to incorporate the provisions set out on Appendix A on the first meeting of the authority falling after 11<sup>th</sup> May 2015.

### IMPACT ON THE COUNCIL'S KEY PRIORITIES

10. There is no impact on the Council's Key Priorities

	<b>Priority</b>	<b>Implications</b>
	<p>We will support a strong economy where businesses can locate, grow and employ local people.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Be a strong voice for our veterans</i></li> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	No impact
	<p>We will help people to live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	No impact

	<p>We will make Doncaster a better place to live, with cleaner, more sustainable communities.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	No impact
	<p>We will support all families to thrive.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	No impact
	<p>We will deliver modern value for money services.</p>	No impact
	<p>We will provide strong leadership and governance, working in partnership.</p>	No impact

## **RISKS AND ASSUMPTIONS**

11. The legal requirement is to incorporate the new statutory provisions at the first meeting of the Authority after 11<sup>th</sup> May. Not agreeing to the changes will put the Authority in breach of these regulations.

## **LEGAL IMPLICATIONS**

12. As is set out in the body of this report the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 requires the Council to incorporate the changes. There is no legal requirement to have a policy for the Panel to utilise but having a policy ensures all parties understand the process to be followed. The determining of the policy is not the remit of full Council.

## **FINANCIAL IMPLICATIONS**

13. There are no financial implications.

## **HUMAN RESOURCES IMPLICATIONS**

14. There are no human resources implications other than what is already covered within the report.

## **TECHNOLOGY IMPLICATIONS**

15. There are no technology implications.

## EQUALITY IMPLICATIONS

16. There are no equality implications.

## CONSULTATION

17. Appropriate consultation will take place with the Relevant Officers on the changes and implications for those individuals affected.

This report has significant implications in terms of the following:

Procurement		Crime & Disorder	
Human Resources	x	Human Rights & Equalities	
Buildings, Land and Occupiers		Environment & Sustainability	
ICT		Capital Programme	

## BACKGROUND PAPERS

18. None

## REPORT AUTHOR & CONTRIBUTORS

Jill Parker - Assistant Director for Human Resources and Communications  
Telephone: 01302 737004  
[jill.parker@doncaster.gov.uk](mailto:jill.parker@doncaster.gov.uk)

Helen Potts - Principal Legal Officer  
Telephone 01302 734631  
[helen.potts@doncaster.gov.uk](mailto:helen.potts@doncaster.gov.uk)

Helen Wilson - Senior Legal Officer  
Telephone 01302 734688  
[helen.wilson@doncaster.gov.uk](mailto:helen.wilson@doncaster.gov.uk)

**Jill Parker**  
**Assistant Director for Human Resources and Communications**