



REPORT OF:	DEPUTY CHIEF EXECUTIVE
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TO:	COUNCIL
DATE:	23 JULY 2015

AGENDA ITEM NO:	4	WARD(S) AFFECTED:	N/A
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SUBJECT:	THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015
RECOMMENDATIONS:	
<ol style="list-style-type: none"> 1. The requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 be noted 2. The updated Employment Procedure Rules, as attached as Annex 1, be approved and the Monitoring Officer authorised to amend the Constitution 3. The following be appointed as Independent Persons to support the Council's Standards and Statutory Officer procedure rule requirements: <ul style="list-style-type: none"> • Mr Roger Pett • Mr Paul Sherar • Mr David Seymour • Mr Tony Allenby • Mrs Vivienne Cameron 4. Future appointments of Independent Persons be delegated to the Standards Committee. 	
SUMMARY	
<p>The Government has issued new regulations, from the 11th May 2015, that provide for new arrangements for taking disciplinary action against Council statutory officers i.e. the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.</p> <p>These Regulations require the Council to make amendments to the Employment Procedure Rules within the Council's Constitution by the first ordinary meeting following the Annual Council meeting.</p>	

STATUTORY POWERS

1. The Council is required to maintain a Constitution and Standing Orders, setting out how the Council will operate and take decisions. The Constitution includes Employment Procedure Rules, which govern recruitment, disciplinary and dismissal of staff. These Rules are themselves stipulated by regulations

11. Councils are required to modify their standing orders to implement these Regulations no later than the first ordinary meeting of the Council after the Regulations come into force on the 11th May 2015.

INDEPENDENT PERSONS

12. The Council has currently appointed one Independent Person under the Localism Act; Mr Roger Pett.
13. Across Surrey, four local authorities (Guildford BC, Mole Valley DC, Spelthorne BC and Waverley BC) have agreed a shared pool of Independent Persons to provide sufficient cover should an Independent Person be unavailable or face a conflict of interest. (Surrey Heath BC and Tandridge DC has also now expressed an interest to join the same pool and that is being explored).
14. As the new Regulations increase the role of the Independent Person, it is recommended that the Council joins with the Surrey pool and appoints additional Independent Persons, as follows:
 - Mr Roger Pett (existing Independent Person for Reigate and Banstead BC but also a member of the Surrey pool - except for Waverley BC)
 - Mr Paul Sherar (previous Chairman of Reigate & Banstead Independent Remuneration Panel)
 - Mr David Seymour (previous Chairman of Reigate & Banstead Independent Remuneration Panel)
 - Mrs Vivienne Cameron (current member of the Surrey Pool)
 - Mr Tony Allenby (current member of the Surrey Pool)
15. CVs for each of these individuals have been placed in the Members Room for information. Each of those persons listed above has consented to being part of this arrangement for Reigate and Banstead BC and the wider pool of IPs. If additional members are to be appointed to the pool as a result of Surrey Heath and Tandridge DC joining, it would seem sensible to delegate such appointments to the Standards Committee to ensure the administration of the pool is kept as simple as possible.

LEGAL IMPLICATIONS

16. The Council is required to adopt the requirements within the Regulations at the first Council.
17. The recommendations within this report will ensure that the Council meets the requirements of the Regulations.

FINANCIAL IMPLICATIONS

18. There are no financial implications arising from the changes outlined in this report. Independent Persons do not receive remuneration for their role but they are offered out of pocket expenses if they are incurred (e.g. travel to meetings).

Procedure Rule 9 - Officer Employment

9.1 General

- 9.1.1 Each member of the Management Team is responsible to the Council for the management, training, welfare, health and safety and discipline of the employees under their direction.
- 9.1.2 He/she shall act in accordance with the Council's HR Policies and Procedures.
- 9.1.3 He/she shall liaise closely with the Function Manager with responsibility for HR over the interpretation and application of these matters.
- 9.1.4 The Function Manager with responsibility for HR shall be responsible for monitoring that the Council's HR Policies and Procedures are being implemented and Officers are acting within their terms.
- 9.1.5 The Function Manager with responsibility for HR shall also keep the Council informed of all significant developments in the HR field.
- 9.1.6 Each member of the Management Team shall ensure that the Function Manager with responsibility for HR is supplied with all the information necessary for corporate monitoring systems on human resource management and payroll.
- 9.1.7 Terms and conditions of employment are set out in individual contracts of employment and the Council's HR Policies and Procedures.

9.2 Recruitment and appointment

Declarations

- 9.2.1 The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council; or of the partner of such persons.
- 9.2.2 No candidate so related to a Councillor or an Officer will be appointed without the authority of the Chief Executive or an Officer nominated by him/her.

Seeking Support for Appointment

- 9.2.3 The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council.
- 9.2.4 The content of Procedure Rule 9.2.3 will be included in any recruitment information.
- 9.2.5 No Councillor will seek support for any person for any appointment with the Council.

9.3 Recruitment of Head of Paid Service and Statutory Chief Officers

Where the Council proposes to appoint the Head of Paid Service or a Statutory Chief Officer the Council will:

- 9.3.1 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- 9.3.2 make arrangements for a copy of the statement of qualifications or duties to be sought in the person to be appointed to be sent to any person on request.

9.4 Appointment of Head of Paid Service, Chief Finance (S151) Officer and Monitoring Officer (Statutory Chief Officer)

- 9.4.1 The full Council will approve the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer in accordance with Annex 1 to Procedure Rule 9.
- 9.4.2 The full Council may only make or approve these appointments where no well-founded objection has been made in accordance with Procedure Rule 9.8.

9.5 Other appointments

- 9.5.1 Appointment of Officers other than those listed in Procedure Rule 9.4 (and assistants to political groups) will be undertaken in accordance with Annex 1 to Procedure Rule 9.

9.6 Disciplinary action/dismissal against Statutory Chief Officers

- 9.6.1 No disciplinary action (except suspension for the purpose of investigating the alleged misconduct occasioning the action) may be taken by, or on behalf of, the Council against the Head of Paid Service, Monitoring Officer or Chief Finance Officer other than in accordance with the Local Authorities (Standing Orders) (England) Regulations 2015.
- 9.6.2 Any suspension of Officers for the purpose of investigating an alleged misconduct occasioning the action must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- 9.6.3 In the case of a proposed disciplinary action against a statutory officer 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.
- 9.6.4 An independent panel will be formed if two or more independent persons accept the invitations, and councils should issue invitations in accordance with the following priority order:
 - An independent person who has been appointed by the council and who is a local government elector,
 - Any other independent person who has been appointed by the council, and
 - An independent person who has been appointed to another council or councils.

- 9.6.5 Any decision in relation to disciplinary action against a statutory officer will be taken transparently by full council, who must consider any advice, views or recommendations from the independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.

9.7 Disciplinary action/dismissal against other Officers

- 9.7.1 Dismissal or disciplinary action against any Officer other than those listed in Procedure Rule 9.4 (and assistants to political groups) will be undertaken in accordance with Annex 1 to Procedure Rule 9.

9.8 Notification of proposed appointment of Head of Paid Service, Chief Finance (S151) Officer and Monitoring Officer (Statutory Chief Officers)

- 9.8.1 The Proper Officer will notify every Member of the Executive of:

- (i) the name of the person concerned;
- (ii) any other particulars relevant to the appointment; and
- (iii) the date by which objections must be made.

- 9.8.2 An Executive Member wishing to make an objection must notify the Leader in sufficient time to enable the Leader to lodge an objection in accordance with Procedure Rule 9.8.3 below.

- 9.8.3 Objections must be material and well founded and must be made by the Leader on behalf of the Executive to the Proper Officer in writing within 5 working days unless specifically extended.

9.9 Conduct of employees

- 9.9.1 Employees should adopt high standards of personal conduct at work and should do nothing which would bring the Council into criticism or disrepute.

- 9.9.2 They must follow the Council's codes of conduct and regulations stated in the Constitution and elsewhere.

- 9.9.3 Only the Communications Unit, the Chief Executive, and Management Team, in consultation with the Communications Unit, may talk to the press, or otherwise make public statements on behalf of their Services unless otherwise designated under the Council's Emergency Plan.

9.10 Conditions of employment

- 9.10.1 All employees of the Council must be engaged on Contracts of Employment agreed by the Function Manager with responsibility for HR and in accordance with the Council's approved Terms and Conditions of Employment.

- 9.10.2 The Council will follow Advisory, Conciliation and Arbitration Service (ACAS) guidance for any changes to terms and conditions of employment.

9.11 HR Plans

- 9.11.1 The Function Manager considering variations to the approved Human Resource Plans or structure of their operating unit(s) shall, at the earliest opportunity, discuss the proposals with the Function Manager with responsible for HR who will advise on the procedure to be followed.
- 9.11.2 The Function Manager with responsible for HR shall be notified immediately of all changes to staffing in order that the necessary processes and documentation may be undertaken.

9.12 Training and development

- 9.12.1 The Function Manager shall be responsible for the training and development of employees under his/her direction in order to meet the needs of the Council and those of the employee, within the resources made available for the purpose. He/she shall liaise closely with HR in the execution of this responsibility.
- 9.12.2 The Chief Executive or Head of Paid Service shall be responsible for monitoring the business benefit provided through the training and learning opportunities afforded for all employees and that employees have the skill necessary to deliver the Council's services.

9.13 Discipline, performance and grievances

- 9.13.1 Disciplinary action will be taken in line with Annex 1 to Procedure Rule 9.
- 9.13.2 Performance related matters will be dealt with in accordance with HR Policies and Procedures.
- 9.13.3 Grievance matters will be dealt with in accordance with the Council's grievance and appeal procedures.
- 9.13.4 The Function Manager with responsibility for HR shall be informed of all grievances formally raised by employees and of all cases where any Officer is planning to take disciplinary or capability action.
- 9.13.5 The Head of Paid Service, Monitoring Officer and Chief Finance Officer in addition to the Function manager with responsible for HR will be informed where disciplinary action is planned in cases of misappropriation by an employee of funds and/or property belonging to the Council or any other form of gross misconduct.

9.14 Health and Safety Policy

- 9.14.1 All employees are required to follow the principles of Health and Safety as set out in the Council's Policies and Procedures which forms part of the Council's Conditions of Employment.
- 9.14.2 Members of the Management Team are responsible for the maintenance of the policy within their service areas and shall liaise closely with the Function Manager with responsibility for Health & Safety.

9.15 Equal opportunities and dignity at work

- 9.15.1 Reigate and Banstead Borough Council is committed to providing a working environment in which any employee, volunteer or client/customer:
- (i) is treated with dignity, respect, courtesy and fairness and is free from harassment, bullying or victimisation.
 - (ii) does not experience any form of discrimination on any basis including his or her age, disability, gender reassignment & sexual orientation, marriage & civil partnerships, pregnancy & maternity, race, religion & belief, sex or responsibilities for dependants.
- 9.15.2 The Council is also committed to ensuring that its services are available to all members of the Community.
- 9.15.3 Members of the Management Team are responsible for ensuring that the policy is implemented and that all employees observe their responsibilities towards each other and service delivery.

ANNEX 1 - OFFICER EMPLOYMENT RULES RESPONSIBILITY FOR FUNCTIONS

OFFICER	RECRUITMENT	DESIGNATION (where already an employee of the Council)	DISCIPLINARY / DISMISSAL	APPEAL AGAINST DISCIPLINARY / DISMISSAL
Head of Paid Service Chief Finance Officer Monitoring Officer Chief Executive (if not also Head of Paid Service)	COUNCIL (on recommendation of Employment Committee)	COUNCIL	COUNCIL (who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation and representations from the officer concerned)	COUNCIL
Deputy Chief Executive	Employment Committee (taking into account the advice of the Head of Paid Service)	N/A	Employment Committee	COUNCIL
Other Employees*	Head of Paid Service or Officer(s) nominated by him/her	N/A	Head of Paid Service or Officer(s) nominated by him/her	Head of Paid Service or Officer(s) nominated by him/her <i>(must be different to the person undertaking disciplinary / dismissal process)</i>

* Where appropriate, the relevant Member of the Executive may be informally consulted about the recruitment of any Management Team Manager.