

Agenda Item No: 15

Report No: 94/15

Report Title: Officer Employment Procedure Rules Update

Report To: Council

Date: 16 July 2015

Cabinet Member: Councillor Merry

Ward(s) Affected: All

Report By: Catherine Knight, Assistant Director Corporate Services

Contact Officer(s)-

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Purpose of Report:

To seek approval to update the Council's Officer Employment Procedure Rules.

Officers Recommendation(s):

- 1 To approve the amended Officer Employment Procedure Rules appended to this report, and to authorise the Assistant Director Corporate Services to publish the amended Rules in the Council's constitution.
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1. Reasons for Recommendations

- 1.1 The Council's Officer Employment Procedure Rules form part of Lewes District Council's Constitution. The Rules include arrangements for the appointment and dismissal of specified senior officers, in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.
- 1.2 The 2001 Regulations have recently been updated, requiring the Council to make the amendments detailed in paragraph 2.1 below no later than the first ordinary meeting of the Council falling after 11th May 2015.

2. Information

- 2.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 require the following changes to the Council's Officer Employment Procedure Rules:

- (i) Dismissals of the monitoring officer or chief finance officer must be approved by the authority before the notice of dismissal is given. (Previously, this requirement applied only to the proposed dismissal of the head of paid service.)
- (ii) There is no longer a requirement for a report from a designated independent person recommending disciplinary action against the head of the paid service, the monitoring officer or the chief finance officer before such action is taken. Instead, there is a new procedure for conducting dismissal hearings for such officers, which requires the Council to appoint at least two relevant independent persons to an advisory panel. Before voting on the dismissal, the authority must take account of the panel's views, the conclusion of any investigation into the proposed dismissal and any representations from the relevant officer.

2.2 The relevant parts of the Officer Employment Procedure Rules incorporating the above changes are set out in Appendix 1, marked up to show all amendments.

2.3 Following Council approval, the Monitoring Officer will arrange to publish the amended Procedure Rules in the Council's Constitution.

3. Financial Appraisal

If the recommendations to this report are approved, there will be no material impact on the Council's financial position. The cost of an independent advisory panel, should it be required, would be minimal and could be met from the Council's corporate budget.

4. Legal Implications

The Legal Services Department has made the following comments:

The Council is under a statutory duty to amend its Officer Employment Procedure Rules in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

5. Risk Management Implications

None.

6. Equality Screening

There are no equality issues associated with this report

7. Background Papers

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

Appendices

- 1. Officer Employment Procedure Rules incorporating all amendments required by The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.