

## Wiltshire Council

### Council

14 July 2015

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## Changes to Statutory Dismissal Procedures for Heads of Paid Service, Monitoring Officers and s.151 Finance Officers

### Purpose of Report

1. This report is to inform Council of the requirement to amend the Council's standing orders in relation to the Statutory Dismissal Procedures for Heads of Paid Service, Monitoring Officers and s.151 Finance Officers following the coming into force on 11 May 2015 of *the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015*.

### Background

2. On 11 May 2015 *the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015* came into force, having been made on 25 March 2015. These regulations introduced changes to statutory dismissal procedures for Heads of Paid Service, Monitoring Officers and S.151 Officers, to be reported at the first ordinary meeting of Council following the regulations coming into force.
3. The Regulations remove the requirement to appoint a Designated Independent Person to investigate and make a binding recommendation on disciplinary action against the listed senior staff. Instead, they provide that the decision must be taken 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.
4. The requirement to make these changes has been reported to the Constitution Focus Group on 11 June 2015 and the Standards Committee on 24 June 2015.

### Main Considerations

5. The Regulations will require changes to Part 15 of the Constitution - Officer Employment Procedure Rules - as well as contractual changes for affected officers.
6. Council must invite at least two independent persons (appointed under standards legislation) to be members of the panel as detailed in paragraph 3, and invitations must be sent in accordance with the following order of priority:
  - a. an independent person who has been appointed by the council and who is a local government elector;
  - b. any other independent person who has been appointed by the council;and

- c. an independent person who has been appointed by another council or councils.
7. The panel must be a committee of the council and, therefore, subject to all legal requirements for committees.
8. Legal and Human Resources are considering the arrangements for implementing these requirements, and subject to the recommendation below, will report the final changes once they have been implemented.

### **Safeguarding Implications**

9. There are no safeguarding issues arising from this report.

### **Equalities Impact of the Proposal**

10. There are no equalities impacts arising from this report.

### **Risk assessment**

11. There are no significant risks arising from this report

### **Financial Implications**

12. There are no financial implications arising from this report.

### **Legal Implications**

13. The recommendations in this report are consistent with the relevant legislation, and there are no legal implications arising from this report

### **Public Health Impact of the Proposals**

14. There are no public health impacts arising from this report.

### **Environmental Impact of the Proposals**

15. There are no environmental impacts arising from this report.

### **Proposal**

16. **That Council delegate authority to the Monitoring Officer to amend the Council's Standing Orders to comply with the *Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015* as detailed above.**

**Ian Gibbons, Associate Director, Legal and Governance and Monitoring Officer**

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Unpublished reports relied upon in the preparation of this report: None