

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	<b>Council</b>	
MEETING/ DECISION DATE:	<b>16 July 2015</b>	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	<b>AMENDMENTS REQUIRED TO THE CONSTITUTION RELATING TO THE LOCAL AUTHORITIES (STANDING ORDERS)(ENGLAND) (AMENDMENT) REGULATION 2015 AND THE RE-STRUCTURING IMPLEMENTATION COMMITTEE</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> Appendix 1		

### **1 THE ISSUE**

- 1.1 This report asks Council to agree the amendments to the Constitution required by the Regulations and to ensure the Re-structuring Implementation Committee reflects the structure of the Council.

### **2 RECOMMENDATION**

- 2.1 That Council agrees the required changes set out in Appendix 1 to the Constitution.

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 There are no financial, property or people implications directly arising from this report.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the Regulations) require that “no later than the first ordinary meeting of the authority falling after 11<sup>th</sup> May 2015” the Council must incorporate the provisions set out in Schedule 3 into its Constitution.

## **5 THE REPORT**

- 5.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the Regulations) amend the Local Authorities (Standing Orders) (England) Regulations 2001 which require that no disciplinary action in respect of a protected officer can take place other than in accordance with a recommendation in a report made by a Designated Independent Person (DIP). The new process set out in Schedule 3 to the Regulations removes the statutory requirement for a DIP in order to take disciplinary action and introduces new rules in respect of dismissal. The implications and practical implementation of these Regulations are currently under discussion between the LGA and the DCLG. It is therefore recommended at this time that the Constitution is simply changed to state that the Council will operate in accordance with the Regulations. This will allow time for the broader procedural changes to be implemented once the discussions with DCLG have concluded
- 5.2 The composition of the membership of the Re-structuring Implementation Committee needs to be amended as there is now an additional political party represented at Council.

## **6 RATIONALE**

- 6.1 The Council is required by the Regulations to amend the Constitution so that it states it will operate in accordance with the Schedule 3 of the Regulations.
- 6.2 The membership of the Re-structuring Implementation Committee was intended to reflect the political make-up of the Council and so this requires amendment.

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None.

## **8 CONSULTATION**

- 8.1 No consultation has taken place in relation to the amendments required by the Regulations as these have to be made. The Group Leaders have been consulted about the membership of the Re-structuring Implementation Committee.

## **9 RISK MANAGEMENT**

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

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<b>Background papers</b>	<i>The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

**Changes required to the Constitution (*in italics*)**

**Part 4K – Employment Procedure Rules**

**RULE 9 – DISCIPLINARY ACTION**

**(a) Suspension.** The Head of Paid Service, Monitoring Officer and Chief Financial Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

**(b) Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with ~~a recommendation in a report made by a designated independent person.~~ *Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.*

**(c) Involvement of Councillors.** Councillors will not be involved in the disciplinary action against any officer below Director level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

**Part 5 – Terms of Reference**

**RE-STRUCTURING IMPLEMENTATION COMMITTEE**

**Membership**

The Committee shall comprise 5 Members in the political proportion 1 Conservative Member, 1 Liberal Democrat Member, 1 Labour Member, 1 Independent Member. *and 1 Green Member.*