

SENIOR OFFICERS' INDEPENDENT DISCIPLINARY PANEL
Tuesday, 28th July, 2015

Present:- Councillor Beck (in the Chair); Councillor Hughes, along with Mr. P. Beavers and Mr. D. Roper-Newman (Independent Persons).

An apology for absence was received from Councillor C. Vines.

1. ESTABLISHMENT OF THE SENIOR OFFICERS INDEPENDENT DISCIPLINARY PANEL AND TERMS OF REFERENCE

Consideration was given to a report presented by Stuart Fletcher, Deputy Monitoring Officer, which explained in detail the requirement for a Senior Officers Independent Disciplinary Panel under Section 28(6) of the Localism Act 2011, as approved at the meeting of Full Council on 3rd June, 2015 and sought approval to the Terms of Reference.

The Secretary of State had now issued new regulations which have the effect of removing the requirement for a Designated Independent Person and replaced it with a requirement that the disciplinary processes for the three officers be transparent and any decision to dismiss taken by Full Council

Council must consider any advice, views or recommendations from the Independent Panel, the conclusions of any investigation into any allegations and any representations from the Officer concerned.

The Panel asked a number of questions and were advised that the regulations had only recently come into force, that there were no requirement to widen out the Panel to include other Senior Officer roles, other than those indicated, and, at this stage, the Standards Committee did not have a role to play in the disciplinary process.

The forthcoming review of the Standards Committee was noted, which would have a more prominent role in promoting standards and ethics for Members and Officers. It was suggested that the details of this Panel be submitted for information as part of the review.

The Panel turned their attention to the Terms of Reference and agreed them in principle, subject to further clarification on who had the power to suspend the Head of the Paid Service, the current membership of the Panel, taking into account political balance, and whether this could be increased for any urgent immediate decisions. It was also suggested that the Terms of Reference include the taking of representations from the officer concerned.

In the event of the Panel convening a meeting it was suggested that an officer from Human Resources and/or Legal Services be present to avoid any conflict for the Monitoring Officer for the sake of transparency.

Further clarification was sought on the role of the Panel, their investigations into any allegations, representations from the relevant officer and recommendations, advice or views to Full Council. It was noted that only the Panel's findings and recommendation would go to Full Council for a formal decision and would not be a continuation or rehearing of evidence.

Resolved:- (1) That the report be received and the contents noted.

(2) That the Terms of Reference be approved subject to revision to include the detail relating to the suspension of the Head of the Paid Service and the taking of representations from the officer concerned.

(3) That further information be provided on the membership requirements, taking into account political balance, and whether it was appropriate for the size to increase.