



## **REPORT of CHIEF EXECUTIVE**

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**to  
COUNCIL  
21 DECEMBER 2017**

### **INVESTIGATING AND DISCIPLINARY PANEL**

#### **1. PURPOSE OF THE REPORT**

- 1.1 To receive an update and agree a revision to the constitutional arrangements for the Investigating and Disciplinary Panel (“the Panel”) in terms of the actual membership of the Panel.

#### **2. RECOMMENDATIONS**

- (i) That the update be noted and endorsed;
- (ii) that the Council appoints a pool of ten Members (politically balanced) and invites the following Independent Persons to serve on the Investigating and Disciplinary Panel:
  - Mr N Hodson and Mr S Anthony
  - Reserve – Ms C Gosling

#### **3. AREA FOR DECISION / ACTION**

- 3.1 The Panel was introduced in July 2015 due to a then recent change in the law which meant that the Council had to review its arrangements in relation to the disciplinary process for its statutory officers, namely the Head of Paid Service, the Chief Financial Officer (S151), and the Monitoring Officer. The Council had already put in place an Investigating and Disciplinary Committee with an operating protocol based on the procedures laid down in the Joint Negotiating Committee for Local Authority Chief Executives model.
- 3.2 The recent change in the law affects those situations where arising from that process a conclusion and recommendation of dismissal is the outcome. Before any such recommendation is considered by the Council, it must first be separately looked at by a Panel including at least two Independent Persons appointed to assist with conduct issues under the Localism Act 2011. Under arrangements approved by the Council, the Panel will also include Members who have not been part of the initial investigation carried out by Investigating and Disciplinary Committee. It will then be that Panel’s duty to recommend to the Council on any proposed course of action involving or culminating in dismissal.

- 3.3 The way the change was intended to work in practice was that the membership of the Panel is appointed and therefore in place and ready to act should the situation arise, as there is a fairly short timescale for a meeting of the Panel to be convened.
- 3.4 The membership of the Panel is made up of Councillors and Independent Persons. The Independent Persons have to be invited to be appointed. Both this Council's Independent Person (Mr N Hodson) and reserve Independent Person (Mr S Anthony) have been approached and confirmed their willingness to be appointed. A reserve appointee has been pursued from a list of available Independent Persons operating within Essex, and Ms C Gosling, an Independent Person for Chelmsford City Council, has confirmed her willingness to act as a reserve appointee.
- 3.5 So far as this Council's membership of the Panel is concerned, it is felt that in common with all other Committees and Panels it would be good practice to have in place a nominated membership pool appointed by the Council. This can then be reviewed along with all others at the statutory annual meeting.

#### **4. IMPACT ON CORPORATE GOALS**

- 4.1 The updating of the corporate governance and associated arrangements underpins the decision making processes of the Council, is in part a matter of compliance with the law and is also linked to the Corporate Goal of aiming to be an organisation that delivers good quality cost effective and valued services in a transparent way.

#### **5. IMPLICATIONS**

- (i) **Impact on Customers** – It is important that the Council is able openly to explain, through well-presented and user-friendly constitutional documentation, the way in which it is set up and operates, and how it conducts its business. It is important that the Council's procedures are seen as open and transparent.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.
- (vi) **Impact on the Environment** – None.

Background Papers: None.

Enquiries to: Stuart Jennings, Corporate Governance Project Officer (Tel: 01621 875745).