

North East Derbyshire District Council

Standards Committee

21 September 2015

Protection for Statutory Officers Survey

Report No ADGMO/17/15-16/SS of the Assistant Director – Governance and Monitoring Officer

This report is public

Purpose of the Report

- To advise members of a recent survey by Weightman's into new rules regarding statutory protection for the Head of Paid Service, Section 151 Officer and Monitoring Officer.

1 Report Details

- 1.1 Members will be aware that the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 came into force on 11 May 2015 and removed the 'statutory protection' afforded to the statutory officer posts of Head of Paid Service, Section 151 Officer and Monitoring Officer. The old rules required the appointment of a Designated Independent Person who made a binding recommendation to the Council on any disciplinary matters brought against those officers.
- 1.2 The new rules make it a matter for the Council meeting to decide on the dismissal of a statutory officer having regard to the advice, views and recommendations of a Panel of at least two Independent Persons (IPs). These are the Independent Persons appointed under Section 28 of the Localism Act for the purposes of being consulted on complaints against members under the code of conduct.
- 1.3 Following the introduction of the Regulations, Weightmans canvassed heads of legal services requesting views on how the changes would impact on local authorities and the likely arrangements that would be put in place. The attached paper highlights a degree of uncertainty amongst professionals and presents some interesting points around whether members as well as IPs may sit on the advisory panel, the practicalities of including an appeal mechanism within the process and the point at which IPs should come to a view.
- 1.4 Bolsover District Council implemented the new Regulations within its Constitution at its Annual Council Meeting on 21 May 2015.

2 Conclusions and Reasons for Recommendation

- 2.1 To advise members of details of the survey.

3 Consultation and Equality Impact

3.1 None.

4 Alternative Options and Reasons for Rejection

4.1 None.

5 Implications

None.

6 Recommendations

6.1 To note the report.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	
Links to Corporate Plan priorities or Policy Framework	

8 Document Information

Appendix No	Title
A	Survey briefing and results
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
N/A	
Report Author	Contact Number
M Kane	7753