

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CONSTITUTION COMMITTEE**

DATE: **WEDNESDAY, 9 JULY 2014**

REPORT BY: **HEAD OF LEGAL & DEMOCRATIC SERVICES**

SUBJECT: **STANDING ORDERS ON THE APPOINTMENT
AND DISMISSAL OF OFFICERS**

1.00 PURPOSE OF REPORT

1.01 To update the Council's Standing Orders relating to the Appointment and Dismissal of Officers

2.00 BACKGROUND

2.01 Part 4 of the Council's Constitution contains standing orders relating to the appointment and dismissal of officers. The review of this part of the Constitution has been delayed pending legislative changes proposed by the Welsh Government.

2.02 Between March and the end of May last year the Welsh Government consulted on draft regulations to amend the 2006 Regulations requiring Councils to include standing orders governing the appointment and dismissal of senior post holders in the authority. This consultation was considered by the committee at its meeting on the 24 April 2013 and attached as Appendix 1 is a copy of the response to consultation that was sent after that meeting.

2.03 Attached as Appendix 2 is the explanatory memorandum to the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 which are in force from the 1 July 2014. Regulation 13 requires the Council to revise its existing standing orders to conform with the amendments made by the regulations within 10 weeks of the 1 July 2014.

2.04 Attached as Appendix 3 to this report are the standing orders relating to the appointment and dismissal of officers which show tracked changes to reflect the requirements of the 2014 regulations.

3.00 CONSIDERATIONS

3.01 The first changes made by the 2014 regulations are to amend the 2006 regulations to delete reference in the earlier regulations to the Mayor and Council Manager executive model and the "alternative arrangements" model both of which were repealed by the 2011

Measure. These changes have little effect on Flintshire's standing orders. There are five significant changes made by the regulations as summarised in the following paragraphs.

- 3.02 The first of these is to give the same status to the Head of Democratic Services as is given to other statutory posts in relation to the process under which disciplinary action can be taken against them. That process involves the establishment of an Investigating Committee which if it feels there is a case to answer can appoint an independent person to investigate an allegation and make a recommendation as to the appropriate course of action for the authority to take. The reason for the addition of this post is given in paragraph 4.3.3 of the explanatory memorandum.
- 3.03 The second significant change is to add the posts of Monitoring Officer and Head of Democratic Services to the list of those posts that are not subject to appointment or dismissal by the Head of Paid Service. Other posts already on this list are the Head of Paid Service; Chief Officers and Deputy Chief Officers. These posts require their appointment or dismissal to be conducted by a committee which must include at least one member of the Cabinet in its membership.
- 3.04 In response to concerns raised with Welsh Government officials the regulations now extend the protections given in relation to disciplinary action to where the officer held one of the protected posts at the time of the alleged misconduct but no longer does so.
- 3.05 The next change made by the regulations is in relation to the recruitment and appointment of Chief Officers. The new regulations require that where an authority proposes to appoint a Chief Officer who is to be paid annual remuneration of £100K or more the post must be publically advertised. The exception to this is where the appointment is to be made for a period of no longer than 12 months in order to cover emergencies or unforeseen departures. The intention behind this is to ensure that able candidates from outside the organisation have the opportunity to gain the position if found to be the most suitable.
- 3.06 The last significant change that is made is to make additional provision concerning the remuneration of Chief Officers. This is to ensure that any decision to determine or vary the remuneration of Chief Officers must be made by full Council rather than it being delegated to a committee.

4.00 RECOMMENDATIONS

- 4.01 The committee is recommended to approve the changes shown in Appendix 3 so as to update the standing orders to reflect the 2014 regulations.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None as a result of this report.

12.00 APPENDICES

12.01 Appendix 1 - Response to consultation
Appendix 2 - Explanatory Memorandum
Appendix 3 - Standing Orders relating to the appointment and dismissal of offers

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

The Local Authorities (Standing Orders) (Wales) (Amendment)
Regulations 2014

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