

	<b>General Purposes Committee</b> 22 July 2019
	<b>Report from Head of Paid Service</b>
<b>Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer</b>	

<b>Wards Affected:</b>	N/A
<b>Key or Non-Key Decision:</b>	N/A
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	One Appendix 1: Disciplinary & Dismissal Policy
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Debra Norman Director of Legal, HR and Audit & Investigation Tel: 020 8937 1578 Email: Debra.norman@brent.gov.uk

## 1.0 Purpose of the Report

This report seeks approval from the Committee to make changes to the council's Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer following recommendations received from the Joint Negotiating Committee for Chief Executives of local authorities.

## 2.0 Recommendations

- 2.1 To agree the delegation of power to suspend the Chief Executive to the Head of HR, subject to the consultation requirements set out in Appendix 1.
- 2.2 To approve the revised Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer in Appendix 1.

### **3.0 Detail**

- 3.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the Regulations) made changes to matters relating to the dismissal of three statutory Officers, the Head of Paid Service, Monitoring Officer and Section 151 Officer. The intention of this provision is to ensure that these officers can discharge their duties without any fear of being unduly influenced or being dismissed without good reason. The changes required amendments to the constitution and the establishment of a process at the Council which encompassed the new procedures and clarified which officers/committees would be responsible at any stage of the process if required
- 3.2 Following recent experience of use of the new statutory processes elsewhere, the Joint Negotiating Committee for Chief Executives of local authorities wrote in May to all local authorities to remind them about arrangements required or recommended to be in place. The arrangements already adopted in Brent comply with the mandatory requirements.
- 3.3 The Chief Executive's' Handbook however recommends that an elected member should hold the delegated power to suspend a Chief Executive in an emergency. Under section 101 of the Local Government Act 1972, Council may only delegate its non-executive functions to a committee, sub-committee or officer of the Council. Personnel matters are a non- executive function under the Local Authorities (Responsibilities and Functions) (England) Regulations 2000, so cannot be delegated to an elected member. It is recommended therefore that an officer have power to suspend the Chief Executive should this be necessary. This is to ensure that this action can be taken immediately, if necessary, pending a meeting of a member committee being called.
- 3.4 It is therefore proposed that the council's disciplinary and dismissal procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer be amended to provide for this. The proposed amendments are set out in Appendix 1. The opportunity has been taken to also update job title reference.

### **4.0 Financial Implications**

- 4.1 None arising directly from this report.

### **5.0 Legal Implications**

- 5.1 These are set out in the body of the report.

### **6.0 Diversity Implications**

- 6.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation

and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 6.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 6.3 The amendment to the Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer proposed in the report does not have any equalities. Any specific equalities implications will be considered at the time of any future use of the procedures.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 None.

## **8. Human Resources/Property Implications (if appropriate)**

- 8.1. The proposed changes to the Disciplinary and Dismissal Procedures for the roles of the Chief Executive, Monitoring Officer and Section 151 Officer will ensure that should the need to use these procedures arise suspension can be swiftly implemented if necessary.

### **Report sign off:**

Debra Norman  
Director of Legal, HR and Audit &  
Investigations