Report to	Council	**Item**
	23 June 2015	
Report of	Executive head of business relationship management and democracy	8
Subject	Constitution review - The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015	

Purpose

To consider the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Recommendation

To amend appendix 12 of the constitution to reflect the requirements of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 as summarised in appendix A

Corporate and service priorities

The report helps to meet the corporate priority value for money services.

Financial implications

There are no direct financial implications arising from this report.

Ward/s: All

Cabinet member: Councillor Stonard, cabinet member for resources and income generation

Contact officers

Andy Emms, democratic services manager 01603 212459

Background documents

None

Background

1. The Local Authorities (Standing Orders) (England) Regulations 2001 have recently been amended by The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and council is required to make appropriate changes to its standing orders.

2. The change relates to the dismissal of certain chief officers (head of the authority's paid service, chief finance officer and monitoring officer).

3. In summary, the change is that instead of a ‘designated independent person’ to be engaged to provide an independent external view on any proposed dismissal, council must take into account the advice, views and recommendations of a panel composed of at least two of the independent persons appointed under the Localism Act 2011.

4. These posts were created in 2012 to deal with standards and ethics issues. As most authorities (including Norwich City Council) only appointed one independent person it will usually be the case that an independent person from another authority will need to be engaged to form the panel required by the new regulations.

5. The council’s independent person is Mr. Alistair Roy. Expenses for this duty will be at the same rate as currently paid to the independent person for existing duties.

6. This report and its appendix were reviewed by cabinet on 10 June 2015. A recommendation was made that council should amend the constitution accordingly.

Integrated impact assessment

NORWICH City Council

Report author to complete	
Committee:	Cabinet
Committee date:	10 June 2015
Head of service:	Executive head of business relationship management and democracy
Report subject:	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015
Date assessed:	1 June 2015
Description:	Statutory requirement for councils to amend standing order at first council after annual council

	Impact			
Economic (please add an 'x' as appropriate)	**Neutral**	**Positive**	**Negative**	**Comments**
Finance (value for money)	☒	☐	☐	
Other departments and services e.g. office facilities, customer contact	☒	☐	☐	
ICT services	☒	☐	☐	
Economic development	☒	☐	☐	
Financial inclusion	☒	☐	☐	
Social (please add an 'x' as appropriate)	**Neutral**	**Positive**	**Negative**	**Comments**
Safeguarding children and adults	☒	☐	☐	
S17 crime and disorder act 1998	☒	☐	☐	
Human Rights Act 1998	☒	☐	☐	
Health and well being	☒	☐	☐	
Equality and diversity (please add an 'x' as appropriate)	**Neutral**	**Positive**	**Negative**	**Comments**
Relations between groups (cohesion)	☒	☐	☐	

	Impact			
Eliminating discrimination & harassment	☒	☐	☐	
Advancing equality of opportunity	☒	☐	☐	
Environmental (please add an 'x' as appropriate)	**Neutral**	**Positive**	**Negative**	**Comments**
Transportation	☒	☐	☐	
Natural and built environment	☒	☐	☐	
Waste minimisation & resource use	☒	☐	☐	
Pollution	☒	☐	☐	
Sustainable procurement	☒	☐	☐	
Energy and climate change	☒	☐	☐	
(Please add an 'x' as appropriate)	**Neutral**	**Positive**	**Negative**	**Comments**
Risk management	☒	☐	☐	

Recommendations from impact assessment
Positive
Negative
Neutral
Neutral
Issues

Change to constitution in relation to dismissal of certain chief officers

1. A chief finance officer, head of the authority's paid service or monitoring officer (each defined as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) may not be dismissed by the authority unless the procedure set out in the following paragraphs is complied with.

2. The authority must invite relevant independent persons (meaning persons appointed under section 28(7) of the Localism Act 2011) to be considered for appointment to the panel, with a view to appointing at least two such persons to the panel.

3. The “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

4. The authority must appoint to the panel at least two such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order -

    (a) a relevant independent person who has been appointed by the authority and who is a local government elector;

    (b) any other relevant independent person who has been appointed by the authority;

    (c) a relevant independent person who has been appointed by another authority or authorities.

5. The authority must appoint any panel at least 20 working days before the relevant meeting.

6. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular –

    (a) any advice, views or recommendations of the panel;

    (b) the conclusions of any investigation into the proposed dismissal; and

    (c) any representations from the relevant officer.

7. Any remuneration, allowances or fees paid by the authority to an independent person appointed to the panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the Localism Act 2011.