

SURREY HEATH BOROUGH COUNCIL

Surrey Heath House
Knoll Road
Camberley
Surrey
GU15 3HD

Wednesday, 15 July 2015

To: The Members of the Surrey Heath Borough Council

Dear Councillor,

You are hereby summoned to attend a meeting of Surrey Heath Borough Council to be held in the Council Chamber, Surrey Heath House on Thursday, 23 July 2015 **at 6.30 pm**. The business which it is proposed to transact at the meeting is set out below.

Please note that this meeting will be recorded.

Yours sincerely

Karen Whelan

Chief Executive

1. Apologies for Absence

To report apologies for absence.

2. Minutes

To approve as a correct record, the minutes of the Annual meeting of the Council held on 20 May 2015.

3. Mayor's Announcements

4. Leader's Announcements

5. Declarations of Interest

Members are invited to declare any Disclosable Pecuniary Interests and non-pecuniary interests they may have with respect to matters which are to be considered at this meeting.

6. Questions from Members of the Public

To answer questions, if any, received under Council Procedure Rule 10 (Paragraph 3 of the Public Speaking Procedure Rules).

7. Questions from Councillors

To deal with questions, if any, received under Council Procedure Rule 11.

8. Executive, Committees and Other Bodies

To receive the open minutes of the following bodies (minutes reproduced in the attached Minute Book), to answer questions (if any) in accordance with Council Procedure Rule 11.5 and to consider the recommendations as set out below:

(a) Executive - 26 May 2015, 16 June 2015 and 7 July 2015

9/E Highways Bids to the Local Enterprise Partnership

RECOMMENDED that

(i) **local contributions funding of up to £1,625,000 be agreed for the following highway bid schemes:**

- **A30/A331 (Meadows Gyratory) in 2015/16 – 2016/17**
- **London Road (A30) Camberley Town Centre Highway Improvements in 2016/17 – 2017/18**

(ii) **contributions be phased over 2015/16 and 2016/17, with payment to be made upon commencement of the works; and**

(iii) **any cost overruns on these two schemes would not be funded by the Council.**

(b) Planning Applications Committee - 30 April 2015, 27 May 2015 and 22 June 2015

(c) Joint Staff Consultative Group - 4 June 2015

(d) Performance and Finance Scrutiny Committee - 17 June 2015

(e) Licensing Committee - 24 June 2015

(f) External Partnerships Select Committee – 14 July 2015 (to be laid on the table)

(g) Audit and Standards Committee - 15 July 2015 (to be laid on the table)

9. Officer Employment Rules (Pages 5 - 8)

To consider the report of the Head of Legal Services (attached).

10. Presentation to Brigadier Allan McLeod

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**Officer Employment Rules - Part 4 - Section J
of the Constitution**

Ward(s)	N/A
Affected:	

Purpose

To consider statutory changes to the Officer Employment Rules at Part 4 - Section J of the Constitution.

Background

1. In 2010 new rules were introduced which stated that a statutory officer could not be the subject of disciplinary action unless a Designated Independent Person had been appointed to investigate and make a binding recommendation on such action. The Government has now changed that process.

Current Position

2. Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 came into force on 11 May 2015 and require that local authorities incorporate certain provisions in respect of disciplinary action of statutory officers into the Council's Standing Orders. These are set out in the attached Annex A (deletions shown crossed through and additions shown in bold).
3. The Regulations set out changes to the statutory disciplinary and dismissal procedures applying to the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer. Under the new process, the dismissal of a statutory officer must be approved by way of a vote at a meeting of the authority who will be able to dismiss, provided they take into account the advice, views or recommendations of a Panel which must include at least two independent persons as defined under Section 28 of the Localism Act 2011. Arrangements for a pool of Independents Persons are being considered to meet this requirement. The Panel must also take into account the conclusions of any investigation and representations from the officer concerned.
4. The Regulations also require authorities to incorporate these provisions at the first ordinary meeting falling after 11 May 2015.

Recommendation

5. The Council is advised to RESOLVE that the Officer Employment Rules at Part 4 Section J paragraph 7 of the Constitution be amended in accordance with the Schedule to the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 as set out at Annex A.

Annexes: Annex A

Background Papers: The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 no: 881

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PART 4 - PROCEDURAL RULES
SECTION J
OFFICER EMPLOYMENT RULES
EXTRACT

7. Disciplinary action

(a) Suspension

The Head of Paid Service, Monitoring Officer and the Section 151 Officer may be suspended by the Council whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

~~**(b) Independent person**~~

~~No other disciplinary action may be taken in respect of the Head of Paid Service, Monitoring Officer and the Section 151 Officer except in accordance with a recommendation in a report made by a designated independent person by the Secretary of State.~~

(b) Independent Panel

No disciplinary action may be taken in respect of the Head of Paid Service, the Monitoring Officer or the Section 151 Officer, except the action described in (a) above, other than in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. This includes the appointment of an Independent Panel and the decision maker having regard to

- (i) any advice, views and recommendations of the Panel;**
- (ii) the conclusions of any investigation into the proposed dismissal; and**
- (iii) any representations from the relevant officer.**

(c) Officers below Head of Service

Councillors will not be involved in the disciplinary action against any officer below Head of Service level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

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