



# Report – Policy and Resources Committee Amendment to Standing Orders

*To be presented on Thursday 25<sup>th</sup> June 2015*

*To the Right Honourable The Lord Mayor, Aldermen and Commons  
of the City of London in Common Council.*

## **SUMMARY**

The purpose of this report is to propose the amendment of Standing Order 63 regarding Disciplinary Action to comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the 2015 Regulations).

This Standing Order currently sets out the process by which disciplinary action can be taken in respect of the Town Clerk, the City of London Corporation's Monitoring Officer or the Chamberlain. The 2015 Regulations amend this process such that it now only covers dismissal, rather than any discipline, and no longer requires the relevant authority (the Court of Common Council in this instance) to follow a recommendation of a designated independent person. Investigations into dismissal of one of the three designated officers should therefore be conducted by a disciplinary panel, and a decision agreed by a vote of the Court of Common Council.

The full terms of the proposed amendments are attached at Appendix A. This integrates Schedule 3 of the 2015 Regulations into Standing Orders as required by law.

## **RECOMMENDATION**

Members are asked to:

- a) approve the amendment of Standing Order 63 to comply Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, as set out in Appendix A.
- b) note that your Policy and Resources Committee has, subject to the approval of the amendment to Standing Order 63 by this Honorable Court, requested that the Director of Human Resources undertake further work into the composition and constitution of the disciplinary panel and report thereon to your Policy and Resources Committee, your Establishment Committee and this Honorable Court as necessary.

## MAIN REPORT

### Current position

1. Currently, Standing Order 63(2) states that:  
*“No disciplinary action in respect of the Town Clerk, the City of London Corporation’s Monitoring Officer (as defined in Regulation 2 of the said Regulations) or the Chamberlain, except action described in Standing Order Number 63 (3), may be taken by the Court, or by a Committee, Sub-Committee, a Joint Committee on which the City of London Corporation is represented or any other person acting on behalf of the City of London Corporation, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 7 (investigation of alleged misconduct) of the said Regulations.”*
2. This means that the Court of Common Council can only approve disciplinary action in respect of one of those three named officers if it is recommended to them through a report made by a designated independent person. This is reflective of the requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 which has now been replaced with the new requirements set out below.

### New Requirements

3. The 2015 Regulations amend this such that there is no longer reference to disciplinary action, only to dismissal. In this area, the relevant authority (in this case the Court of Common Council) can only approve dismissal of those three same officers through a vote of the authority, as long as this vote takes into account:
  - a) any advice, views or recommendations of a Panel;
  - b) the conclusions of any investigations; and
  - c) any representations from the officer concerned.
4. The requirement that advice, views or recommendations of a Panel must be taken into account necessarily means that a Panel must be created to investigate potential dismissals of these officers. The 2015 Regulations set out some of the requirements for this panel and these are incorporated into the proposed amendments to Standing Order 63 set out at Appendix A. The Panel must comprise at least two Independent Persons appointed for the purposes of Standards investigations under the Localism Act 2011; the Corporation has already appointed three such independent persons to its Standards Committee.
5. The Panel has the status of an advisory committee appointed under s.102(4) of the Local Government Act 1972 and will need to be appointed by the Court of Common Council. Due to the requirement to incorporate the 2015 Regulations into Standing Orders as soon as possible, it is also recommended that investigation be conducted in this area by the Director of Human Resources, with a further report to be submitted to your Policy and Resources Committee, your Establishment Committee and the Court of Common Council if required.

## **Conclusion**

6. The amendment required by the 2015 Regulations is required and Members are **recommended** to approve the amendments set out in Appendix A to this report.

All of which we submit to the judgment of this Honorable Court.

DATED this 28<sup>th</sup> day of May, 2015.

SIGNED on behalf of the Committee.

**Mark John Boleat**  
Chairman, Policy and Resources Committee

### 63. Disciplinary Action

1. In the following paragraphs,
  - (a) “the 2011 Act” means the Localism Act 2011;
  - (b) “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
  - (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
  - (d) “local government elector” means a person registered as a local government elector in the register of electors in the City of London Corporation’s area in accordance with the Representation of the People Acts;
  - (e) “the Panel” means a committee appointed by the Court of Common Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Court of Common Council on matters relating to the dismissal of relevant officers of the City of London Corporation;
  - (f) “relevant meeting” means a meeting of the Court to consider whether or not to approve a proposal to dismiss a relevant officer; and
  - (g) “relevant officer” means the Town Clerk, Chamberlain or Monitoring Officer, as the case may be.
2. A relevant officer may not be dismissed by the City of London Corporation unless the procedure set out in the following paragraphs is complied with.
3. The Court of Common Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
4. In paragraph 3 “relevant independent person” means any independent person who has been appointed by the Court of Common Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Court of Common Council considers appropriate.
5. Subject to paragraph 6, the authority must appoint to the Panel 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 Court of Common Council and who is a local government elector;
  - (b) any other relevant independent person who has been appointed by the Court of Common Council;
  - (c) a relevant independent person who has been appointed by another authority or authorities.
6. The Court of Common Council is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.
7. The Court of Common Council must appoint any Panel at least 20 working days before the relevant meeting.
8. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Court of Common Council 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.

9. Any remuneration, allowances or fees paid by the City of London Corporation 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 2011 Act.