

TO: **FINANCE COMMITTEE**
POLICY AND RESOURCES COMMITTEE

Tuesday, 16 February 2016
Thursday, 18 February 2016

FROM: **ESTABLISHMENT COMMITTEE**

Thursday, 4 February 2016

STATUTORY DISMISSAL PROCEDURES FOR THE HEAD OF PAID SERVICE (TOWN CLERK AND CHIEF EXECUTIVE), MONITORING OFFICER (COMPTROLLER AND CITY SOLICITOR) AND CHIEF FINANCIAL OFFICER (CHAMBERLAIN)

The Committee considered a joint report of the Town Clerk and the Director of Human Resources which set out proposals for the Statutory Dismissal Procedures for the Head of Paid Service (Town Clerk and Chief Executive), Monitoring Officer (Comptroller and City Solicitor) and Section 151 Officer (Chamberlain).

A Member suggested that, rather than the oversight of the investigation being the responsibility of the Chairman of the Establishment Committee and the Chairman of the appointing Committee (either Policy and Resources Committee or Finance Committee), that the oversight of the investigation relating to any of the Relevant Officers be the responsibility of Chairman of the Policy and Resources Committee, the Chairman of the Finance Committee and the Chairman of the Establishment Committee. This would ensure that there was an odd number of Members involved in the oversight of the disciplinary procedure, and therefore ensure that a majority approach could be followed in the event of any dispute regarding the best way to proceed.

The Committee agreed with this proposal.

A Member suggested that, to ensure a quorum of Independent Persons was achieved, all three Independent Persons be appointed to the Senior Officer Review Panel. The Town Clerk clarified that the creation of the Panel and its composition was a matter for the Policy and Resources Committee. The Committee agreed that this amendment should be recommended to the Policy and Resources Committee.

A Member suggested that the role of the Panel could be fulfilled by the Standards Committee, rather than creating a new Committee for this role. The Town Clerk clarified that this would be a matter for the Policy and Resources Committee to determine, but agreed to investigate the legal position in relation to this in advance of that Committee's consideration of this report.

RESOLVED – That the Committee:

- a) Agrees that the oversight of the investigation of any complaints regarding the Town Clerk, Comptroller and City Solicitor or Chamberlain be the responsibility of the Chairman of the Policy and Resources Committee, the Chairman of the Finance Committee and the Chairman of the Establishment Committee, and requests that the Policy and Resources Committee and Finance Committee agree to an amended recommendation as such in their consideration of this report;

- b) Recommends to the Policy and Resources Committee an amendment to the proposed Terms of Reference for the Senior Officer Review Panel, such that all three Independent Persons appointed to advise the Standards Committee are appointed to the Panel.
- c) Requests that Officers investigate whether the Standards Committee could fulfil the role of the Senior Officer Review Panel.

Further note on resolution c), following investigation by Officers following the meeting
There is no legal constraint on using the Standards Committee, as the legislation that requiring a Standards Committee to be established with a specific role was repealed. However, practically speaking, it would be difficult to use the Standards Committee for this role, as it is too large with 15 Members (eight Common Councilmen or Aldermen, four co-opted Members and three Independent Persons). It may also not be appropriate to involve the co-opted Members in a decision of this nature. Furthermore, Members may wish to specifically reserve this role for senior Members of the Court.