

63. Disciplinary Action

1. In the following paragraphs:
 - a. “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;
 - b. “Relevant Officer” means the Head of Paid Service (Town Clerk), Chief Finance Officer (Chamberlain) or Monitoring Officer (Comptroller and City Solicitor), as the case may be.
 - c. “Commissioning Chairmen” means the Chairmen of the Policy and Resources Committee, Finance Committee and Establishment Committee.
 - d. “independent person” means a person appointed under section 28(7) of the Localism Act 2011;
 - 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. “The Regulations” mean the Local Authorities (Standing Orders) (England) (Amendments) Regulations 2015
 - h. “Local Government Elector” means a person registered as a local government elector in the register of electors for the City of London Corporation are in accordance with the Representation of the People Acts;
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. Any complaints regarding the Relevant Officers will be considered by the Commissioning Chairmen. The Commissioning Chairmen will manage and oversee the investigation of these complaints and determine the appropriate action to take.
4. Where the Commissioning Chairmen consider there is a case to be answered that could result in dismissal, a meeting of the Panel will be convened.
5. If the Commissioning Chairmen then recommend the dismissal of a Relevant Officer, the Regulations require that the decision to dismiss is approved by the Court of Common Council. The Regulations require that the Court of Common Council considers:
 - a. any advice, views or recommendations of a properly appointed Panel (the Statutory Officer Review Panel);
 - b. the conclusions of any investigation into the proposed dismissal; and
 - c. any representations from the Relevant Officer.
6. 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. “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. This role will be fulfilled by the Independent Persons appointed to advise the Standards Committee.

7. The Statutory Officer Review Panel comprises the following Members of the Court of Common Council:
 - The Chief Commoner;
 - Chairman of Planning and Transportation Committee;
 - Chairman of Port Health and Environmental Services Committee;
 - Chairman of the Markets Committee;
 - Chairman of the Police Committee;
 - two of the three Independent Persons appointed to advise the Standards Committee.
8. The Regulations state that the Independent Persons must be appointed to the Panel in accordance with the following priority order (subject to such relevant independent persons who accepting the invitation):
 - 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.
9. The Court of Common Council must appoint any Panel at least 20 working days before the relevant meeting. In the event that this requirement sets a deadline for appointment of the Panel which falls between the first meeting of the Court of Common Council in any municipal year and the election of the Chairman of any of the Committees specified at Paragraph 7 above, the Chairman of the Committee for the previous municipal year will be considered to continue to serve as the Chairman of the Committee and therefore be appointed to the Panel.
10. The role of the Panel is to review the findings of the disciplinary investigation and report of the Commissioning Chairmen including any representations made by the Relevant Officer. The Panel is then to provide its advice, views or recommendations to the Commissioning Chairmen.
11. 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 Localism Act 2011.
12. If dismissal is proposed, the Commissioning Chairmen will report to the Court of Common Council with the findings of the investigation and the advice, views or recommendations of the Panel. The Relevant Officer will have the opportunity to

make representations. Any action to dismiss the officer must be agreed through a vote of the Court.

13. Officers shall ensure that consideration of any disciplinary action relating to a Statutory Officer, including possible dismissal, shall comply with the provisions contained within the City of London Corporation's Statutory Officer Disciplinary Procedure.