

Mr Terry Collier

Chief Finance (S151) Officer

Mr Michael Graham

Monitoring Officer

Policy Background

- 1.4 Specific senior officers of a council i.e. the Head of Paid Service, the Monitoring Officer, and the Chief Finance Officer, have statutory responsibilities to discharge to their councils. Since they work with and report to the elected members, they discharge these responsibilities in a political environment.
- 1.5 As a result, statutory protection requiring an appointment of a Designated Independent Person (DIP) to investigate any allegation of misconduct against these senior officers was introduced in the 2001 Regulations.

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

- 1.6 The 2015 Regulations have been introduced following a consultation exercise carried out in 2013.
- 1.7 The new Regulations seek to simplify and localise the disciplinary process for the most senior officers by removing the mandatory requirement that a DIP should be appointed.
- 1.8 In place of the DIP process the decision will be taken transparently by full council, who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.
- 1.9 In the case of a proposed disciplinary action against one of the most senior officers, the council is required to invite Independent Persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form an independent panel.
- 1.10 Councils are required to modify their standing orders to implement these Regulations no later than the first ordinary meeting of the Council after the Regulations come into force on the 11th May 2015.
- 1.11 **Independent persons**
- 1.12 The Council has appointed three Independent Persons under the Localism Act; Mr Roger Pett, Mr Tony Allenby and Ms Vivienne Cameron.
- 1.13 Spelthorne Borough Council appointed these three Independent Persons in a shared pool arrangement with 3 other County authorities, namely Guildford Borough Council, Mole Valley District Council and Waverley Borough Council to provide sufficient cover should an Independent Person be unavailable or face a conflict of interest.
- 1.14 As the new Regulations increase the role of the Independent Person, it is recommended that the shared pool arrangement be extended to include Reigate and Banstead Council and that additional Independent Persons be appointed, as follows:
- 1.15 Mr Paul Sherar (previous Chairman of Reigate & Banstead Independent Remuneration Panel)
- 1.16 Mr David Seymour (previous Chairman of Reigate & Banstead Independent Remuneration Panel) subject to paragraph 1.17 below.

1.17 David Seymour has not yet been interviewed by Reigate and Banstead BC (RBBC) for the role of Independent Person (IP) and this is due to take place next week. If he is appointed by RBBC, the Monitoring Officer will ask him if he consents to act for Spelthorne BC too. Paul Sherar has already been interviewed for the role of Independent Person and has given consent to be IP for Spelthorne BC and the other councils too.

2. Legal implications

2.1 The Council is required to adopt the requirements within the Regulations at the first Council after they come into force.

2.2 The recommendations within this report will ensure that the Council meets the requirements of the Regulations.

3. Financial implications

3.1 There are no financial implications arising from the changes outlined in this report.

Background papers: There are none.

Appendices: There are none.