



AGENDA

RECORD OF OFFICER DECISION MEETING

Date: Thursday, 10 November 2016

Time: 10.00 am

Venue: Cabinet Room, Swale House, East Street, Sittingbourne, Kent ME10 3HT

Membership:

Councillors

Quorum = 3

1. Constitution Review	Pages 1 - 2
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Decision taken by the Director of Corporate Services.

Issued on 10 November 2016

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Director of Corporate Services, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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RECORD OF OFFICER DECISION

<p>This form must be completed by or on behalf of the relevant Officer immediately after any decision has been made. Please send to the Proper Officer for publication in accordance with the Council's Constitution.</p>	
<p>NAME OF OFFICER MAKING DECISION (INCLUDING JOB TITLE) AND THE DECISION BEING MADE</p>	<p>Mark Radford, Director of Corporate Services</p> <p>Constitution Review</p>
<p>TITLE OF REPORT</p>	<p>Exercise of Officer Delegation in accordance with Minute 956/10/2016</p>
<p>DATE THE DECISION WAS TAKEN</p>	<p>10 November 2016</p>
<p>SUMMARY OF REASONS FOR DECISION</p>	<p>Council at its meeting on 19 October 2016 agreed amendments to the Constitution as per the following minute:</p> <p>Minutes:</p> <p>The Leader introduced the report, and proposed the recommendations, suggesting an amendment to recommendation three to give an effective start date. This was seconded by the Deputy Leader.</p> <p>Resolved:</p> <p><i>(1) That the Director of Corporate Services, in consultation with the Leader, be given the delegation to incorporate the revised national model procedure relating to the dismissal of statutory officers into Part 4.8 of the Officer Employment Procedure Rules within the Constitution.</i></p> <p><i>(2) That the revised Scheme of Officer Delegation to the Head of Planning, as set out in the revised working paper attached to the report, be adopted.</i></p> <p><i>(3) That the proposed amendments to the Contract Standing Orders, as set out in the working papers attached to the report, be adopted as part of the Constitution with effect from 1 January 2017.</i></p> <p>The decision has been made following the publication of the updated version of the Chief Executives' Handbook and accompanying circular.</p>
<p>BACKGROUND</p>	<p>As advised previously by JNC Circular dated 5 May 2016, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 replaced the statutory Designated Independent Person (DIP) provisions with an Independent Panel process.</p> <p style="text-align: center;">Page 1</p> <p>The JNC has now published an updated edition of the</p>

	<p>Chief Executives' Handbook in which the Model Procedure for dealing with matters of discipline incorporates the new statutory process.</p> <p>The revised Model Procedure (for England only; the 2015 regulations do not apply in Wales) is set out at Appendix 5 of the Handbook</p> <p>The Model Grievance Procedure at Appendix 8 has also been revised in order to make it more consistent with practice in authorities.</p>
DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	The alternative would be to adopt local procedures. This is not recommended on consistency grounds and to avoid any issues of interpretation.
DETAILS OF ANY CONSULTATION UNDERTAKEN	<p>In accordance with the delegation, consultation has taken place with the Leader and he has confirmed that he is content to include a reference in the Constitution that the model procedures contained within the JNC Chief Executives' Handbook will be followed in relation to matters of discipline against the three statutory officers of the Council.</p> <p>To avoid the need to report any subsequent variations to the process agreed by the JNC the wording incorporated in Part 4.8 section 4 of the Officer Employment Procedure Rules Constitution will be as follows:</p> <p>Note: Where disciplinary action is contemplated against the Chief Executive, Chief Finance Officer or Monitoring Officer any investigation and hearing will be conducted in accordance with procedures contained within the current version of the Joint Negotiating Committee for Chief Executives of Local Authorities Chief Executives' Handbook</p>
DETAILS OF ANY CONFLICTS OF INTERESTS	None
CONTACT FOR ENQUIRIES/FURTHER INFORMATION	Mark Radford 01795 417268
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