



<b>Title:</b>	<b>Constitution of the Council (Part 3J: Chief Officer Standards Committee)</b>
<b>Owner:</b>	<b>John Teasdale</b>
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<b>Approved by Monitoring Officer:</b>	<b>John Teasdale</b>

Adopted by Full Council on 12<sup>th</sup> December 2022



# FUNCTIONS AND PROCEDURES OF THE CHIEF OFFICER STANDARDS COMMITTEE

## 1 FUNCTIONS OF THE CHIEF OFFICER STANDARDS COMMITTEE

ONLY FULL COUNCIL CAN AMEND THE FUNCTIONS OF THE CHIEF OFFICER STANDARDS COMMITTEE

### FOR BOTH STATUTORY OFFICERS AND OTHER CHIEF OFFICERS

- 1.1 To manage and consider any disciplinary and/or capability matters arising in relation to the Statutory Officers (the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer) and other Chief Officers (other Heads of Service) of the Council.
- 1.2 To carry out the functions of an Investigating & Disciplinary Committee as set out in the JNC Conditions of Service for Chief Executives and the JNC Conditions of Service for Chief Officers.
- 1.3 To carry out the function of a Panel as defined in the Local Authorities (Standing Orders) (England) Regulations 2001.
- 1.4 To consider allegations concerning the conduct or capability of Statutory Officers and other Chief Officers in order to establish whether or not they are sufficiently well-founded and serious in content to justify investigation.
- 1.5 If appropriate, to suspend a Statutory Officer or other Chief Officer under the terms of the JNC Conditions of Service for Chief Executives or the JNC Conditions of Service for Chief Officers. This power can be exercised by:
  - 1.5.1 the Committee in respect of any Statutory Officer or Chief Officer;
  - 1.5.2 the Chairman of the Committee (or if they are unable to act, the Vice-Chairman) (in consultation with the Monitoring Officer) in respect of the Chief Executive;

- 1.5.3 the Chairman of the Committee (or if they are unable to act, the Vice-Chairman) (in consultation with the Chief Executive) in respect of the Chief Finance Officer or the Monitoring Officer;
- 1.5.4 the Chief Executive (in consultation with the Chairman of the Committee (or if they are unable to act, the Vice-Chairman)) in respect of any other Chief Officer.

In each case, appropriate legal advice shall be taken from the Monitoring Officer, the Deputy Monitoring Officer or an independent solicitor before the decision to suspend is taken.

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- 1.6 If appropriate, to appoint an investigator to carry out an investigation on behalf of the Committee (which ~~power~~ can be delegated to an officer).
- 1.7 To receive and consider any report of an investigator.
- 1.8 To hold a capability or disciplinary hearing.
- 1.9 Following any capability and/or disciplinary hearing, to determine a course of action (up to and including dismissal) within the Council's powers under law and within its procedures.

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## 2 PROCEDURES OF THE CHIEF OFFICER STANDARDS COMMITTEE

THE CHIEF OFFICER STANDARDS COMMITTEE CAN AMEND THE PROCEDURES WHICH IT FOLLOWS

### AGENDAS

- 2.1 Subject to fulfilling the role outlined above, the agenda for each meeting shall be agreed by the Chairman.

### MEMBERSHIP

- 2.2 5 Councillors, including the Leader of the Council, the Deputy Leader of the Council, the Leader of the Opposition and 2 other Councillors, and politically balanced.

## CHAIRMAN AND VICE CHAIRMAN

2.3 The Leader of the Council shall be the Chairman of the **Committee**.

2.4 The Deputy Leader of the Council shall be the Vice-Chairman of the Committee.

2-42.5 ~~If appropriate in the circumstances and in consultation with the Proper Officer, other members of the Committee can be nominated to chair the meeting.~~

**Commented [JT1]:** Rationale – what if the Leader is on poor terms with the officer.

## OBSERVERS AND ADVISORS

2-52.6 Meetings of the Committee shall be open to the press and public except for confidential business. However, it is noted that most of the work of the Committee is likely to ~~involve Exempt Information be confidential business.~~

2-62.7 Councillors who are not formal members of the Committee may attend meetings of the Committee, except where Exempt Information is likely to be disclosed. If Exempt Information is likely to be disclosed, they can only attend such meetings if they can demonstrate ~~to the Proper Officer~~ that their attendance is necessary to perform their duties as a Councillor. If they do attend, they may ask the Chairman for consent to speak (giving reasons). The Chairman may seek the views of the Committee before making a decision. If the Chairman gives such consent, the Councillor may take part in the debate when invited to do so by the Chairman (but may not vote).

2-72.8 The Committee shall determine which other persons should, from time to time, advise the Committee provided that the Chairman (or if they are unable to act, the Vice-Chairman) can exercise this power to appoint an independent advisor to the Committee when necessary.

## MINUTES

2-82.9 The minutes of the meeting shall record the decisions of the Committee.

2-92.10 A full note of any meetings shall also be taken and formal hearings shall be recorded.

## FREQUENCY & CALLING OF MEETINGS

~~2.102.11~~ The Committee will meet as and when required to consider any matter within its remit.

~~2.112.12~~ Due to the nature of the work to be conducted by the Committee, any meeting to consider solely ~~Exempt Information private business~~ may be called on short notice (i.e. less than 5 clear days) provided that all members of the Committee agree.

## QUORUM

~~2.122.13~~ -A quorum shall be ~~one-third of the total number of Committee no fewer than 2 Councillors one members, one~~ of whom must be a member of the Council's Executive.

## REPORTING ARRANGEMENTS

~~2.132.14~~ Where necessary the Committee will make reports and recommendations to the executive and/or the Full Council arising from the outcome of their work.

## SPECIFIC PROCEDURES

~~2.142.15~~ The Committee shall follow the procedures set out in the Disciplinary Procedures for Statutory Officers (see Part 4G) or the Disciplinary Procedures for Chief Officers (see Part 4F) as appropriate.

## APPLICATION OF COUNCIL MEETING PROCEDURE RULES

~~2.152.16~~ In all other respects, procedures at the Chief Officer Standards Committee will be governed by the Council Meeting Procedure Rules – see Part 3A.