



<b>Title:</b>	<b>Constitution of the Council (Part 3J: Senior Officer Employment Committee)</b>
<b>Owner:</b>	<b>Angela Wakefield</b>
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<b>Approved by Monitoring Officer:</b>	<b>Angela Wakefield</b>
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**Adopted by Full Council on 28<sup>th</sup> June 2021**



# FUNCTIONS AND PROCEDURES OF THE SENIOR OFFICER EMPLOYMENT COMMITTEE

## 1 FUNCTIONS OF THE SENIOR OFFICER EMPLOYMENT COMMITTEE

ONLY FULL COUNCIL CAN AMEND THE FUNCTIONS OF THE SENIOR OFFICER EMPLOYMENT 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.

- 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.

## 2 PROCEDURES OF THE SENIOR OFFICER EMPLOYMENT COMMITTEE

THE SENIOR OFFICER EMPLOYMENT 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~~ In cases where the Committee is required to meet to consider the dismissal of a Statutory Officer, 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 and 2 Relevant Independent Persons as defined in the Local Authorities (Standing Orders) (England) Regulations 2001. The Relevant Independent Persons shall be the Independent Person and the Reserve Independent Person appointed to the Council's Standards Committee.

2.32.2 In all other cases, 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

2.42.3 The Leader of the Council shall be the Chairman of the Committee.

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

## OBSERVERS AND ADVISORS

2.62.5 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 be confidential business.

2.72.6 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 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).

2.82.7 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

~~2.92.8~~ The minutes of the meeting shall record the decisions of the Committee.

~~2.102.9~~ A full note of any meetings shall also be taken and, ~~where possible~~, formal hearings shall be recorded.

## FREQUENCY & CALLING OF MEETINGS

~~2.112.10~~ The Committee will meet as and when required to consider any matter within its remit.

~~2.122.11~~ Due to the nature of the work to be conducted by the Committee, any meeting to consider solely private business may be called on short notice (i.e. less than 5 clear days) provided that all members of the Committee agree.

## QUORUM

~~2.132.12~~ ~~In cases where the Committee is required to meet to consider the dismissal of a Statutory Officer a quorum shall be no fewer than 2 Councillors, one of whom must be a member of the Council's Executive, and 2 Relevant Independent Persons.~~

~~2.142.13~~ ~~In all other cases a~~ A quorum shall be no fewer than 2 Councillors one of whom must be a member of the Council's Executive.

## REPORTING ARRANGEMENTS

~~2.152.14~~ 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

2.162.15 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

2.172.16 In all other respects, procedures at the Senior Officer Employment Committee will be governed by the Council Meeting Procedure Rules – see Part 3A.