

TO: COUNCIL MEETING

ON: 11 DECEMBER 2001

Agenda Item No: 8

Title: MEMBERS' NON-ATTENDANCE AT MEETINGS

Author: Tony Forrow (01799) 510402

Summary

- 1 This report asks the Council to determine a request by a Member that it approves his non-attendance at meetings beyond the 6 month period allowed under the Local Government Act 1972.

Background

- 2 Section 85 of the Local Government Act 1972 says that, if a member of an authority fails throughout a period of six consecutive months from his last attendance to attend any meeting, he shall, *unless the failure was due to some reason approved by the authority before the expiry of that period*, cease to be a member of the authority.
- 3 For medical reasons, Councillor G W Powers has not attended a meeting of this Council since the meeting of the Highways Sub-Committee on 11 July 2001. The six-month period of non-attendance allowed by the 1972 Act does not expire until 10 January 2002. However, the Council's next meeting is on 12 February 2002 and, although Councillor Powers hopes to be able to attend a meeting within the terms of the legislation before then, he is not certain that he will be able to do so.
- 4 He has, therefore, asked the Council to approve his non-attendance at meetings beyond 10 January 2002.

RECOMMENDED that the request be determined.

Background Papers: Local Government Act 1972

Agenda Item No: 9

Title: The Local Authorities (Standing Orders) (England) Regulations 2001

Author: Tony Forrow (01799) 510402

Summary

- 1 This report recommends the Council to amend its Officer Employment Procedure Rules in order to comply with The Local Authorities (Standing Orders) (England) Regulations 2001.

Background

- 2 The Local Authorities (Standing Orders) (England) Regulations 2001 were made on 10 October 2001 and came into effect on 7 November 2001. For authorities operating or intending to operate executive arrangements, they affect Standing Orders (Procedure Rules) in relation to both procedural issues and staff. For authorities operating or intending to operate alternative arrangements, they affect only standing orders concerning staff – in the case of this Council, its Officer Employment Procedure Rules (pages E52-4 of the Members' Handbook). Councils who have already implemented new constitutions are required to incorporate the new provisions, or "provisions to the like effect", in their procedures as soon as practicable.

- 3 The Council's Procedures already comply with most of the requirements of the regulations. However, it is suggested that the following Officer Employment Procedure Rules be amended immediately to ensure full compliance:

Rule 3 – Appointment of Head of Paid Service – to ensure that the full Council gives *prior* approval of any offer of appointment or notice of dismissal.

Rule 6 - Disciplinary Action – to identify the source of the definitions of the designations used in this rule.

Minor amendments are suggested to Rules 3 and 4 to show that the expected regulations are now in force. Should any further amendments be thought desirable, the Constitution Task Group can consider them.

- 4 The proposed amendments are shown in bold italics on the attached Appendix.

RECOMMENDED that the Council's Officer Employment Procedure Rules be amended as indicated in the attached Appendix.

Background Papers: Local Government Act 2000
The Local Authorities (Standing Orders) (England) Regulations 2001

3. **Appointment or Dismissal of Head of Paid Service**

This process ***complies with*** mandatory standing orders regulations.

The full Council will approve the appointment ***or, as the case may be, dismissal*** of the Head of Paid Service following the recommendation of such an appointment ***or dismissal*** by a committee or sub-committee of the Council ***before an offer of appointment is made or notice of dismissal given.***

4. **Appointment of chief officers and deputy chief officers**

This process ***complies with*** mandatory standing orders regulations.

A committee or sub-committee of the Council will appoint chief officers and deputy chief officers.

5. **Other appointments**

Appointment of officers below deputy chief officer is the responsibility of the Head of Paid Service or his/her nominee and may not be made by councillors.

6. **Disciplinary action**

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer (***as defined in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations) 2001***) may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person, ***as defined in Regulation 7 of the above Regulations.***
- (c) Councillors will not be involved in the disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.