



Havering

LONDON BOROUGH

GOVERNANCE COMMITTEE AGENDA

7.30 pm

**Wednesday
11 November 2015**

**Town Hall,
Main Road,
Romford**

Members 13: Quorum 5

COUNCILLORS:

**Conservative
(6)**

Joshua Chapman (Chairman)
Melvin Wallace (Vice-Chair)
Roger Ramsey
Damian White
Meg Davis
Osman Dervish

**Residents'
(3)**

Ray Morgon
Barbara Matthews
Barry Mugglestone

**East Havering
Residents'
(2)**

Clarence Barrett
Darren Wise

UKIP

(1)

Lawrence Webb

Independent Residents

(1)

Jeffrey Tucker

For information about the meeting please contact:

Grant Soderberg tel: 01708 433091

e-mail: grant.soderberg@onesource.co.uk

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS

(If any) - receive

3 DISCLOSURE OF PECUNIARY INTERESTS

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary interest in any item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 4)

To approve as a correct record the minutes of the Committee held on 10 September 2015, and to authorise the Chairman to sign them.

5 CHANGES TO DELEGATED POWERS - CULTURE & LEISURE (Pages 5 - 8)

6 APPOINTMENT OF THE CABINET MEMBER FOR CHILDREN & LEARNING TO THE CORPORATE PARENTING PANEL (Pages 9 - 12)

7 APPOINTMENTS TO OTHER ORGANISATIONS 2015/16 (Pages 13 - 16)

8 MONITORING OFFICER REPORT NO 06 - AMENDMENTS TO THE CONSTITUTION (Pages 17 - 24)

Andrew Beesley
Committee Administration
Manager

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**MINUTES OF A MEETING OF THE
GOVERNANCE COMMITTEE
Town Hall, Main Road, Romford
10 September 2015 (8.00 - 8.08 pm)**

Present:

COUNCILLORS

Conservative Group	Joshua Chapman (Chairman), Melvin Wallace (Vice-Chair), Roger Ramsey, Damian White, Meg Davis and Osman Dervish
Residents' Group	Ray Morgon and Barry Mugglestone
East Havering Residents' Group	Clarence Barrett and Darren Wise
UKIP Group	Lawrence Webb
Independent Residents Group	+David Durant

Apologies for absence were received from Councillor Jeffrey Tucker.

Councillor David Durant substituted for Councillor Jeffrey Tucker.

The Chairman, reminded those present of the procedure to follow should a need arise to evacuate the building.

There were no disclosures of pecuniary interest

Decisions were taken without division unless otherwise stated.

7 MINUTES

The minutes of the meeting held on 1 July 2015 were agreed as a true record and signed by the Chairman.

8 CHANGES TO DELEGATED POWERS - REGULATORY SERVICES

On 1 July, the committee deferred decision on this item, in particular the proposed change to Section 3.6.6 (b) (vi) for clarification on development in the Green Belt. In addition it was further proposed to change Section 3.6.6 (u) in relation to Certificates of Lawful Development for existing development. Following a review, the Head of Regulatory Services had identified one area of operational activity – power to deal with deliberate concealment of planning breaches which would benefit materially from

changes to delegated powers to enable more effective and efficient service delivery. Due to a change in legislation a change to the wording of power to enter into S106 obligations was also recommended.

A Member continued to raise concerns about the necessity of delegating powers to officers – particularly in the Green Belt where issues could be contentious. The matter was put to the vote:

In favour of the motion: Councillors: Joshua Chapman, Roger Ramsey, Melvin Wallace, Damian White, Meg Davis, Osman Dervish, Clarence Barrett, Ray Morgon, Barry Mugglestone, Darren Wise and Lawrence Webb

Against the motion: Councillor: David Durant

The motion was **CARRIED** by eleven votes to one.

The Committee **RESOLVED** to **recommend to Council** that the following changes be incorporated into Section 3.6.6 of the Constitution relating to the Head of Regulatory Services.

1) New Section 3.6.6(cc) to read:

“To apply to the magistrates court for a Planning Enforcement Order in accordance with Sections 171BA to 171BC of the Town and Country Planning Act 1990.”

2) Section 3.6.6(b) (vi) be altered to:

“carry out residential development where the number of additional dwellings does not exceed two, including proposals which require prior completion of a Unilateral Undertaking committing the applicant to pay a contribution to mitigate the impact of the development on infrastructure, the latter involving liaison during the process between Head of Regulatory Services and Head of Legal Services.”

3) Section 3.6.6(u) be altered to:

“To issue Certificates of Lawfulness for existing and proposed development and use”

9 **ADMINISTRATION OF THE ROMFORD COMBINED CHARITY**

The report before Members seeks agreement to return duties for the administration of the Romford Combined Charity from HAVCO back to Havering Council.

A Member raised asked whether it could be confirmed that any cost to the Council would be reimbursed so that the work of administering it was cost neutral to the Council. On assurance that this would be confirmed,

The Committee **AGREED:**

That the Council would assume administrative responsibility for the Romford Combined Charity following the withdrawal of the provision of that service by HAVCO subject to confirmation being received that to do so would be cost neutral to the Council.

10 **APPOINTMENTS TO OUTSIDE BODIES AND OTHER ORGANISATIONS**

The report before the Committee invited it to consider two outside body appointments and make or confirm nominations as appropriate.

A vacancy had occurred on the Hornchurch Housing Trust following the resignation of Mr Ted Eden and the Committee was informed that three candidates had been put forward to fill that vacancy the remaining term of office to expire in February 2017. They were:

Mr David Williams - nominated by the Hornchurch Housing Trust

Councillor John Mylod - nominated by the Residents' Group

Councillor Carol Smith - nominated by the Conservative Group

The Chairman invited Members to indicate their support for each candidate.

Mr David Williams received no votes, Councillor John Mylod received four votes and Councillor Carol Smith received eight votes.

Councillor Carol Smith was therefore declared duly appointed.

There was also a vacancy on Tapestry (formerly Age Concern), following the resignation of Councillor Viddy Persaud.

Councillor Wendy Brice-Thompson had been nominated to fill this vacancy and, as there were no objections from Members, she was duly appointed to Tapestry's Board with immediate effect.

Chairman

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GOVERNANCE COMMITTEE
11 NOVEMBER 2015

Subject Heading:	Changes to Delegated Powers – Culture & Leisure Services
CMT Lead:	Andrew Blake-Herbert Group Director Communities & Resources
Report Author and contact details:	Patrick Keyes Head of Regulatory Services
Policy context:	Monitoring Officer amendments to the Constitution
Financial summary:	The described changes to delegated powers would have no material financial implications.

The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for	[X]
People will be safe, in their homes and in the community	[X]
Residents will be proud to live in Havering	[X]

SUMMARY

The Head of Regulatory Services has delegated powers to issue directions and take any necessary action under the Criminal Justice & Public Order Act relating to the Control of Unauthorised Campers. These powers are most regularly used for action against unauthorised traveller encampments. This report recommends that these powers also be delegated to the Head of Culture & Leisure and in turn to the Parks Manager to widen the ability to authorise direction notices in early stages of an unauthorised encampment.

RECOMMENDATIONS

That the Committee **recommend to Council** that the following changes be incorporated into Sections 3.6.4 and 3.6.6(l) of the Constitution relating to the Head of Culture & Leisure and the Head of Regulatory Services.

To authorise and issue, on behalf of the Council, statutory directions requiring unauthorised campers to leave land and remove their property and vehicles

REPORT DETAIL

1. **Existing Position**

1.1 The Criminal Justice & Public Order Act 1994 contains provision for the control of unauthorised campers. This is the legislation under which the Council gives directions to require vacation of sites by unauthorised traveller encampments. A "Section 77" Direction is a statutory notice requiring those served to leave land as soon as practicable, failing which the Council applies to the Magistrates' Courts for an order. These powers are currently delegated to the Head of Regulatory Services.

2. **Proposed Change**

2.1 To delegate the above powers to the Head of Culture & Leisure as well as to the Head of Regulatory Services.

3. **Rationale for Change**

3.1 The above powers are principally used by Regulatory Services but there is an increased tendency for traveller incursions to take place on land controlled by Culture & Leisure, eg public parks and open space.

3.2 Delegating these powers also to the Head of Culture & Leisure will enable them to be sub-delegated to operational staff, particularly the Parks Manager whose staff are able to respond more swiftly to traveller incursions on Culture & Leisure land. Having staff authorised to issue directions should help improve the likelihood of securing an earlier removal of unauthorised caravans and vehicles.

IMPLICATIONS AND RISKS

Financial implications and risks:

The described changes to delegated powers would have no material financial implications.

Legal implications and risks:

There are no additional legal implications. The Culture & Leisure and Planning Services would continue to seek and incorporate legal advice where necessary.

Human Resources implications and risks:

There are no material implications.

Equalities implications and risks:

There are no direct equalities implications arising from this report. Where relevant, the Culture & Leisure and Planning Services would continue to seek and incorporate advice from the Council's Corporate Policy and Diversity Team.

BACKGROUND PAPERS

None

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GOVERNANCE COMMITTEE

11 NOVEMBER 2015

Subject Heading:

APPOINTMENT OF THE CABINET MEMBER FOR CHILDREN & LEARNING TO THE CORPORATE PARENTING PANEL (and associated amendment to the constitution)

CMT Lead:

Andrew Blake Herbert
Group Director Communities and Resources
01708 432201

Report Author and contact details:

Richard Cursons, Committee Officer,
01708 432430
richard.cursons@onesource.co.uk

Policy context:

None applicable

Financial summary:

There are no significant financial implications

The subject matter of this report deals with the following Council Objectives

- Havering will be clean and its environment will be cared for [x]
- People will be safe, in their homes and in the community [x]
- Residents will be proud to live in Havering [x]

SUMMARY

The report before Members seeks agreement to amend the appendix to Article 12 of the Council's Constitution to include the additional special membership requirements of the Corporate Parenting Panel of whom the Lead Cabinet Member for Children and Learning shall be a full member.

RECOMMENDATIONS

That the Committee agree that the Monitoring Officer be authorised to insert the following in the appendix to Article 12 of the Council's Constitution:

Committee	Number of Members and any special requirements
Corporate Parenting Panel	All Councillor Members of the Children and Learning Overview and Scrutiny Sub-Committee and the Cabinet Member for Children and Learning.

REPORT DETAIL

- 1 All members of the local authority have a shared responsibility for corporate parenting, but the Cabinet Member has the lead political role in ensuring that children looked after by the local authority have their interests protected, their opportunities maximised, their educational achievement enhanced, their voices heard and care services shaped to meet their needs. This role of the Lead Cabinet Member is enshrined in legislation (Children Act 2004).
- 2 Havering in common with most local authorities also has a Corporate Parenting Panel which is made up elected Members of the Children and Learning Overview & Scrutiny Sub-Committee and does not currently have provision for the Lead Cabinet Member to attend. This is not a statutory requirement but is generally regarded as good practice. When Ofsted inspect they would expect to see a member panel, board or committee with a remit to ensure strong corporate parenting and holding officers to account.
- 3 The Corporate Parenting Panel also has a very similar role to that of the Lead Cabinet Member in respect of Looked After Children. For example our Corporate Parenting Panel receives regular reports of the educational progress of Looked After Children, their views as expressed through Viewpoint and the Children in Care Council and has visited young people in their placements.
- 4 Most Local Authorities reconcile the potential overlap of responsibilities between their Corporate Parenting Panel and their Lead Member by

ensuring the Lead Member attends the Corporate Parenting Panel. Arrangements range from the Lead Member chairing the panel through to attending.

IMPLICATIONS AND RISKS

Human resources implications and risks

There are no human resources implications or risks.

Financial implications and risks

There are no financial implications or risks

Legal implications and risks

There are no legal implications or risks

BACKGROUND PAPERS

None.

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GOVERNANCE COMMITTEE

11 NOVEMBER 2015

Subject Heading:

APPOINTMENTS TO OTHER ORGANISATIONS, 2015/16

CMT Lead:

Andrew Blake- Herbert
Group Director of Communities and Resources
01708 432201

Report Author and contact details:

Jacqui Barr
Research & Information Officer,
Committee Administration
jacqui.barr@onesource.co.uk
01708 432439

Policy context:

The Council appoints Members and others to serve on a variety of other bodies

Financial summary:

There are no significant financial implications.

The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for
People will be safe, in their homes and in the community
Residents will be proud to live in Havering

□
□
□

SUMMARY

The Council makes appointments to a large number of other organisations, some statutory, others voluntary.

Since the new executive governance arrangements came into force, responsibility for making some appointments has passed from this Committee to the Leader of the

Council but the Constitution provides that in the case of non-executive appointments, it is for this Committee to make decisions

RECOMMENDATIONS

That the Committee:

1. In respect of the Romford Combined Charity, **re-appoint Councillor Melvin Wallace** as a nominative trustee of the Committee and note the new Vicar of St Edward's Church of England Romford, the Reverend Mike Powers, will be *ex-officio* Chairman.
2. In respect of the Lucas Children's Play Charity, consider the **re-appointment** of the **Cabinet Member for Children & Learning, Councillor Meg Davis** until November 2019 and the appointment of **either**:
 - a. **Councillor Gillian Ford** as Trustee to the Lucas Children's Play Charity for the term of office expiring in November 2019 (Councillor Ford is nominated by the East Havering Residents' Group)

or

 - b. **Councillor John Mylod** as Trustee to the Lucas Children's Play Charity for the term of office expiring in November 2019. (Councillor Mylod is nominated by the Residents' Group)

REPORT DETAIL

1. THE ROMFORD COMBINED CHARITY:

- 1.1 The Romford Combined Charity is a small, local charity that makes grants for the relief of poverty. It has seven Trustees: one *ex officio*, the Vicar of St Edward's Church of England, Romford, who chairs the Trust; four nominative, appointed for four year terms by the Council; and two members who are co-opted for five year terms by the other five Trustees on the Combined Charity Committee.
- 1.2 The terms of office of one of the nominative Trustees, Councillor Melvin Wallace will expire on 3 November. Councillor Wallace is eligible for re-appointment, but if he is to be replaced, it should be noted that an appointee need not be a Member of the Council.
- 1.3 There is a new incumbent of St Edward's Church of England, Romford, and the Reverend Mike Powers, will take over as Chair of the Committee with immediate effect.

- 1.4 There remains a vacancy for a co-opted member, to be considered by the Romford Combined Charity Committee at its next meeting.

2. THE LUCAS PLAYSITE TRUST:

- 2.1 Under the terms of the Trust, the Council appoints two nominative trustees, who in turn co-opt up to three more trustees.
- 2.2 The Trust was established from the proceeds of the sale of the land comprising a disused play area and its purpose is to use the investment income derived from the proceeds to pay for various improvements to play site facilities across the borough.
- 2.3 Councillors Meg Davis and Linda Hawthorn are the current representatives. Their term of office is due to expire on 30 November 2015. Councillor Davis is happy to be re-appointed as a Trustee for another term of four years, but Councillor Hawthorn wishes to step down.

IMPLICATIONS AND RISKS

Equalities and Social Inclusion Implications and Risks

There are no specific implications or risks. Appointments should be made with the Council's equalities policies in mind.

Legal, Finance and Environmental Implications and Risks

These appointments are administrative and have no direct legal, financial or environmental implications or risks. In some cases, membership of an organisation is dependent upon the Council paying a subscription: where relevant, the subscription will be met from within an appropriate budget provision.

Members who sit on outside bodies will need to consider whether (a) they are required to register their interests with the Council and, where appropriate, declare the interests at meetings and (b) seek advice when they are potentially involved in Council decisions that may affect the outside body. As there is no remuneration for the appointments, they are very unlikely to be discloseable pecuniary interests. Trustee status means that the trustee must always act in the best interests of the trust. The Monitoring Officer is available to provide advice as and when necessary.

BACKGROUND PAPERS

A number of files are held by Democratic Services which provide information on the organisations to which appointments are being made.

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GOVERNANCE COMMITTEE

11 NOVEMBER 2015

Subject Heading:

**MONITORING OFFICER NO 06
AMENDMENTS TO THE
CONSTITUTION**

Report Author and contact details:

Daniel Fenwick Director Legal &
Governance & Monitoring Officer

Policy context:

Monitoring Officer Amendments to the
Constitution

Financial summary:

These changes are purely procedural and
have no specific financial implications

The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for [X]

People will be safe, in their homes and in the community [X]

Residents will be proud to live in Havering [X]

SUMMARY

Part 2 Article 11.02(c) of the Constitution authorises the Monitoring Officer to amend the Constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure.

The constitution provides that this committee must be notified of any such amendment at the first reasonable opportunity.

RECOMMENDATIONS

That this report be noted.

REPORT DETAIL

The Monitoring Officer has the ability to make limited amendments to the Constitution as set out in the summary above.

The amendments pick up legislative changes, a change in title following a restructure and typographical errors.

The meeting of this committee is the first opportunity for the reporting of the most recent amendments made and the committee is requested accordingly to note the amendments made.

IMPLICATIONS AND RISKS

*There is a **corporate** requirement to set out the implications and risks of the decision sought, in the following areas*

Financial implications and risks: None

Legal implications and risks:

The Constitution provides for the Monitoring Officer to make certain amendments to the constitution in given situations and these amendments are pursuant to and in accordance with those powers. There are no legal implications arising from this report.

Human Resources implications and risks: None

Equalities implications and risks: None

BACKGROUND PAPERS

None

Staff Employment Procedure Rules

Recruitment and appointment

1. Seeking support for appointment

The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. This statement shall be included in any recruitment information.

No councillor will seek support for any person for any appointment with the Council.

2. Declarations

The Council shall ask any candidate for appointment as a member of staff to state in writing whether they are related to an existing councillor or member of council staff; or the partner of such persons. No candidate who declares such a relationship will be appointed without the authority of the Director of Human Resources and/or a Group Director.

3. Recruitment

Where the Council proposes to appoint a Head of Paid Service, a Group Director, an Assistant/Deputy Director, oneSource Director or a Head of Service and it is not proposed that the appointment be made exclusively from among the existing members of staff, the Council's usual recruitment procedures shall apply.

4. Appointment of Head of Paid Service

The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Appointments Sub-Committee. The Appointments Sub-Committee must include at least one Cabinet member.

5. Appointment of Group Directors, Chief Finance Officer, Monitoring Officer, Assistant/Deputy Directors and Heads of Service

The Appointments Sub-Committee will appoint Group Directors, Chief Finance Officer, Monitoring Officer, Assistant/Deputy Directors and Heads of Service. The Sub-Committee must include at least one Cabinet member.

An offer of employment as a Group Director, Chief Finance Officer, Monitoring Officer, Assistant/Deputy Directors or a Head of Service shall be made only where no well-founded objection from any member of the Cabinet has been received (as set out in rule 13 below).

6. Appointment of Director of Public Health

The Council must, in accordance with Part 3 of the National Health Service Act 2006 as amended by Section 30 of the Health and Social Care Act 2012, jointly with the Secretary of State, appoint an individual to have responsibility for all local authorities public health functions, including any conferred by regulation. The individual is to be known as an officer of the local authority and is to be known as the Director of Public Health. The appointment of the Director of Public Health shall be made by the Advisory Appointments Committee.

7. Appointment of oneSource Directors

The Managing Director, Directors, Assistant/Deputy Directors and Heads of Service of oneSource shall be appointed pursuant to the provisions of the Inter-Authority Agreement between the London Boroughs of Havering and Newham dated 1 September 2014 and the variation thereto dated 18 June 2015

8. Assistants to political groups

Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group, and in accordance with statutory regulations.

9. Disciplinary action

No disciplinary action in respect of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, except action described in paragraph 10 below, may be taken other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) England Regulations 2001 (investigation of alleged misconduct).

10. Suspension

The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended by the Council whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and should last no longer than two months. In exceptional circumstances, the decision to suspend may be made by a Group Director in conjunction with the Director of HR & OD; this decision must be notified to all councillors as soon as possible.

11. Independent person

No other disciplinary action may be taken in respect of any of the officers referred to in 9 above except in accordance with a recommendation in a report made by a designated independent person. The designated independent person must be such person as may be agreed between the Council and the relevant officer or in default of such agreement, nominated by the Secretary of State.

Councillors will not be involved in the disciplinary action against any officer below Head of Service level except where:

- (a) such involvement is necessary for any investigation or inquiry into alleged misconduct
- (b) 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.

12. Dismissal

Councillors will not be involved in the dismissal of any officer below Head of Service level except where:

- (a) such involvement is necessary for any investigation or inquiry into alleged misconduct
- (b) 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 dismissals.

13. Role of the Cabinet

Where a committee or a sub-committee of the Council is discharging, on behalf of the authority, the function of the appointment of the Head of Paid Service, a Group Director, Chief Finance Officer, Monitoring Officer or a Head of Service at least one member of the Cabinet must be a member of that committee or sub-committee.

14. Appointment process

In this paragraph, "appointor" means, in relation to the appointment of a person as a member of staff of the Council, the Council or, where a committee, sub-committee or member of staff is discharging the function of appointment on behalf of the Council, that committee, sub-committee or member of staff, as the case may be.

An offer of an appointment as Head of Paid Service, Group Director, Chief Finance Officer, Monitoring Officer, Assistant/Deputy Director or Head of Service must not be made by the appointor until the appropriate notification has been advised to Cabinet, in accordance with regulations and objections have been received and considered. Such appointments must be in accordance with the appropriate terms and conditions of employment

15. Dismissal process

In this paragraph, "dismissor" means, in relation to the dismissal of a member of staff of the Council, the Council or, where a committee, sub-committee or another member of staff is discharging the function of dismissal on behalf of the Council, that committee, sub-committee or other member of staff, as the case may be.

Notice of the dismissal of a Group Director, or Head of Service must not be given by the dismissor until the appropriate notification has been advised to Cabinet, in accordance with regulations and objections have been received and considered.

16. DISMISSAL OF HEAD OF PAID SERVICE, CHIEF FINANCE OFFICER AND MONITORING OFFICER

- 16.1 The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.

17. INDEPENDENT PERSONS

- 17.1 The Council must invite relevant independent persons to be considered for appointment to a Panel, being a committee appointed by the Council under Section 102(a) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of any of the officers referred to in Paragraph 7.1 above with a view to appointing at least two such persons to the Committee.
- 17.2 A 'relevant independent person' means any independent person appointed by the Council under Section 28(7) of the Localism Act 2011 or where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.
- 17.3 The Council is not required to appoint more than two relevant independent persons to its Panel but may do so if it wishes.
- 17.4 Subject to Paragraph 8.3 above, the Council must appoint to its Panel such relevant independent persons who have accepted an invitation issued in accordance with Paragraph 8.1 with the following priority order:
- (a) A relevant independent person who has been appointed by the Authority and who is a local government elector;
 - (b) Any other relevant independent person who has been appointed by the Authority
 - (c) A relevant independent person who has been appointed by another Authority or Authorities.

18. APPOINTMENT OF THE PANEL

- 18.1 The Council must appoint any Panel at least 20 working days before a meeting of the Council to consider whether or not to approve a proposal to dismiss any of the officers referred to in Paragraph 7.1 above.

19. DETERMINATION OF PROPOSAL TO DISMISS

19.1 Before the taking of a vote on whether or not to approve a dismissal, the Council must take into account in particular:

- (a) Any advice, views or recommendations of the Panel
- (b) The conclusions of any investigation into the proposed dismissal, and
- (c) Any representations from the officer the subject of the disciplinary action

20. RENUMERATION OF INDEPENDENT PERSONS

20.1 Any remuneration or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances of fees payable to that independent person in respect of that person's role as independent person under the Localism Act 2011

21. Capability process

The process to be followed must be in accordance with the appropriate terms and conditions of employment for that member of staff and the appropriate Council employment policy/procedure

22. Grievance process

The process to be followed for a grievance must be in accordance with the appropriate terms and conditions of employment for that member of staff appropriate Council employment policy/procedure

23. Bullying and Harassment process

The process to be followed for a complaint must be in accordance with the appropriate terms and conditions of employment for that member of staff appropriate Council employment policy/procedure

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