

Local Government Act 1972

Borough of North Tyneside

18 June 2015

At the meeting of the Council of the Borough of North Tyneside duly convened and held on Thursday 18 June 2015 in The Chamber at Quadrant at which a quorum of Members were present, that is to say:

Present

Councillor G Bell (In the Chair)
N Redfearn (Elected Mayor)

Councillor J M Allan	Councillor D Lilly
Councillor A Arkle	Councillor F Lott
Councillor Mrs A Austin	Councillor G Madden
Councillor K Barrie	Councillor M Madden
Councillor L Bell	Councillor P Mason
Councillor K L Bolger	Councillor D McGarr
Councillor P J Brooks	Councillor Mrs P McIntyre
Councillor B Burdis	Councillor D McMeekan
Councillor CA Burdis	Councillor A McMullen
Councillor J Cassidy	Councillor Mrs S E Mortimer
Councillor K A Clark	Councillor T Mulvenna
Councillor SL Cox	Councillor A Newman
Councillor EN Darke	Councillor K Osborne
Councillor L Darke	Councillor J O'Shea
Councillor P Earley	Councillor N A Percy
Councillor R Glindon	Councillor C B Pickard
Councillor M A Green	Councillor J Pickard
Councillor M Hall	Councillor M Reynolds
Councillor J L L Harrison	Councillor L A Spillard
Councillor E F J Hodson	Councillor J Stirling
Councillor Janet Hunter	Councillor M B Thirlaway
Councillor John Hunter	Councillor A Waggott-Fairley
Councillor M Huscroft	Councillor J I Walker
Councillor C Johnson	Councillor Mrs J A Wallace

C21/06/15 Apologies

Apologies for absence were received from Councillors C Davis, S Day, D Drummond, S Graham, I Grayson, N Huscroft, W Lott, L Miller, J Munby, P Oliver and M Rankin.

C22/06/15 Declarations of Interest and Dispensations

There were no declarations of interest made and no dispensations in relation to registerable personal interests were reported.

C23/06/15 Minutes

Resolved that the minutes of the Annual Council meeting held on 21 May 2015 be taken as read and confirmed and signed by the Chair.

C24/06/15 Revised Dismissal Procedures for Statutory Officers

The Council was requested to approve amendments to the Authority's arrangements regarding the dismissal of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (the Statutory Officers) for capability, conduct or some other substantial reason.

The new requirements were contained in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, which amended the 2001 Regulations, the main changes being that:

- i. the final decision to dismiss any of the Statutory Officers must be by resolution of full Council;
- ii. the requirement to appoint, or to act in accordance with the report and recommendations of a Designated Independent Person is removed;
- iii. the Authority must appoint a Committee to provide advice to the Full Council on a recommendation relating to dismissal of a Statutory Officer. This Committee must be made up of at least two "Independent Persons"; and
- iv. before taking a vote on whether to approve a proposal to dismiss a Statutory Officer, the Full Council must take into account, in particular—
 - (a) any advice, views or recommendations of the Committee detailed above;
 - (b) the conclusions of any investigation into the allegations against the Statutory Officer; and
 - (c) any representations from the Statutory Officer who is the subject of the proposed dismissal.

The 2015 Regulations provided little detail on how the new process would operate in practice and there remained issues that would require clarification. Discussions had been ongoing with neighbouring authorities in relation to the implementation of the changes

required by the 2015 Regulations and at a national level the Local Government Association had written to the Government seeking further advice and clarification on the operation of the revised arrangements. The consultations with neighbouring authorities had identified a wish to have a consistent and similar approach to the application of the new arrangements in the region.

The Authority was required to amend the Constitution to give effect to the Regulations at its first Council meeting following the 2015 elections. The proposed amendments to the Constitution set out in Appendix 1 would allow the Authority to be compliant with the requirements of the Regulations as amended. In summary the changes were as follows:

- Revised Terms of Reference for the Appointments and Disciplinary Committee
- Revised Officer Employment Rules of Procedure
- New Terms of Reference for the Dismissal Advisory Committee

When additional guidance and advice emerged a further report to Council may be necessary to undertake additional changes to the arrangements the Authority had in place.

It was proposed that Mr G Clark and Ms S Gardner, the Authority's Independent Persons, be appointed as the members of the Dismissal Advisory Committee and that consultation with the other Authorities in the region be undertaken to determine the level of remuneration to be paid to the Independent Persons when acting in disciplinary proceedings involving a Statutory Officer.

It was moved by Councillor B Pickard and seconded by Councillor J Allan that:

"Council:

1. adopt the changes to the Authority's Constitution as set out in Appendix 1 to the report by:
 - a) amending the terms of reference of the Appointments and Disciplinary Committee to require a recommendation proposing the dismissal of a Statutory Officer for capability, conduct or for some other substantial reason to be referred to Full Council;
 - b) amending the Officer Employment Rules of Procedure to take account of the above changes;
 - c) providing for the Authority's Independent Persons to attend and observe any disciplinary hearing involving a Statutory Officer undertaken by the Appointments and Disciplinary Committee;
 - d) establishing a Dismissal Advisory Committee comprising the Authority's Independent Persons with responsibility for providing advice to Full Council on matters relating to a proposal to dismiss a Statutory Officer;
2. appoint Mr G Clark and Ms S Gardner, the Authority's Independent Persons, as the members of the Dismissal Advisory Committee;
3. grant delegated authority to the Head of Law and Governance, in consultation with the Elected Mayor and Strategic Manager Finance to determine, following

consultation with the other Authorities in the region, the level of remuneration to be paid to the Independent Persons when acting in disciplinary proceedings involving a Statutory Officer; and

4. grant delegated authority to the Head of Human Resources to seek the agreement of the Statutory Officers to a variation of their contracts of employment in so far as such contracts are incompatible with the 2015 Regulations.”

The motion, on being put to the meeting, was unanimously agreed.

C25/06/15 Common Seal

Resolved that the Common Seal be affixed to all deeds and documents required for carrying into effect the various decisions of the Council made since its last meeting.

C26/06/15 Chair's Announcements

The Chair offered his congratulations to Councillor Cath Davis on being awarded an MBE in the Queen's Birthday Honours List for services to children and families and to all others who had received honours.

The Chair made reference to the next scheduled meeting of the Council due to be held on 23 July 2015 which would provide an opportunity for questions from members of the public to be submitted.

The Chair also informed Members that he had attended various events since the last meeting.

C27/06/15 Elected Mayor's Announcements

The Elected Mayor offered her congratulations to Councillor Cath Davis on being awarded an MBE in the Queen's Birthday Honours List.