

Chief Officer Employment Panel

The Panel shall comprise three members, be politically balanced and shall include at least one member of the Cabinet.

The Quorum of the Panel is 3 and substitutes are permitted.

The Panel has the following terms of reference:

1. The making of recommendations to the Full Council on (i) the appointment of the Head of the Paid Service, the Monitoring Officer and the Section 151 Officer; and (ii) proposed dismissal of any of those officers in respect of misconduct, capability or for some other substantial reason. When dealing with potential dismissal of a statutory officer the Panel will carry out the necessary hearing in accordance with the model disciplinary procedure for the time being approved as part of the Joint Negotiating Committee ("JNC") Conditions of Service and prepare a report to the Full Council which report will be accompanied by the findings of the Independent Panel.
2. The taking of disciplinary or capability action, short of dismissal, against the Head of the Paid Service, the Monitoring Officer and the Section 151 Officer, in accordance with the JNC model disciplinary procedure.
3. Where required or recommended by the JNC model disciplinary procedure, the commissioning of an investigation by an Independent Investigator appointed in accordance with that procedure, including the setting of terms of reference for the investigation.
4. The consideration of any independent investigation in respect of a statutory Chief Officer.
5. Consideration of any submissions made by Cabinet Members following the 'Cabinet Objections Procedure' (under which the Proper Officer must notify all members of the Cabinet of any proposed dismissal and allow an opportunity for objections to be submitted) and the consideration of any reasonable representations submitted to the Panel by the Chief Officer Employment Panels of South Holland District Council and East Lindsey District Council.
6. The appointment of any other Chief Officer or Deputy Chief Officer (this includes the Chief Executive where the post of Chief Executive is separate from the Head of Paid Service)
7. The dismissal of, or the taking of any action against any non-statutory Chief Officer or Deputy Chief Officer (this includes the Chief Executive where the post of Chief Executive is separate from the Post of Head of Paid Service) on the grounds of misconduct, capability or for some other substantial reason.

8. The suspension of any statutory Chief Officer, non-statutory Chief Officer or Deputy Chief Officer and the keeping under review of any such suspension. In exceptional circumstances, the Chairman of the Panel may authorise suspension where s/he considers such action necessary and urgent.

NOTE:

- a) Subject to (b) below, where any current or prospective (as the case may be) Chief Officer, or Deputy Chief Officer is shared with South Holland District Council and East Lindsey District Council, by way of an agreement under s113 of the Local Government Act 1972, but is employed or to be employed by this Council, the members of this Panel shall meet informally with members of the Chief Officer Employment Panels of those two councils prior to any decision being made by this Panel on the appointment, disciplining or dismissal of such officer. Whilst the final decision on any such appointment, disciplining or dismissal of any such officer shall be the sole decision of this Panel, it shall have regard to any reasonable representations made by the members of the other two Panels.
- b) Where any decision (or recommendation to Full Council) to be made by this Panel relates to the disciplining or dismissal of a statutory Chief Officer, there shall be no consultation directly with the other Panels but any Independent Investigator shall be advised of the shared management arrangements and shall have the opportunity to seek feedback from either of the other councils as s/he sees fit.
- c) Subject to (d) below, where any current or prospective (as the case may be) Chief Officer or Deputy Chief Officer is shared or to be shared with South Holland District Council and East Lindsey District Council, by way of an agreement under s113 of the Local Government Act 1972, but is employed or to be employed by one of the other Councils, the members of this Panel shall meet informally with members of the Chief Officer Employment Panels of those two councils prior to any decision being made by the Panel in question on the appointment, disciplining or dismissal of such officer. Whilst the final decision on any such appointment, disciplining or dismissal of any such officer shall be the sole decision of that other Panel, the members of this Panel shall provide such representations to the other Panel as this Panel considers reasonable.
- d) Where any decision (or recommendation to Full Council) to be made by the other Panel relates to the disciplining or dismissal of a statutory Chief Officer, there shall be no consultation directly with this Panel but any Independent Investigator shall be advised of the shared management arrangements and shall have the opportunity to seek feedback from this Council as s/he sees fit

In the exercise of these functions the Panel must act in accordance with Standing Orders relating to Staff and the Local Authority (Standing Orders) (England) Regulations 2001 (as amended) including;

- (a) Head of the Paid Service** - No offer of appointment may be made until the proposed appointment has been approved by the Full Council and until notice of the proposed appointment has been given by the Proper Officer to the Cabinet Members and the Leader has not reported any material and well-founded objections within the time given for response. No notice of dismissal may be issued until the proposed dismissal has been approved by the Full Council, taking into account the recommendation of the Independent Panel, and until notice of the proposed dismissal has been given by the Proper Officer to the Cabinet Members and the Leader has not reported any material and well-founded objections within the time given for response.
- (b) Monitoring Officer and Section 151 Officer** - No offer of appointment may be made until the proposed appointment has been approved by the Full Council and until notice of the proposed appointment has been given by the Proper Officer to the Cabinet Members and the Leader has not reported any material and well-founded objections within the time given for response. No notice of dismissal may be issued until the proposed dismissal has been approved by the Full Council, taking into account the recommendation of the Independent Panel, and until notice of the proposed dismissal has been given by the Proper Officer to the Cabinet Members and the Leader has not reported any material and well-founded objections within the time given for response.
- (c) Other Chief Officers and Deputy Chief Officers (this includes the Chief Executive where the post of Chief Executive is separate from the Post of Head of Paid Service)** – no offer of appointment may be made nor notice of dismissal issued until notice of the proposed appointment or dismissal has been given by the Proper Officer to the Cabinet Members and the Leader has not reported any material and well-founded objections within the time given for response.

(In accordance with the Local Authorities (Standing Orders)(England) Regulations 2001 (as amended) any remuneration, allowances or fees paid to an independent person appointed to this committee must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the Localism Act 2011 Act.)

Chief Officer Employment Appeals Panel

The Panel shall comprise three members, be politically balanced and shall include at least one member of the Cabinet.

No member of the Chief Officer Employment Panel shall be appointed to this Panel.

1. Determining appeals in respect of decisions of the Chief Officer Employment Panel relating to the dismissal of any Chief Officer or Deputy Chief Officer (other than the Head of the Paid Service, Monitoring Officer or Section 151 Officer).
2. Determining appeals in respect of decisions of the Chief Officer Employment Panel relating to action short of dismissal in respect of any Chief Officer or Deputy Chief Officer including the Head of Paid Service, Monitoring Officer or Section 151 Officer.

Note: In the exercise of these functions the Committee must act in accordance with Standing Orders relating to Staff and the Local Authority (Standing Orders) (England) Regulations 2001 (as amended)