

EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

- Committee:** Council **Date:** 28 July 2015
- Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.45 pm
- Members Present:** Councillors E Webster (Chairman), J Lea (Vice-Chairman), K Angold-Stephens, N Avey, R Bassett, N Bedford, A Boyce, H Brady, W Breare-Hall, R Butler, G Chambers, K Chana, T Church, D Dorrell, L Girling, A Grigg, J Hart, L Hughes, R Jennings, S Jones, H Kane, S Kane, H Kauffman, P Keska, J Knapman, Y Knight, A Lion, M McEwen, L Mead, G Mohindra, R Morgan, S Murray, A Patel, J Philip, C P Pond, C C Pond, C Roberts, B Rolfe, B Sandler, M Sartin, G Shiell, D Stallan, B Surtees, L Wagland, G Waller, S Watson, C Whitbread, J H Whitehouse, J M Whitehouse and D Wixley
- Apologies:** Councillors R Gadsby, H Mann, A Mitchell MBE, S Neville, S Stavrou, T Thomas, S Weston and N Wright
- Officers Present:** G Chipp (Chief Executive), D Macnab (Deputy Chief Executive and Director of Neighbourhoods), S G Hill (Assistant Director (Governance & Performance Management)), P Maddock (Assistant Director (Accountancy)), T Carne (Public Relations and Marketing Officer), R Perrin (Democratic Services Officer) and G J Woodhall (Senior Democratic Services Officer)
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23. WEBCASTING INTRODUCTION

The Assistant Director of Governance and Performance Management reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

24. MINUTES

RESOLVED:

That the minutes of the Council meeting held on 23 June 2015 be taken as read and signed by the Chairman as a correct record.

25. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor E Webster and J Lea declared a non-pecuniary interest on item 9 - Motions (a) Chairman and Vice Chairman of Council – Mileage Allowances. After taking advice from the Monitoring Officer and in accordance with section 10.2 (iii) of the Council's Code of Conduct, where a matter of allowances or payments to Councillors was under consideration, no pecuniary interest would be created for any member of the Council and they would remain in the meeting for the consideration of the item but indicated they would abstain from voting on the matter..

(b) The Chief Executive declared a non-pecuniary interest for himself as the Head of Paid Service, the Deputy Monitoring Officer, S Hill, the Deputy Section 151

Officer, P Maddock and Director of Neighbourhoods, D Macnab on item 13 - Officer Employment Procedure Rules, which related to changes proposed to any dismissal arrangements for relevant officers under those rules. There was no discretion for the Council in admitting the rules into the Constitution and Officers proposed to remain present during the consideration of the item.

26. ANNOUNCEMENTS

(a) Announcements by the Chairman of Council

(i) Events;

The Chairman advised that the Chairman's Charity Golf Day had raised £740 for the Royal British Legion. She thanked all the people involved in the event in particular the organizers Gary Woodhall, Trevor Johnson and Chigwell Golf Club.

The Chairman advised that there were two events for Members diary's which were the Civic Carol service on Tuesday 8 December 2015 at Waltham Abbey Church and the Chairman's Civic Awards on Friday 18 March 2016 at Gilwell Park.

(ii) Flowers;

The Chairman advised that she intended the flowers from tonight's meeting to be sent to Mrs A Merrick, the wife of the former Chief Works Officer who had passed away recently.

27. PUBLIC QUESTIONS (IF ANY)

The Chairman noted there were no public questions to be considered at this meeting.

28. QUESTIONS BY MEMBERS UNDER NOTICE

The Council noted that there were no Members questions made with notice to be considered at this meeting.

29. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET

The Council received written reports from the Members of the Cabinet.

The Chairman invited the Leader to provide an oral report and other Members of the Cabinet to give an oral update.

(a) The Leader of Council

The Leader of the Council advised that he had attended the first Essex Leaders and Chief Executive meeting of the municipal year, where devolution had been high on the agenda. Whilst scoping work was being carried out on what powers could be devolved from Central Government, he was concerned by a number of issues such as the governance arrangements and how it would benefit the Council. The Leader stated that the Council, now needed to give careful consideration about what was required from the arrangement and what would provide best value for the residents in the future.

The Leader attended the South East Local Enterprise Partnership (SELEP), where he was advised that on the 20 July 2015 the Chairman of the Greater Business Board had wrote to the Secretary of State for Communities and Local Government

regarding a proposal for a Greater Essex Local Enterprise Partnership, which similarly the Kent and Medway Economic Partnership had also proposed. The proposals contained appropriate transitional arrangements which ensured that the funding already committed to SELEP was spent and that delivery would be secured for Essex.

The Council hosted the Locality Board on the 28 June 2015, which was attended by County Council Divisional Members, Cabinet and the local MP E Laing. Updates were received on the Local Plan; progression on the potential new Junction 7A on the M11, which was the subject of further public consultation; the North Essex Parking Partnership and a possible review of the future Council's participation; and the Government's Consultation on Gypsy and Traveller Sites.

The Leader advised that he had been heavily engaged with Councillor W Breare-Hall, Environment Portfolio Holder, in trying to ensure improvements to the immediate problems with the Waste and Recycling Collection arrangements which had included regular meetings with Biffa's Managing Director and Commercial Director about the Council's feelings regarding the unacceptable performance. There had also been a push to get the contract stabilised and provide a better service than had been delivered since the 12 May 2015.

(b) Environment Portfolio Holder

The Environment Portfolio Holder, W Breare-Hall advised that there had been continued improvement in the services delivered by the Waste, Recycling and Street Cleansing contractor. On the 20 July 2015 he had met with the Biffa's Managing Director and Commercial Director and had raised the areas of main concern, namely that the collections had been repeatedly being missed and the need for better communication between Biffa personnel and the Council's staff. Biffa accepted that further improvement were required and reconfirmed their commitment to resolving the issues. The Portfolio Holder reported that the daily average number of missed collections were currently 46, out of 27,000, which had been reduced from around 200 in June 2015. The number of telephone calls was now below 200 per day from a peak of 550 in late May and he accepted that this was still too high. Councillor W Breare Hall advised that he was acutely aware of the number of collections still being missed and pressure would be applied to Biffa, whilst hoping that residents could see the notable improvement and that the service was closer to being stabilised. He apologised to all the residents who had been inconvenienced and gave his sincere thanks to staff that had put the service back on track.

(c) Governance and Development Management Portfolio Holder

The Governance and Development Management Portfolio Holder, J Philip advised that 55% of households had responded to the Individual Electoral Registration (IER) with 50% of those responses being via the automated services. This had translated into around 25,000 households that were still to respond. He advised that the reminder process would be starting shortly, and asked Members to encourage residents to reply.

(d) Planning Policy Portfolio Holder

The Planning Portfolio Holder, R Bassett advised that on 8 July 2015 the Chancellor had signalled a fresh focus for planning performance with a proposal for new scrutiny on the pace of local plan production and a tightening of the special measures regime that would penalised councils for being too slow in determining major applications. The Productivity Plan Fixing the Foundations, set out a number of proposed planning

changes to ensure that more houses were built which had included releasing land for the homes people needed, a zonal system for brownfield land, improving the planning process – ensuring planning decisions were made on time, more devolved planning powers, starter homes and right to buys.

The Portfolio Holder advised that the Secretary of State for Housing and Planning had stated that authorities were also required to produce a Local Plan by early 2017. The Council was currently aiming to compile a full and total Local Plan with the requirement of 'duty to co-operate' with adjoining authorities and partners, although delays had occurred because of inspectors decisions on other authority's plans.

30. QUESTIONS BY MEMBERS WITHOUT NOTICE

(a) Reduction in Housing Rents

Councillor S Murray asked the Portfolio Holder for Housing, Councillor D Stallan about whether the implications of the Chancellor's announcement in the Summer budget regarding rent reductions by 1% per annum over the next four years for councils and housing associations;

(i) had come to him as a surprise; and

(ii) whether any further information was available on the options suggested within his Portfolio Holder report, which included;

- Reductions in the amount of new Council Housebuilding;
- Further borrowing to fund the Council Housebuilding Programme; and
- Reduced investment in the Council's housing stock, resulting in a revised approach to the Council's recently-introduced Modern Home Standard.

Councillor D Stallan agreed that the reduction would have significant impact on the Housing Revenue Account (HRA) and options were being discussed and Members were being fully consulted. He advised that because of the good financial management of the HRA in previous years, the Council was in a better position than most to deal with the reduction.

(b) Electoral Registration Process

Councillor B Surtees asked the Portfolio Holder for Governance and Development Management, Councillor J Philip whether there was a possibility that some of the shortfall of responses to the Electoral Registration could be down to the limited ability of residents in dealing with the complicated paperwork and whether guidance could be provided to assist with a simpler explanation of the requirements of the form.

Councillor J Philip advised that the Electoral Registration letters were produced at an appropriate level and it was clearly stated on the form that if anyone had problems completing the form there was a helpline to call. He advised that there were various technological methods available to complete the form, alongside completing a paper copy. He advised that the Council had not wanted to frighten residents, although it was very important to register and complete the required forms.

(c) Local Plan

Councillor J M Whitehouse asked the Planning Policy Portfolio Holder, Councillor R Bassett whether he planned to make any amendments to the Local Plan time table in response to the Secretary of State for Housing and Planning announcement about a deadline for a Local Plan to be produced by early 2017.

Councillor R Bassett advised that he would look into the progression of the Local Plan, although there had been measured progress because of the need for the duty to co-operate across the bordering authorities and production of a consistent approach. The Council would be producing a document, although with inspector's decisions being taken into account, there had been further delays to the Council's Plan. Councillor R Bassett advised that a Local Plan would be produced as soon as possible and hoped that everyone would have been consulted and opinions taken into account.

(d) Transport for London (TfL) - Addition Car Park Spaces

Councillor K Angold-Stephens asked the Governance and Development Management Portfolio Holder, Councillor J Philip whether the pre-application consultation with TfL on the provision of additional car parking spaces at Epping and Theydon Bois stations had included:

- (i) the capacity issues on the tubes in a morning directed towards London;
- (ii) the effect it could have further down the line; and
- (iii) whether discussions could be made with the Town and Parishes effected.

Councillor J Philip advised that the Council was aware of the interest TfL had with the carparks capacity and following the recent outcome of a General Permitted Development Order, TfL had decided to go through the planning application process. He advised that this would allow each decision to be taken with the proper consultation and planning requirements.

(e) Requirement to Sell "High Value" Empty Council Properties

Councillor C C Pond asked the Housing Portfolio Holder, Councillor D Stallan whether following the Governments announcement for proposals to require councils(only) to sell "higher value" properties as they became vacant, resulting in the probable removal of Loughton and Debden properties from the choice based lettings list in the District; whether the Portfolio Holder had made any representations to senior figures within the Conservative Party on the effects the policy would have on the Council?

Councillor D Stallan advised that he was aware of the policy which had been within the Conservative Manifesto and was awaiting further details on the proposals. There had been no representations as yet and the Council would await the consultations and details of the legislation.

(f) St John's Road Site

Councillor J H Whitehouse asked the Assets and Economic Development Portfolio Holder, Councillor A Grigg whether Epping Town Councillors would be involved in the consultations regarding the St John's site before the planning application stage.

Councillor A Grigg advised that the land was not yet within the Council ownership but hoped to be by September 2015. With regards to consultation on the site, it had been suggested that it would be through the planning considerations, which would form part of discussions with the Town Council beforehand and this would be with the agents, Frontier.

(g) Waste Collection

Councillor J Knapman asked the Environment Portfolio Holder, Councillor W Breare Hall for clarification between the daily average of 46 missed collections and the daily number of phone calls received by the Neighbourhoods Customer Services Team.

Councillor W Breare-Hall advised that not all of the 200 calls received were about the waste collections; they also included calls regarding other environmental issues such as fly tipping. Although officers had estimated that around 90% of the calls had still been about missed waste collections.

(h) Royal Gun Powder Mill

Councillor R Butler asked the Leisure and Community Services Portfolio Holder, Councillor H Kane whether following media speculation concerning the selling off of the Royal Gun Powder Mills in Waltham Abbey, whether any influence could be used to keep open the facilities for residents and wider public's enjoyment.

Councillor H Kane advised that although it was not relation to the Portfolio Holder Report, as the Outside Representative of the Council for the Royal Gun Powder Mills, she would report back to the Council following the board meeting scheduled for 11 August 2015.

(i) Flying Tipping – Pyrles Lane, Loughton

Councillor D Wixley asked the Portfolio Holder for Environment, Councillor W Breare Hall whether more publicity could be gained with regards to the prosecutions of fly tipping that could act as a warning, advise residents of the proper way to get rid of waste and that the Council does take action against these types of incidents. He also advised that flying tipping had also occurred again in this area.

Councillor W Breare-Hall advised that fly tipping caused significant nuisance and cost to the Council and a firm line was taken against these types of offenses. The Council had issued press releases to the local press but unfortunately they were not always picked up and it was at their discretion. He would liaise with the Public Relations team to encourage publicity within the local news papers.

(j) Reduction Essex Police Reducing Their Anti-Social Behaviour Work

Councillor C P Pond asked the Portfolio Holder for Safer, Greener and Transport, Councillor G Waller whether the reduction on anti-social behaviour work by Essex Police:

(i) had been discussed at the partnership meetings;

(ii) whether the Council would have enough staff in the safety communities section to cope; and

(iii) whether it would help if the Council wrote to the Police about their concerns?

Councillor G Waller advised that there had been no discussion with the Police and Crime Commissioner before the decision and he had expressed concerns already and hoped to discuss the issue at the Partnership meeting, Safer Essex Panel and Essex Police Panel. The impact of the reduction had not yet been assessed and a probable impact would be felt by the Safety Communities team although this would not yet be known.

31. MOTIONS

Chairman and Vice Chairman of Council – Mileage allowances

By leave of the Council, Councillor Whitbread mover of this motion added an additional recommendation to the motion set out in the agenda.

Revised Motion moved by Councillor C Whitbread and Seconded by Councillor J Philip

“(1) That section (5)(1) of the Members Allowances Scheme be amended to include payment of mileage claims for approved civic duties carried out by the Chairman and Vice Chairman of the Council including Schedule 2 of that scheme which shall include a further subparagraph (p) for which payment can be made, as follows:

‘(p) Attendance at any civic event to which the Chairman or Vice Chairman is attending in that capacity (or representative) for which Council funded transport is not provided’

(2) That payment of such claims be met from the within the existing members allowances budget; and

(3) That the budget for Chairman and Vice Chairman of the Council’s be review and referred to the Governance Select Committee.”

Amendment moved by Councillor Pond and seconded by Councillor Whitbread

“That the words “and public transport” be inserted after “mileage” in paragraph (1).”

Carried

Motion as amended ADOPTED

RESOLVED:

That this Council:

“(1) That section (5)(1) of the Members Allowances Scheme be amended to include payment of mileage and public transport claims for approved civic duties carried out by the Chairman and Vice Chairman of the Council including Schedule 2 of that scheme which shall include a further subparagraph (p) for which payment can be made, as follows:

‘(p) Attendance at any civic event to which the Chairman or Vice Chairman is attending in that capacity (or representative) for which Council funded transport is not provided’

(2) That payment of such claims be met from the within the existing members allowances budget; and

(3) That the budget for Chairman and Vice Chairman of the Council's be review and referred to the Governance Select Committee.”

32. OVERVIEW AND SCRUTINY

The Council received the Annual Report of the Overview and Scrutiny Committee, Standing and Task and Finish Panels for 2014/15 from the Chairman of the Overview and Scrutiny Councillor R Morgan.

Councillor J M Whitehouse enquired about the timescale for the Waste Service review and what steps would be taken to collate information of resident's problems and experiences.

Councillor M Sartin, the Chairman of the Neighbourhoods and Communities Select Panel advised that the panel would scope out the details at their first meeting in September 2015 and further dates had been looked at for full scrutiny of the issues.

Councillor B Surtees enquired about Mental Health Services in the District referred to in the annual report, which was regarding young peoples mental health services and advised that there was a need for Adult Services to be reviewed, owing the great stress being placed on the service.

Councillor R Morgan advised that this could be looked at in the future.

Councillor Murray thanked the Chairman of Overview and Scrutiny Committee and the Executive for the commitment and attendance at scrutiny meetings and the positive relationship the Executive had with the Select Panels.

33. APPOINTMENTS TO VACANCIES ON COMMITTEES AND ADDITIONAL MEMBERS ON OUTSIDE BODIES

Mover: Councillor C Whitbread, Leader of the Council.

Councillor C Whitbread reported on the outcome of the Council's request for additional representations on Outside Bodies and a vacancy on the Standards Committee from Annual Council.

Report as first Moved **ADOPTED**

RESOLVED:

That the following appointments be made for the remainder of the current municipal year:

(a) Councillor C P Pond as the Vice Chairman of the Standards Committee;

(b) Councillor T Boyce as the third representative on the Epping Forest District Local Strategic Partnership (Executive);

(c) Councillor K Angold-Stephens as an additional representative on the Epping Forest Citizens' Advice Bureau;

(d) That Councillor G Shiell be the representative with voting rights appointed to the Epping Forest Citizens' Advice Bureau and Councillors K Angold-Stephens and K Chana be in advisory/observer capacity only; and

(e) That it be noted that an additional representative on the North Essex Parking Partnership (NEPP) was not permissible under its constitution.

34. CALL-IN AND URGENCY FOR THE LICENCE FOR NORTH WEALD MARKET, PROVISION OF NEW DEPOT – OAKWOOD HILL, LOUGHTON AND TENDER FOR INSURANCE POLICIES

The Council noted that the Chairman of the Council had agreed that the following decisions had been treated as a matter of urgency and were not subject to call-in;

Assets and Economic Development Portfolio Holder

(a) Licence for North Weald Market

(1) That the Cabinet agreed the recommended course of action proposed by the Asset Management and Economic Development Cabinet Committee that, given the unlikely prospect of an improved trading position by the current market operator, (Hughmark International), the Council exercised its rights to determine the licence, giving six months notice, by 30 June 2015;

(2) That the Council re-tenders the opportunity to hold regular outdoor events on the current market area at North Weald Airfield to include, but not restricted to outdoor markets; and

(3) That the results of this procurement exercise be reported to a future Cabinet meeting.

(b) Provision of New Depot – Oakwood Hill, Loughton

(1) That the tender of £2,385,176 from T. J. Evers Ltd to undertake the design, build and construction of the new depot at Oakwood Hill for Grounds Maintenance and Fleet Operations was accepted.

Finance Portfolio Holder

(c) Tender for Insurance Policies

(1) That the outcome of the tender exercise for the Council's insurance policies and the entering into an agreement with Zurich Municipal for five years with an option to extend for a further two years be noted.

35. OFFICER EMPLOYMENT PROCEDURE RULES

Mover: Councillor M McEwen, Chairman of the Constitution Working Group

Councillor M McEwen submitted a report regarding revised Officer Employment Procedure Rules.

Report as first moved **ADOPTED**

RESOLVED:

- (1) That the revised Officer Employment Procedure Rules attached be adopted and incorporated into the Council's Constitution; and
- (2) That the proposed rules be subject to further revision based on Government guidance in 6 months time.

36. REVIEW OF TERMS OF REFERENCE FOR THE STANDARDS COMMITTEE

Mover: Councillor G Chambers, the Chairman of the Standards Committee

Councillor G Chambers presented a report on the new Terms of Reference for the Standards Committee.

Report as first moved **ADOPTED**

RESOLVED:

- (1) That the following be approved as the new Terms of Reference for the Standards Committee:
 - (a) promoting and maintaining high standards of conduct by Councillors and Co-Opted Members;
 - (b) assisting Councillors and Co-Opted Members to observe the Members' Code of Conduct;
 - (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
 - (d) monitoring the operation of the Members' Code of Conduct;
 - (e) advising, training or arranging to train Councillors and Co-Opted Members on matters relating to the Members' Code of Conduct
 - (f) considering dispensations to Councillors and Co-Opted Members (including Parish and Town Councillors) from requirements relating to interests set out in the Members' Code of Conduct
 - (g) dealing with any reports referred from or on behalf of the Monitoring Officer on any matter, including investigations relating to Councillor conduct;
 - (h) the exercise of (a) to (g) above in relation to the Parish Councils wholly or mainly in its area and the members of those Parish Councils either directly or through joint arrangements from time to time agreed; and
 - (i) adjudication on complaints regarding the operation of District Council protocols annexed to the Constitution; and
- (2) That the Terms of Reference may be further revised as part of the ongoing review of the Constitution.

37. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

The Chairman informed Members that there were no reports to be considered on the business of joint arrangements and external organisations.

Councillor S Murray requested a report on the Grange Farm Trust and grants received by the Trust.

The Chairman advised that any general reports from joint arrangements and external organisations would be included within the Members Bulletin, although any reports requested directly by Members would be reported directly to Council.

CHAIRMAN

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OFFICER EMPLOYMENT PROCEDURE RULES

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- 1 Operational Standing Orders – Staff

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OFFICER EMPLOYMENT PROCEDURE RULES

A. DEFINITIONS AND RESPONSIBILITIES

1. Definitions

In these rules:

- (a) "the 1989 Act" means the Local Government and Housing Act 1989;
- (b) "the 2000 Act" means the local Government Act 2000;
- (c) **"the 2011 Act" means the Localism Act 2011(b);**
- (d) **"chief financial officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer"** have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;
- (e) "Chief Executive" means the most senior officer of the Council in terms of managerial status and may include any person designated as Head of Paid Service pursuant to s4 of the Local Government and Housing Act 1989 and Deputy Chief Executive shall be construed accordingly;
- (f) "Chief Financial Officer" means the individual who has responsibility for financial administration pursuant to and for the purposes of s151 of the Local Government Act 1972;
- (g) "Chief Officer" means
 - (i) ~~Chief Executive, Deputy Chief Executive, Director of Corporate Support Services, Director of Finance and ICT, Director of Housing, Director of Planning and Economic Development, Director of Environment and Street Scene, Assistant to the Chief Executive~~ **Director of Communities, Director of Governance, Director of Neighbourhoods, Director of Resources;**
 - (ii) Further for the purposes of these Rules alone the Chief Financial Officer and Monitoring Officer, Deputy Financial Officer and Deputy Monitoring Officer are included within the definition of Chief Officer;
 - (iii) Further this definition will also include any post which is subsequently created to these Rules and whose terms of appointment expressly state that these Rules will apply as if to a Chief Officer.
- (h) "Executive" and "Executive Leader" have the same meaning as in Part II of the 2000 Act;
- (i) "Member of Staff" means a person appointed to or holding a paid office or employment under the authority;
- (j) "Pro Rata Rules" mean the principles set out in s15 of the 1989 Act;
- (k) "Proper Officer" means an officer appointed by the authority for the purposes of the relevant provisions in these Rules;

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- (l) "The Rules" means the Officers Employment Rules;
- (m) ***"independent person" means a person appointed under section 28(&) of the 2011 Act;***
- (n) ***"local government elector" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;***
- (o) ***"the Panel" means a committee appointed by the authority under the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;***
- (p) ***"relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and***
- (q) ***"relevant officer" means the chief finance officer, head of the authority's paid service or monitoring officer as the case maybe.***

2. Responsibility for Appointment, Dismissal and Disciplinary Action

- 2.1 Save as otherwise provided for by these Rules and subject to the exceptions in sub paragraphs 2.2 and 2.3 below, the function of appointment and dismissal of, and taking disciplinary action against, a Member of Staff of the authority must be discharged, on behalf of the authority, by the Chief Executive or by a Member of Staff nominated by him.
- 2.2 The exceptions referred to in sub paragraph 2.1 are as follows:
 - (a) the Chief Officers of the Council as defined above; and
 - (b) any person appointed in pursuance of Section 9 of the 1989 Act (assistants for political groups).
- 2.3 Nothing in paragraph 2.2 above shall prevent a person from serving as a member on any panel, committee or sub-committee established by the authority to consider an appeal by:
 - (a) another person against any decision relating to the appointment of that other person as a Member of Staff of the authority; or
 - (b) a Member of Staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that Member of Staff.

B. RECRUITMENT

3. Recruitment and Appointment – General Requirements

3.1 Declarations

- 3.1.1 The Council will draw up a statement requiring any candidate for appointment

as a Member of Staff to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or Member of Staff of the Council; or of the partner of such persons.

- 3.1.2 No candidate so related to a councillor or a Member of Staff will be appointed without the authority of the relevant Chief Officer of the service to which that candidate has applied or a Member of Staff nominated by him/her for this purpose.

3.2 Seeking Support for Appointment

- 3.2.1 The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council.
- 3.2.2 No councillor will seek support for any person for any appointment with the Council.
- 3.2.3 The Council will disqualify any applicant who directly or indirectly seeks the support of any Member of Staff for any appointment with the Council save where the applicant is an existing Member of Staff and seeks a reference from another Member of Staff in support of such application.
- 3.2.4 The content of Rule 3.2 shall be included in any recruitment information.

4. Recruitment of Chief Officers

- 4.1 Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing Members of Staff, the Council will:
- (a) Draw up a statement specifying (i) the duties of the Chief Officer role concerned; and (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) Make arrangements for a copy of the statement mentioned in Rule 4.1 (a) to be sent to any person on request.

5. Appointment of Chief Executive

- 5.1 The full Council will approve the appointment of the Chief Executive following the recommendation of such an appointment by a panel of seven councillors allocated between political groups in accordance with the Pro Rata Rules who will interview applicants for this position. Such a panel shall include at least one Executive member.
- 5.2 All councillors appointed to such a panel is required to have undertaken recruitment and selection training before taking part in interviews.
- 5.3 The appointment panel will not seek the approval of the full council for the proposed appointment until it has complied with the procedure at Rule 8 below.

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6. Appointment of other Chief Officers.

- 6.1 A panel of not less than seven councillors allocated between political groups in accordance with the Pro Rata Rules will interview and, where authorised following the procedure referred to in Rule 8, appoint to these positions. Such a panel shall include at least one Executive member.
- 6.2 All councillors appointed to such a panel are required to have undertaken recruitment and selection training before taking part in interviews.

7. Appointments of Assistants to Political Groups

- 7.1 Appointments of assistants to a political group shall be made in accordance with the wishes of that political group.

8. Objection by the Executive – Appointment of Chief Officers

- 8.1 In relation to any proposed appointment for any Chief Officer post an offer of appointment should not be made until the Proper Officer has been notified of the name of the person that is proposed is to be offered such position and any other particulars which are considered to be relevant to the appointment and the Proper Officer has notified every member of the Executive of the authority of:
- (a) the name of the person to whom it is proposed to make the offer;
 - (b) any other particulars relevant to the appointment which have been notified to the Proper Officer; and
 - (c) the period within which any objection to the making of the offer is to be made by the Executive Leader on behalf of the executive to the Proper Officer; and
- 8.2 Upon such notification having been made then the appointment will only be offered if:
- (a) the Executive Leader has, within the period specified above notified the appropriate appointment panel or individual that neither he nor any other member of the Executive has any objection to the making of the offer;
 - (b) the Proper Officer has notified the appropriate appointment panel, that no objection was received by him within that period from the Executive Leader; or
 - (c) the relevant appointment panel is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.

C. DISCIPLINARY ACTION

9. Disciplinary Action

9.1 Suspension

- 9.1.1 Any Chief Officer may be suspended whilst an investigation takes place into alleged misconduct.

9.1.2 The Chief Executive, in consultation with the Monitoring Officer and the Chief Financial Officer as appropriate, shall have delegated authority to suspend a Chief Officer where, in his/her opinion the presence at work of the Chief Officer concerned could compromise an investigation of any alleged misconduct, for a maximum period of 10 working days. Any decision to suspend any Chief Officer for a longer period shall be taken by a Panel of councillors comprising not less than seven Councillors allocated between political groups in accordance with the pro rata rules and convened within the 10 day period of the temporary suspension.

9.1.3 The Leader of the Council, in consultation with the Monitoring Officer and the Chief Financial Officer, shall have delegated authority to suspend the Chief Executive for a maximum period of 10 working days where, in his/her opinion the presence at work of the Chief Executive could compromise the investigation of any alleged misconduct. Any decision to suspend the Chief Executive for a period of more than 10 working days up to a maximum of 2 months shall be made by a Panel of not less than 7 Councillors allocated between political groups in accordance with pro rata rules.

9.1.4 Any assistant to a political group may be suspended by the leader of that political group.

9.1.5 Any suspension will be on full pay and for a period of not more than two months ~~save as provided for in 9.2.2 below~~ and shall be kept under constant review.

9.2 Independent Person

~~9.2.1 No Disciplinary Action other than the suspension referred to in paragraph 9.1 above may be taken in respect of the Chief Executive, the Monitoring Officer or the Chief Financial Officer except in accordance with a recommendation in a report made by a designated independent person within the meaning of Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.~~

~~9.2.2 Further, in respect of any period for which the Chief Executive, the Monitoring Officer or the Chief Financial Officer may be suspended, the independent person may terminate or extend any period of that suspension (including extending it beyond two months should it appear to that independent person as being necessary) and vary the terms of any suspension as he or she sees fit.~~

~~9.2.3 The independent person may inspect any documents or have questions answered by any Member of Staff of the Council in connection with such investigation.~~

9.2 Dismissal

9.2.1 A relevant officer may not be dismissed by an authority unless the procedure set out in paragraphs 9.2.1 (i) – (vi) is complied with.

- (i) The Council will invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two independent persons to the Panel.**

- (ii) ***“Relevant independent person” means any independent person who has been appointed by the Council or, where there are fewer than this, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.***
- (iii) ***Subject to 9.2.1 (iv) the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance 9.2.1 (i) in accordance with the following priority order;-***
 - (a) ***a relevant independent person who has been appointed by the Council and who is a local government elector;***
 - (b) ***any other relevant independent person who has been appointed by the Council;***
 - (c) ***a relevant independent person who has been appointed by another authority or authorities.***
- (iv) ***The Council is not required to appoint more than two relevant independent persons in accordance with paragraph (iii) but could if it wished.***
- (v) ***The Council must appoint any Panel at least 20 working days before the relevant meeting.***
- (vi) ***Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority 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 relevant officer.***

9.3 Councillors

9.3.1 Councillors will not be involved in the disciplinary action against any member of staff below Chief Officer level, ***(except relevant officers referred to in paragraph 1(q))*** except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council’s disciplinary, capability and related procedures, as adopted from time to time or as otherwise provided for by these Rules.

9.3.2 Other Councillors may participate in such proceedings where there is a right of appeal to members in respect of disciplinary action.

10. Disciplinary Panels

10.1 Disciplinary Action short of dismissal in respect of the Chief Executive, Monitoring Officer and Chief Financial Officer may be made by a panel ***Committee*** comprising not less than seven councillors allocated between political groups in accordance with the Pro Rata Rules and including at least one member of the Executive to consider the report on any disciplinary matters. ~~produced by the independent person referred to in~~

~~paragraph 9.2.1 above and must be in accordance with any recommendation made in that report.~~

10.2 The full Council ~~may~~ **will** approve the dismissal of the Chief Executive, Monitoring Officer and Chief Financial Officer following the recommendation of such a dismissal by the Panel **referred to in 9.2.1 and Committee referred to in 10.1** provided that

- (i) such dismissal is in accordance with any recommendation made in the report produced by the ~~independent person~~ Panel referred to in paragraph 9.2.1 above; and
- (ii) the procedure referred to in paragraph 11 below has been complied with.

10.3 Disciplinary Action, including dismissal, in respect of any individuals in the positions of Chief Officers, other than the Chief Executive, Monitoring Officer and Chief Financial Officer, may be taken by a panel of seven councillors allocated between political groups in accordance with the Pro Rata Rules including at least one member of the Executive and provided that the procedure referred to in paragraph 11 below has been complied with.

10.4 Disciplinary Action, including dismissal, in respect of any assistants to political groups, may be taken by a panel made up of not less than three councillors from that political group (unless there are less than three councillors affiliated to that party when the panel should be made up of all councillors affiliated to that party).

11. Objection by the Executive - Dismissal

11.1 In relation to any proposed dismissal of an individual in a Chief Officer post notice of dismissal should not be given until the Proper Officer has been notified of the name of the person that is proposed is to be dismissed and the reasons for the proposed dismissal and the Proper Officer has notified every member of the executive of the authority of:

- (a) the name of the person it is proposed to dismiss;
- (b) the reasons for the proposed dismissal;
- (c) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the Proper Officer.

11.2 No notice of dismissal or recommendation for dismissal as the case may be shall be given until either -

- (a) the Executive Leader has, within the period specified above notified the panel proposing to dismiss that neither he nor any other member of the Executive has any objection to the proposed dismissal;
- (b) the Proper Officer has notified the panel that no objection was received by him within that period from the Executive Leader; or
- (c) the relevant panel is satisfied that any objection received from the Executive Leader within that period is not material or is not well founded.

12. Redundancy Procedures

- 12.1 The Epping Forest District Council Redundancy and Redeployment Policy and Procedure does not apply to Chief Officers. However the principles referred to within that policy will be adhered to so far as is appropriate when considering a potential redundancy situation affecting any individuals who hold any of the above posts and whether to dismiss any such person. The Epping Forest District Council Policy for Redundancy and/or Early Retirement shall apply in full to Chief Officers.
- 12.2 A panel of members comprising not less than seven councillors allocated between political groups in accordance with Pro Rata Rules including at least one member of the Executive will consider whether any persons holding any post referred to in 12.1 above shall be made redundant when it appears there is a need to consider such matters (“the Redundancy Panel”).
- 12.3 The Redundancy Panel will, in addition to any other steps that appear to them to be appropriate as referred to in the Redundancy and Redeployment Procedure, be responsible to ensure that:
- (a) any individuals that may be affected by any decisions relating to redundancy are informed at an early stage of the fact that they may so be affected and the reasons for this. Thereafter any such individuals should be kept informed of relevant information pertaining to the redundancy decision making process as it continues.
 - (b) individuals are meaningfully consulted during the redundancy process and, in particular, sufficient information is given to them such as to enable them to understand why such redundancies are being considered and an opportunity is given to those individuals to comment on such information and make alternative proposals with a view to avoiding redundancy.
 - (c) that consideration is given to whether any alternative positions may be available to the affected individuals.
- The Redundancy Panel shall ensure that notification is given to the Executive of any proposed decision to dismiss by reason of redundancy in accordance with paragraph 11 above. Such notification is to be made before the Redundancy Panel notifies the individual concerned that it is proposed to recommend to the Council to make that individual redundant in accordance with paragraph 12.5 below.
- 12.4 If the Redundancy Panel decides that a notice of redundancy should be issued to any individual then it should inform the individual concerned of its intention to recommend the Council to do so and inform that individual that they have a right to appeal and the Panel should set a reasonable period for the individual to make such an appeal.
- 12.5 If the individual does not appeal within the set timescale then the full Council will approve the dismissal of the individual concerned following the recommendation of the Redundancy Panel.
- 12.6 If the individual does appeal within the set timescale then a Redundancy Appeal Panel will be appointed which will consist of not less than seven councillors, drawn

from political groups in accordance with Pro Rata Rules and including at least one member of the Executive, who will hear and adjudicate upon the appeal.

- 12.7 If the appeal is dismissed then the full Council will approve the dismissal of the individual concerned following the recommendation of the Redundancy Appeal Panel.