

<b>CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>COMMITTEE</b>	COUNTY COUNCIL
<b>DATE</b>	26 SEPTEMBER 2013
<b>TITLE OF REPORT</b>	TO ESTABLISH STANDING COMMITTEES
<b>REPORT BY</b>	CHIEF EXECUTIVE
<b>PURPOSE OF REPORT</b>	TO FACILITATE STATUTORY / CONTRACTUAL REQUIREMENTS

## **BACKGROUND**

1. Concerns regarding the conduct/performance of statutory officers may sometimes require further investigation in compliance with the statutory procedures in the Local Authorities Standing Orders (Wales) Regulations 2006. The relevant parts of the Regulations form part of the statutory officers' terms and conditions of employment and are reflected in the Constitution at paragraph 4.10.
2. Under the Regulations, where it appears that an allegation has been made against a statutory officer which may lead to disciplinary action, the Council is required to appoint an Investigation Committee. Following any investigation, and subject to its findings, a Disciplinary Committee may then be required.
3. The Constitution defines the roles and responsibilities of the full Council, and its committees. Only the full Council has the authority to establish an Investigation Committee, and a Disciplinary Committee.
4. As the Constitution does not include a standing Investigation Committee, or a standing Disciplinary Committee, the Council must establish both, in order to deal with any relevant issues as and when they arise. To avoid the need for such ad-hoc Committees to be established the recommendations below include amendments to the Constitution to establish two standing Committees.
5. The functions of the full Council are set out at paragraph 3.2.3 and paragraph 3.2.3.5 of the Constitution and refer to: "agreeing and/amending the terms of reference for Committees, deciding on their composition and making appointments to them".
6. **The Investigation Committee**

Having been established, this Committee may then be required to consider:-

- Whether there is a case to answer and, if so, what steps should be taken to investigate/resolve the issues. This may include the appointment of a

Designated Independent Person (DIP), pursuant to the Regulations, to conduct an independent review. It may, instead, or initially, involve some other kind of investigation/review or no further action at all.

- If it is decided that there is a case to answer, the Committee may also be required to decide whether there are grounds to suspend a statutory officer, pending investigation. Any suspension would be entirely without prejudice, on full pay and for a maximum of two months, but subject to extension by any DIP who may be appointed.

## 7. **The Disciplinary Committee**

If the appointment of a DIP is required he/she will investigate and then report to the Disciplinary Committee as to whether the evidence supports the allegation/ allegations and, if so, recommend any disciplinary action which he/she considers appropriate. The Disciplinary Committee will take a decision, having followed the appropriate disciplinary procedure and having conducted a disciplinary hearing.

## 8. **The Full Council**

In addition to its role in establishing an Investigation Committee, and a Disciplinary Committee, the full Council will then act, if necessary, as the internal appeal mechanism for the decision of the Disciplinary Committee. Members who have participated at the earlier stages of the process will be excluded from participation in the appeal body.

## **RECOMMENDATIONS**

1. A standing Investigation Committee be established to exercise the functions described in Regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 and as reflected in the Officer Employment Procedure Rules in paragraph 4.10 of the Council's Constitution.
2. The Investigation Committee shall consist of three Members, and be politically balanced in accordance with Section 15 of the Local Government and Housing Act 1989; with one Member being a Member of the Executive. It is suggested that this should not be the Leader or any of those who hold the Portfolios for the statutory officers.
3. The Council delegate to the Chief Executive authority to appoint the Members of the Investigation Committee, following consultation with the political Group Leaders. In subsequent years Members will be appointed annually by the full Council as part of the usual process for populating committees.
4. A standing Disciplinary Committee be established and Members appointed to it. This would accord with JNC Guidance in relation to Chief Executives and avoid the need for the Council to separately establish a Disciplinary Committee, should one be required in any case where allegations have been made against a statutory officer and which require consideration under this process.

5. The Disciplinary Committee shall consist of three Members and be politically balanced in accordance with Section 15 of the Local Government and Housing Act 1989; with one Member being a Member of the Executive. It is suggested that this should not be the Leader or any of those who hold the Portfolios for the statutory officers. It is further recommended that the Members of the Disciplinary Committee shall not include any Members of the Investigation Committee.
6. The Council delegate to the Chief Executive authority to appoint the Members of the Disciplinary Committee, in consultation with the political Group Leaders. In subsequent years, Members will be appointed annually by the full Council as part of the usual process for populating committees..
7. The Council delegate to any of the three statutory officers in consultation with the Leader, the authority to incur the expenditure necessary to discharge this statutory/contractual obligation. This may include the engagement of external specialist Solicitors to advise in relation to employment issues, and may involve the appointment of an investigator/independent expert, together with arrangements for interim cover in the event of any period of suspension.