

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	17 JULY 2017	9
CHIEF OFFICERS EMPLOYMENT COMMITTEE			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Chief Officers' Employment committee presently comprises independent persons, as required by law, as well as councillors.

The national Joint Negotiating Committee Handbook on chief executives' terms and conditions requires that councils reconstitute the equivalent committee so that it comprises only independent persons and not councillors. The report recommends complying with that requirement set out by the JNC, and adopting the same practice in relation to chief officers.

RECOMMENDATIONS

1. Change the composition of the Chief Officers' Employment Committee so that when considering the dismissal of the chief executive or chief officers in cases of disciplinary action, it comprises only the three independent persons appointed under section 28(7) of the Localism Act 2011.

SUMMARY OF PREVIOUS DECISIONS

Council, 17 April 2017: Appointed committees for 2016-17 including the Chief Officers' Employment Committee, fixed the size and political balance of committees including the Chief Officers Employment Committee and appointed their present memberships.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	√
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

REMIT AND PRESENT COMPOSITION

1. The Chief Officers' Employment Committee has the following terms of reference:
 1. *The definition of those posts which are regarded as Chief Officer posts is listed in Part 7 of this Constitution.*
 2. *The appointment of:*
 - (i) *The Officer designated as the Head of the Authority's Paid Service;*
 - (ii) *A statutory Chief Officer within the meaning of Section 2(6) of the Local Government and Housing Act 1989; and*
 - (iii) *A non-statutory Chief Officer*
 3. *The dismissal of, or disciplinary action against, any Officer referred to in paragraph (i) to (iii) above or the consideration of any appeals, grievances or other matters in relation to any such officer where it should be expedient for the committee to deal with them.*

The terms of reference of the committee reflect the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001, which require the functions listed in the terms of reference to be referred to the committee for advice and recommendations.

2. The regulations require that the committee includes at least two of the independent persons appointed under section 28(7) of the Localism Act 2011 (which deals with standards and codes of conduct). Fylde's committee presently comprises all three of its independent persons, together with six members of the council.
3. The committee does not have a regular schedule of meetings, and in fact has never met.

RECOMMENDED CHANGE

4. Fylde council is a member of the Joint Negotiating Committee for Chief Executives of Local Authorities ("the JNC"). The JNC is the national negotiating body for the pay and conditions of service of Chief Executives in England and Wales. The Authorities' Side consists of elected members nominated by the Local Government Association. The Staff Side consists of chief executives nominated by the Association of Local Authority Chief Executives (ALACE). The members agree to abide by the outcome of the negotiations between the local authorities and the ALACE.
5. The JNC's National Salary Scales and Conditions of Service Handbook agreed last year included a change which member authorities are required to incorporate in their constitution. The change agreed is that the body fulfilling the role of Fylde's Chief Officers' Employment Committee should, when considering the dismissal of the chief executive in cases of disciplinary action, comprise only independent persons appointed under section 28(7) of the Localism Act 2011, and should not include any elected members.
6. The council is therefore recommended to accept the national model process agreed by the JNC and to stipulate that when considering the dismissal of the chief executive in cases of disciplinary action, the Chief Officers' Employment Committee will only comprise the three independent persons. For consistency, the committee is also recommended to have the same composition when considering the same matter in relation to chief officers. The appointment of Chief Officers would continue to be made by elected members and would be ratified by Full Council.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report.
Legal	The JNC handbook does not have the force of law. The legislation requires that committees such as the Chief Officers' Employment Committee include at least two independent persons, but also allows authorities to appoint elected members to the committee.
Community Safety	None arising directly from this report
Human Rights and Equalities	None arising directly from this report
Sustainability and Environmental Impact	None arising directly from this report
Health & Safety and Risk Management	None arising directly from this report

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Joint Negotiating Committee for Chief Executives of Local Authorities National Salary Scales and Conditions of Service Handbook	13 October 2016	Town Hall, Lytham St Annes