

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF GOVERNANCE	COUNCIL	2 OCTOBER 2023	14
CHIEF EXECUTIVE TERMS AND CONDITIONS: JNC HANDBOOK			

PUBLIC ITEM

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

RELEVANT LEAD MEMBER

This item is within the remit of the lead member for finance and resources (Councillor Gaunt).

PURPOSE OF THE REPORT

The council is a member of the Joint Negotiating Committee for Chief Executives of Local Authorities (JNC), which is responsible for agreeing on terms and conditions for local authority chief executives. Last year, the JNC introduced an updated model procedure for disciplinary proceedings involving chief executives, which applies to all member local authorities.

The procedure requires local authorities to have three committees: an independent disciplinary committee, an appeals committee, and an independent panel comprising only independent persons. The report recommends the existing Chief Officer Employment Committee to fulfil the role of the independent disciplinary committee, the Public Protection Committee to take on the function of the appeals committee, and a new committee to be established to become the independent panel.

The Audit and Governance Committee is to consider the matter at its meeting on Thursday 28 September 2023. The committee's recommendations, if different to below, will be reported at Council.

RECOVERABILITY

This decision is not recoverable because it relates to a recommendation to the council.

RECOMMENDATIONS

The Audit and Governance Committee recommends to Council to:-

1. Add the wording set out in paragraph 3 of the report to the terms of reference of the Chief Officer Employment Committee, and amend its membership by omitting the independent persons;
2. Add the wording set out in paragraph 4 of the report to the terms of reference of the Public Protection Committee; and
3. Establish a new committee, known as the JNC (Chief Executives) Independent Panel, with the terms of reference and membership set out in paragraph 5 of the report.

REPORT

1. The council is a member of the Joint Negotiating Committee for Chief Executives of Local Authorities ('the JNC'). The JNC is comprised of representatives of local authorities and trades unions. It agrees the terms and conditions for local authority chief executives. The terms and conditions were amended last year. The changes included an updated model procedure for disciplinary proceedings involving chief executives. The changes apply to all local authorities who are members of the JNC.
2. The updated model procedure requires local authorities to have the following committees:
 - An **independent disciplinary committee**.
 - An **appeals committee**
 - An **independent panel**, which must comprise at least two of the council's independent persons appointed under the Localism Act 2011.
3. It is recommended that the existing Chief Officer Employment Committee should fulfil the role of the independent disciplinary committee. It should have an additional term of reference as follows: *"to fulfil the functions of the Independent Disciplinary Committee as set out in model disciplinary procedure which forms part of the National Salary Framework & Conditions of Service Handbook published by the Joint Negotiating Committee for Local Authority Chief Executives"*. The independent persons should no longer be members.
4. It is also recommended that the Public Protection Committee should fulfil the role of the appeals committee. The model procedure suggests that the appeals committee should have no more than five members. The Public Protection Committee has twelve members, but it sits as a panel of three, selected at random, when it hears disciplinary appeals. Therefore, it would follow that in the instance of an appeal, that a panel of five of its members would be selected at random to undertake this role. There would need to be an extra element to its terms of reference, which would be: *"to fulfil the functions of the Appeals Committee as set out in model disciplinary procedure which forms part of the National Salary Framework & Conditions of Service Handbook published by the Joint Negotiating Committee for Local Authority Chief Executives"*.
5. Finally, it is recommended that there should be a new committee to carry out the functions of the independent panel. It should be called the JNC (Chief Executives) Independent Panel. Its terms of reference would be: *"to fulfil the functions of the Independent Panel as set out in model disciplinary procedure which forms part of the National Salary Framework & Conditions of Service Handbook published by the Joint Negotiating Committee for Local Authority Chief Executives"*. The panel members would be the council's three independent persons.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	
Environment – To deliver services customers expect	
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	

IMPLICATIONS	
Finance	There are no financial implications arising from this report
Legal	The new structure needs to be put in place to ensure that the council is compliant with the terms and conditions as agreed on its behalf by the JNC. Should the disciplinary procedure ever be invoked, it would be important for the council to be compliant.
Community Safety	None relating to this report
Human Rights and Equalities	None relating to this report
Sustainability and Environmental Impact	None relating to this report
Health & Safety and Risk Management	None relating to this report

SUMMARY OF PREVIOUS DECISIONS
None

BACKGROUND PAPERS REVELANT TO THIS ITEM		
Name of document	Date	Where available for inspection
Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework & Conditions of Service Handbook	September 2022	Town Hall, Lytham St Annes

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	Email & Tel 01253 658506	28 July 2023