

5 DECEMBER 2001

NEW FOREST DISTRICT COUNCIL

CABINET

Minutes of a meeting of the Cabinet held at Appletree Court, Lyndhurst on Wednesday 5 December 2001.

p Cllr S A Hayes (Chairman)
p Cllr M J Kendal (Vice-Chairman)

Councillors:

p P H Cummings
p T J Droogleever
p P C Greenfield

Councillors:

p Mrs M D Holding
p B Rickman
p C A Wise

In Attendance:

Councillors:

K F Ault
F J Bright
W R Catt
Mrs M Humber BA
T M Russell

Councillors:

D N Scott
Mrs B Smith
D B Tipp
M H Thierry

Also Present:

Mr B Birks, Tenant Representative

Officers Attending:

D Yates, N Gibbs, Ms E Malcolm, C Malyon, D Atwill, Ms J Bateman, A Bradbury, K Holmes, S Maggs, Ms H Renwick and Miss G O'Rourke.

116. MINUTES.

RESOLVED:

That the minutes of the meeting held on 7 November 2001, having been circulated, be signed by the Chairman as a correct record.

Arising on the Minutes

In relation to Minute 108 – Parking Provision on Development Sites, the Economy and Planning Portfolio Holder confirmed that a report outlining proposals for the development of Traffic Management Scheme would be considered by the Cabinet at their next meeting.

117. DECLARATIONS OF INTEREST.

No declarations of interest were made.

118. PUBLIC PARTICIPATION.

No issues were raised during the public participation period.

119. DEVELOPMENT AT PARISH COURT, LYMINGTON – OCCUPANCY RESTRICTION CONSENT (REPORT A).

The Cabinet considered an application for consent to the occupation of 23 Parish Court, Lymington. The consent of the Council was required by the terms of an old Planning Legal Agreement relating to the development.

RESOLVED:

- (a) That consent be given to the applicant to occupy 23 Parish Court, Lymington; and
- (b) That authority be delegated to the Director of Environment Services to consider and decide as she considers appropriate upon future applications for consent arising from this particular Legal Agreement and any similar applications for consent arising from other Legal Planning Agreements.

120. COASTAL PROTECTION STRATEGY (REPORT B).

The Cabinet considered a report setting out a comprehensively revised Coast Protection Strategy document for the Council.

The Environment Portfolio Holder commented that the Environment Panel had recently visited the Coastal Protection team and had been advised of the detailed monitoring that took place in relation to coastal erosion. Members had been very impressed with the calibre of the employees in the team and the sophisticated level of equipment that they used. It was noted that the New Forest approach was being used as a model for the South East Region.

Members also noted the importance of the Lymington Salt Marshes which were an integral part of the Council's flood defence strategy.

RECOMMENDED:

That the Coastal Protection Strategy document be approved.

121. CORPORATE IDENTITY AND RE-BRANDING OF THE COUNCIL'S IMAGE (REPORT C).

The Cabinet considered a report proposing a new Corporate Identity and re-branding of the Council's image.

The current logo and strapline conveyed a somewhat dated image and was not in line with the Disability Discrimination Act. People with learning difficulties and/or sight impairment found the images confusing and difficult to read. Furthermore the current style did not lend itself to electronic branding and electronic exchange of information.

The Cabinet were pleased to note that, in the current financial climate when the Council were under severe budget pressures, a gradual approach to the adoption of a new logo would generate savings.

The area in which the greatest savings would be made was that of paper stocks and printing. It was anticipated that an immediate saving of £10,000 would be made simply by buying paper from an alternative stationery specialist who would print and overprint the paper. The favourable cost saving would only be made because the proposed logo would be printed in two colours and not three.

The Corporate and Finance Review Panel had supported all the proposals contained within the report.

Considering the positive benefits and savings it was:-

RECOMMENDED:

- (a) That the Council adopt the modernised heraldic device/badge, attached as Appendix 1 to these minutes motto and additional slogan, New Forest District Council – The Heart of the Forest and that the change in identity be introduced in the areas where cost savings can be made immediately;**
- (b) That change gradually be phased in elsewhere in the Council when and where necessary thus allowing for wastage of equipment and signage and its natural replacement within budgets; and**
- (c) That this matter be one that the full Council should approve.**

122. LYMINGTON RECREATION CENTRE – CONSTRUCTION OF AN EXTENSION TO THE SPORTS HALL STORE (REPORT D).

The Cabinet considered a report proposing the construction of an extension to the Sports Hall Store.

Due to the way in which examination desks and chairs had to be stored a number of health and safety concerns had recently arisen.

An extension to the existing store would allow the desks and chairs to be stored properly with no health and safety implications for employees. The estimated cost of constructing the store extension was £22,500 for which there is no budgetary provision.

The loss of income for leaving the desks in the hall for the duration of the exams was estimated at £14,556 against that the estimated loss of income from moving the desks onto the end court of the sports hall was £6,228 with a potential for a further loss of income should more week-end bookings occur.

RECOMMENDED:

That, subject to any required planning permission being granted and successful negotiation with the County Council, a supplementary capital estimate of £22,500 be agreed in order to construct an extension to the store at Lymington Recreation Centre.

123. FINANCIAL REPORT FOR THE PERIOD APRIL 2001 – SEPTEMBER 2001 (REPORT E).

The Cabinet considered a report setting out the forecast budget variations of all Portfolios and Committees from the approved original estimates for 2001/2002.

RECOMMENDED:

- (a) That the following items of Capital Expenditure which are over £20,000 and therefore require the approval of the Council be agreed.**

	£'000
(i) Bed and Breakfast and Other Homelessness Costs 150 (£100k vired form the Contingency Fund)	
(ii) Housing Benefits – Supported People 90 - Caseload and Subsidy Variations 50	
(iii) Development Control - Advertising Costs 25 (virement from additional income of £40,000)	
(iv) Housing Renewal Grant Agency 70	
(v) Single Status and other cost implications of payments⁵⁴ to DSO	

- (b) That the reduction in the Housing subsidy budget of £137,000, which is largely due to matching savings in rent rebate expenditure be approved.**

RESOLVED:

That subject to approval of the recommendation above, the revised General Fund Budget; the revised Capital Expenditure Programme, and the revised Housing Revenue Account budget as set out in Appendices 1-3 of Report E be approved.

124. LOCAL GOVERNMENT FINANCIAL SETTLEMENT.

The Cabinet were informed of the Local Government Financial Settlement that the Government had announced the previous day. Although the settlement was provisional it was unlikely to change and as such was very disappointing.

The Council's Standard Spending Assessment had been increased by 4.1% but the Government would only fund 1.38%. Members noted that the gearing effect would increase the adverse impact on the Council Tax. Consideration would need to be given to reductions in service; use of reserves and higher Council Tax rises in order to maintain a balanced budget.

RESOLVED:

That the position be noted

125. THE COUNCIL TAX 2002/2003 – SETTING THE TAX BASE (REPORT F).

The Cabinet received a report setting out the proposed tax base for setting the 2002/2003 Council Tax.

RECOMMENDED:

- (a) *That calculation of the Council's tax base for the year 2002/2003 be approved; and*
- (b) *In accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount calculated by this Council as its council tax base for the year 2002/2003 be as follows and as detailed in Appendix 1 to Report F.*

PARISH/TOWN	TAX BASE 2002/03
<i>Ashurst & Colbury</i>	<i>915.3</i>
<i>Beaulieu</i>	<i>476.5</i>
<i>Boldre</i>	<i>996.3</i>
<i>Bramshaw</i>	<i>330.3</i>
<i>Bransgore</i>	<i>1835.2</i>

<i>PARISH/TOWN</i>	<i>TAX BASE 2002/03</i>
<i>Breamore</i>	<i>175.7</i>
<i>Brockenhurst</i>	<i>1708.8</i>
<i>Burley</i>	<i>738.0</i>
<i>Copythorne</i>	<i>1194.8</i>
<i>Damerham</i>	<i>230.5</i>
<i>Denny Lodge</i>	<i>147.1</i>
<i>East Boldre</i>	<i>374.6</i>
<i>Ellingham, Harbridge & Ibsley</i>	<i>580.7</i>
<i>Exbury & Lepe</i>	<i>97.3</i>
<i>Fawley</i>	<i>4752.7</i>
<i>Fordingbridge</i>	<i>2202.5</i>
<i>Godshill</i>	<i>209.0</i>
<i>Hale</i>	<i>265.8</i>
<i>Hordle</i>	<i>2319.0</i>
<i>Hyde</i>	<i>494.2</i>
<i>Hythe & Dibden</i>	<i>7332.7</i>
<i>Lymington & Pennington</i>	<i>6526.8</i>
<i>Lyndhurst</i>	<i>1336.5</i>
<i>Marchwood</i>	<i>1905.8</i>
<i>Martin</i>	<i>186.6</i>
<i>Milford on Sea</i>	<i>2532.6</i>
<i>Minstead</i>	<i>350.7</i>
<i>Netley Marsh</i>	<i>805.1</i>
<i>New Milton</i>	<i>10290.8</i>
<i>Ringwood</i>	<i>5193.1</i>
<i>Rockbourne</i>	<i>159.0</i>
<i>Sandleheath</i>	<i>261.3</i>
<i>Sopley</i>	<i>289.7</i>
<i>Sway</i>	<i>1598.2</i>
<i>Totton & Eling</i>	<i>9418.5</i>
<i>Whitsbury</i>	<i>97.8</i>
<i>Woodgreen</i>	<i>248.2</i>
<i>Whole District</i>	<i>68577.7</i>

126. RENT RESTRUCTURING (REPORT G).

The Cabinet considered a report proposing restructuring of the Council's rents following the issue of new policy guidance by the Government.

Tenants' representatives had considered this matter at a meeting of the Housing Services Group on 20 October 2001. Whilst they had some concerns, they understood the issues involved and supported the recommendations made.

The Housing, Health and Social Exclusion Panel at a meeting on 21 November 2001 also supported the recommendation.

RECOMMENDED:

That subject to confirmation being received with regard to future HRA subsidy arrangements:

- (i) Council rents increase generally from 1 April 2002 by the DTLR guideline, currently estimated to be 3.5%;***
- (ii) Phasing-in of the new rent structure commence on 1 April 2002;***
- (iii) New rents be phased in by ten equal annual steps, with rent increases for any tenant restricted to £2 over and above inflation;***
- (iv) Target rent be not applied whenever a change of tenancy takes place;***
- (v) With effect from 1 April 2002, no rent increase be applied following the installation of central heating or double glazing;***
- (vi) Valuation queries be investigated and determined by the Council's Valuer, in accordance with guidelines to be agreed with the Portfolio Holder, following consultation with tenants' representatives; and***
- (vii) For blocks, where individual open market values cannot be established for each dwelling, target rents be derived from the block valuation.***

127. ALLOCATION OF LOCAL AUTHORITY SOCIAL HOUSING GRANT (LASHG) – SWAYTHLING HOUSING SOCIETY, HAZEL FARM, TOTTON (REPORT H).

The Cabinet considered a report proposing the allocation of local authority social housing grant totalling £994,677 to Swaythling Housing Society to fund 23 units of affordable housing at Hazel Farm, Totton.

In considering the issues the Cabinet noted that the Housing Portfolio Holder supported the proposals and emphasised that the LASHG allocation proposed related specifically to the 23 units on the development. That phase of the development was 'free-standing' and allocation of LASHG did not commit the Council to further spending on future phases.

RESOLVED:

That LASHG totalling £994,677 to Swaythling Housing Society be approved to fund 23 units of affordable housing at Hazel Farm, Totton.

128. DISPOSAL OF LAND AT ASH CLOSE, NETLEY VIEW, HYTHE FOR AFFORDABLE HOUSING (REPORT I).

The Cabinet received a report setting out proposals for the disposal of an area of land to facilitate the development of affordable housing.

RESOLVED:

That the land at Ash Close, Netley View, Hythe as detailed on the plan attached to Report I, be disposed of to facilitate the development of affordable housing at Ash Close at nil value subject to:

- (i) A resolution to grant planning permission for the development of the dwellings and play facilities having been passed;
- (ii) An undertaking being given by Hythe and Dibden Parish Council that the receipts received from the disposal of the land will be used to facilitate new play facilities at Netley View; and
- (iii) An undertaking being given by Hythe and Dibden Parish Council that should, as a result of alternative funding becoming available for the play facilities, the capital receipt (or part of that receipt) they receive from the disposal of the land no longer be needed to meet the capital and revenue costs of the play facilities, or that capital receipt in total exceeds the costs of provision, a payment be made to the District Council that reflects the level of the remaining receipt and the value of the access to the site.

129. INFORMATION SERVICES BEST VALUE FINAL REPORT AND FIVE YEAR SERVICE IMPROVEMENT PLAN (REPORT J).

The Cabinet considered the final report of the Best Value Review of the Information Services and the five year Service Improvement Plan.

Whilst commending officers for the efforts that they had put into this particular Best Value report, several members were of the view that the Best Value process generally was very bureaucratic.

Members noted that officers were continually streamlining and evolving the Best Value process within the statutory framework. Best Value was not just about reducing costs but about finding ways of providing a more efficient and effective service to the Council's customers.

RESOLVED:

- (a) That the Best Value Review of the Information Services be accepted; and
- (b) That the actions outlined in the 5 Year Improvement Plan be approved.

130. NEW MANDATORY STANDING ORDERS (REPORT K).

The Cabinet considered a report detailing new legislation that required the Council to adopt a Standing Order specifying procedures for resolving disputes between the Council and the Executive over the content of strategic plans and the budget.

In addition there were also new Standing Orders which broadly provided for the Cabinet to be given the opportunity to object to appointments to, or dismissals from, the more senior politically restricted posts in the Council.

RECOMMENDED:

- (a) *That the amendment to Standing Order 25, and the revised Chapter 21 of the Constitution, attached as Appendix 2 to these minutes be approved;*
- (b) *That the revised Standing Orders for General Procedures Nos 15 and 16, and the new Standing Orders Nos 15A, 15B and 18A, attached as Appendix 3 to these minutes be approved;*
- (c) *That the revised Standing Orders for General Procedures No 18, attached as Appendix 4 to these minutes be approved;*
- (d) *That the Head of Personnel be appointed as the proper officer for the purpose of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001 (duty to notify the Executive of proposed appointments to and dismissals from senior posts); and*
- (e) *That the Head of Legal and Democratic Services be authorised to make any minor amendments to other parts of the Council's Constitution that she considers necessary to achieve consistency with the new Standing Orders.*

131. APPOINTMENT TO OUTSIDE BODIES.**RESOLVED:**

- (a) That Councillor Beck be appointed in place of Cllr Cleary to serve on Dorcas – New Forest; and
- (b) That Councillor Mrs Holding be appointed in place of Cllr Kendal to serve on the Association of Hampshire and Isle of Wight Local Authorities.

132. STILLWATER PARK (REPORT L).

The Cabinet considered a report detailing the comments of the Corporate and Finance and Housing, Health and Social Exclusion Review Panels following the call in of the Cabinet decision.

Councillor Thierry addressed the Cabinet.

He commented that he felt that the Council had lost sight of the needs of the residents of Stillwater Park. He knew that the residents still opposed the sale of the site to a Registered Social Landlord or to a private individual/company. However, he was aware that discussions were continuing and he wanted to ensure that the residents and local members were fully involved in all aspects.

The Cabinet noted the comments made by the Review Panels and agreed that it was important that the residents and the local members were fully briefed on the future vision for Stillwater Park. With this in mind it was noted that a meeting had been arranged, the detail of which was still to be finalised, to enable all the interested parties to discuss the issues and exchange information.

RESOLVED:

- (a) That the views of the Review Panels be noted; and
- (b) That it be noted that discussions with the preferred Registered Social Landlord (RSL) were continuing and that arrangements were in hand to enable a meeting to be held between the residents, local members and the RSL to ensure that all interested parties were kept fully informed.

CHAIRMAN

NEED TO SCAN IN

STANDING ORDERS FOR MEETINGS

1. *Interpretation*

In these Standing Orders –

“the 1972 Act” means the Local Government Act 1972, as amended

“Cabinet” means the formal Council body defined as the executive under the Local Government Act 2000

“Chief Executive” means the Head of the Council’s Paid Service

“Committee” means any Committee appointed by the Council

“he”, “him”, “his” and “himself” includes “she”, “her” and “herself”

“Leader” means the Councillor appointed by the Council to be its principal political leader

“Monitoring Officer” means the person appointed under section 5 of the Local Government and Housing Act 1989

“opposition group” means any political group, excluding the political group which contains the largest number of Council members

“Panel” means Review Panel (except where the term “Appeals Panel” is used)

“political group” means a group of Councillors who:

wish to associate together for the allocation of Committee and Panel places; and

inform the Chief Executive of that fact in writing

“portfolio” means an activity which is the responsibility of a single cabinet member

“portfolio holder” means the Councillor responsible for a specific portfolio

“Sub-Committee“ means any group, whether or not called a Sub-Committee, which is appointed by the Cabinet, a Committee or Panel for specified purposes. (*See Note for Guidance below)

“working day” means Mondays to Fridays, excluding days of public holiday; and a working day ends when the Council’s offices at Appletree Court, Lyndhurst close for normal business on that day

DISPUTES BETWEEN CABINET AND COUNCIL

25. Resolving Disputes between the Council and Cabinet

25.1 *The mechanism for resolving disputes between the Council and Cabinet shall be as stated in Chapter 21 of the Council's Constitution.* That Chapter shall comply with the requirements of The Local Authorities (Standing Orders) (England) Regulations 2001.

PROCEDURE FOR RESOLVING DISPUTES BETWEEN COUNCIL AND CABINET

INTERPRETATION

1. In this Chapter, "plan or strategy" means a plan or strategy referred to in Annex 2 to Chapter 1 of the Constitution, and any other plans or strategies that full Council decide should be added to the list in Annex 2, (subject to the separate provisions relating to the statutory components of the budget in paragraph 10).
2. Where notification is required to be submitted to any Councillor or officer of the Council under the procedure in this Chapter, the notification may be transmitted electronically.

PROCEDURE FOR DEALING WITH RECOMMENDATIONS FROM CABINET

3. The Cabinet is responsible for formulating or preparing plans or strategies, or alterations to plans or strategies, for submission to the full Council. In doing so, it shall undertake any consultations required under this Constitution.
4. The full Council is responsible for approving plans and strategies. In doing so, it shall in all cases consider a written recommendation from the Cabinet.
5. The procedure in this Chapter lays down the action that must be taken where the Cabinet has submitted a draft plan or strategy, or amendments to an existing plan or strategy, to full Council for consideration, and, following consideration of the draft plan or strategy, or the amendments, the Council has any objections to the Cabinet's proposals.
6. Before the Council adopts, approves, amends or modifies the plan or strategy, it must instruct the Chief Executive to take the action in paragraph 7.
7. As soon as reasonably practicable, and in all case within two working days, after the meeting at which the Council objected as in paragraph 5 above, the Chief Executive shall give written notification to the Leader of the Council in the following terms:

"[NAME OF PLAN OR STRATEGY]

At its meeting on [date] full Council objected to this plan or strategy as recommended to it by the Cabinet for [adoption][approval][amendment].
The objections agreed by Council were:

[]

Under legislation and the Council's Constitution, the Executive must reconsider the [name of plan or strategy] in the light of the Council's objections.

The Executive must either:

- (a) submit a revised [name of plan or strategy], with its reasons for any amendment, to the Council for its consideration; or
- (b) inform the Council of any disagreement it has with any of the Council's objections, and its reasons for the disagreement.

The Executive must take this action by [date (1)*]

[It is proposed that this item is placed on the agenda for the Cabinet meeting already arranged for [date and time]]

OR

[I will contact you separately to arrange a date and time for a special Cabinet meeting]

OR

[As discussed, a special Cabinet meeting to consider this matter is being arranged for [date and time]]

OR

[**Please notify me by [date] of any revisions the Executive proposes to the [name of plan or strategy], with reasons, and/or the Executive's reasons for any disagreement with the Council's objections]."

* The date at (1) must be not less than 5 working days from and including the day after the Leader receives this notification.

** This option may be used only where the Monitoring Officer is satisfied that (a) it would not be practicable to convene a formal Cabinet meeting within the specified time, and (b) the Council's objections are not major or strategic, and the nature of them makes it practicable for the Leader to respond without convening a formal Cabinet meeting.

8. When the Executive has reconsidered the matter in the light of the Council's objections, the Chief Executive shall arrange for the plan or strategy to be referred to the next full Council meeting or, if necessary, a special Council meeting. The reference to the Council meeting shall include all of the following information that has been received from the Executive by the date at (1) in paragraph 7 above:
- a) any amendments to the draft plan or strategy proposed by the Executive;
 - b) the reasons for those amendments;
 - c) any disagreement the Executive has with the Council's objections to the plan or strategy; and
 - d) the reasons for that disagreement.

9. The Council shall take the information in 8 (a) to (d) into account when it adopts, approves, amends or modifies the plan or strategy. The Council's decision, whether it be to follow or to reject the views of the Executive, shall be implemented immediately.
10. Where, before 8 February in any financial year, the Cabinet submits to full Council for consideration in relation to the following financial year the statutory components of the budget (defined below*), the procedure in paragraphs 5 to 9 above shall also apply before the Council makes a calculation, or issues a precept, under any of the legislation included in the definition. The Chief Executive's notification to the Leader shall be in similar terms to that in paragraph 7 of this Chapter.

*The "statutory components of the budget" means:

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992

but not

- (a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; or
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

STANDING ORDERS FOR GENERAL PROCEDURES

(THESE STANDING ORDERS DO NOT RELATE TO PROCEEDINGS AT MEETINGS)

1. Interpretation

In these Standing Orders –

“the 1972 Act” means the Local Government Act 1972, as amended

“Cabinet” means the formal Council body defined as the executive under the Local Government Act 2000

“Chief Executive” means the Head of the Council’s Paid Service

“Chief Officer” means -

the Chief Executive;

the Monitoring Officer;

the officer responsible for the proper administration of the Council’s financial affairs under section 151 of the 1972 Act; and

any other person the Council designates as a Chief Officer, and whose name is entered as such in a list which may be inspected by the public.

“he”, “him”, “his” and “himself” includes “she”, “her” and “herself”

“Monitoring Officer” means the person appointed under section 5 of the Local Government and Housing Act 1989

“Sub-Committee“ means any group, whether or not called a Sub-Committee, which is appointed by the Cabinet, a Committee or Panel for specified purposes.

15. Appointment of Chief Officers and Monitoring Officer - Advertisement, Shortlist and Interview

15.1 Where the Council proposes to appoint a Chief Officer, and does not propose that the appointment shall be made exclusively from among existing Council officers, it shall:

- (a) draw up a statement specifying:
 - (i) the duties of the officer 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 (a) to be sent to any person on request.

The General Purposes and Licensing Committee shall take this action where the Chief Executive is to be appointed. The Chief Executive shall take this action where any other Chief Officer is to be appointed.

- 15.2 (a) Where a post has been advertised as 15.1(b), the Council shall:
- (i) interview all qualified applicants for the post, or
 - (ii) select a short list of qualified applicants and interview those included on the short list.
- (b) Where no qualified person has applied, the Council shall make further arrangements for advertisement under 15.1(b).

The Council may authorise a Committee, Sub-Committee or the Chief Executive to take this action on its behalf.

15.3 Standing Order 15A also applies when it is proposed to appoint a Chief Officer (except the Monitoring Officer).

~~15.3 The General Purposes and Licensing Committee shall take action under 15.1 to appoint the Chief Executive.~~

~~The Chief Executive shall take action under 15.1 to appoint any other Chief Officer.~~

~~The Council shall take action under 15.2. Alternatively the Cabinet may authorise a Committee, Sub-Committee or the Chief Executive to take action on its behalf.~~

~~The Council shall appoint every Chief Officer.~~

~~15.4 The Council shall appoint a Monitoring Officer. The Monitoring Officer shall not be the Chief Executive.~~

(Note: The first 3 sub-paragraphs of 15.3 have been incorporated into 15.1 and 15.2. The fourth sub-paragraph has been incorporated into 15A.2. 15.4 has been incorporated into 15B).

15A. Appointment and dismissal of Chief Officers and deputy chief officers, and notification of proposals to the Executive.

15A.1 This Standing Order applies to appointments to, and dismissals from, the following posts:

Chief Officers, as defined in Standing Order 1, but excluding the Monitoring Officer;

non-statutory chief officers within the meaning of section 2(7) of the Local Government and Housing Act 1989; and

deputy chief officers within the meaning of section 2(8) of the Local Government and Housing Act 1989.

The Chief Executive shall maintain a list of posts falling within the definition of non-statutory chief officer, and deputy chief officer.

Appointment

15A.2 The Council shall approve the appointment of every Chief Officer before an offer of appointment is made.

The Council, a Committee, Sub-Committee or officer, as appropriate, shall appoint other officers to whom this Standing Order relates. Normally, the appointment shall be made by an officer. If, exceptionally, the appointment is made by a Committee or Sub-Committee, at least one member of the Cabinet shall be a member of that Committee or Sub-Committee.

15A.3 *When an officer (or the Council, a Committee or a Sub-Committee) wishes to make an offer of appointment to any of the posts to which this Standing Order applies, he shall inform the Head of Personnel of:*

- (a) the name of the person to whom he wishes to make the offer, and*
- (b) any other particulars which he considers relevant to the appointment.*

15A.4 *The Head of Personnel shall notify to every member of the Cabinet:*

- (a) *the information in 15A.3 (a) and (b) above; and*
- (b) *that the Leader of the Council, on behalf of the Cabinet, should inform the Head of Personnel of any objection to the making of the offer, and that any objection must be received by the Head of Personnel within 5 working days from the date of the notification.*

15A.5 *The offer of appointment in 15A.3 shall not be made until either:*

- (a) *the Leader has notified the appointing person or body that no member of the Cabinet objects to the offer being made; or*
- (b) *the Head of Personnel has notified the appointing body or person that no objection was received from the Leader within 5 working days of the notification to the Cabinet; or*
- (c) *if an objection from the Leader has been received within the 5 working day period, the appointing person or body is satisfied that any objection is not material or not well-founded.*

Dismissal

15A.6 *The Council must approve the dismissal of every Chief Officer before notice of dismissal is given to him.*

The Council, a Committee, Sub-Committee or officer, as appropriate, shall approve the dismissal of other officers to whom this Standing Order applies. Normally, the dismissal shall be made by an officer. If, exceptionally, the dismissal is made by a Committee or Sub-Committee, at least one member of the Cabinet shall be a member of that Committee or Sub-Committee.

15A.7 *When an officer (or the Council, a Committee or a Sub-Committee) proposes to dismiss an employee from any of the posts to which this Standing Order applies, he shall inform the Head of Personnel of:*

- (a) *the name of the officer he proposes to dismiss, and*
- (b) *any other particulars which he considers relevant to the dismissal.*

15A.8 *The Head of Personnel shall notify to every member of the Cabinet:*

- (a) *the information in 15A.7 above; and*
- (b) *that the Leader of the Council, on behalf of the Cabinet, should inform the Head of Personnel of any objection to the dismissal, and that any objection must be received by the Head of Personnel within 5 working days from the date of the notification.*

15A.9 *Notice of dismissal shall not be given until either:*

- (a) *the Leader has notified the appointing person or body that no member of the Cabinet objects to the dismissal; or*

- (b) *the Head of Personnel has notified the appointing body or person that no objection was received from the Leader within 5 working days of the notification to the Cabinet; or*
- (c) *if an objection from the Leader has been received within the 5 working day period, the dismissing person or body is satisfied that any objection is not material or not well-founded.*

15B. Appointment of Monitoring Officer

15B.1 The Council shall appoint a Monitoring Officer. The Monitoring Officer shall not be the Chief Executive. ***Standing Order 15A shall not apply to the appointment or dismissal of the Monitoring Officer.***

16. Other Officer Appointments and dismissals

16.1 Appointments and dismissals which do not fall within Standing Order 15, ***15A and 15B*** shall be made in accordance with the procedures in the ~~relevant Chapter of the Constitution~~ ***Council's agreed procedures (as contained in the Management Advice Notes). Appointment and dismissal of persons whose posts do not fall within the definition in Standing Order 15A.1 shall be made by the Chief Executive or an officer nominated by him.***

18A Disciplinary action - officers below deputy chief officer level.

18A.1 Procedures for disciplinary action against officers other than the Chief Executive, Chief Finance Officer and Monitoring Officer shall be as set out in the Council's agreed procedures (as contained in the Council's Management Advice Notes). Disciplinary action against any person other than one whose post is listed in Standing Order 15.1 must be undertaken by the Chief Executive or an officer nominated by him.

(Extract from Standing Orders for General Procedures)

18. Chief Executive, Monitoring Officer and Financial Officer – Disciplinary Action

18.1 **Neither** the Council, Cabinet, a Committee, Sub-Committee, Joint Committee, Panel, nor any person acting on their behalf may take disciplinary action against

the Chief Executive;

the Monitoring Officer; or

the officer appointed for the proper administration of the Council's financial affairs under section 151 of the 1972 Act

except:

as described in Standing Order 18.2; or

in accordance with a recommendation in a report by a designated independent person under Regulation ~~3~~ **7** of the Local Authorities (Standing Orders) (**England**) Regulations ~~1993~~ **2001** (**investigation of alleged misconduct**).

“Disciplinary action” means action within the meaning of ~~Part II~~ **regulation 2** of the Local Authorities (Standing Orders) (**England**) Regulations ~~1993~~ **2001**.

18.2 The Council, a Committee, Sub-Committee, Joint Committee, or any person acting on their behalf may suspend the officer in order to investigate alleged misconduct. Any such suspension shall be on full pay, and shall end no later than the end of two months from and including the day on which the suspension starts.

18.3 The Council shall adopt disciplinary procedures for the officers mentioned in 18.1 for the purpose of 18.2.