

## **Appendix A**

In Part 3.1 of the Constitution after 2.12 on page 38 add the following:-

### **'2.13 Dismissal Advisory Panel (to meet on demand) has the following functions:**

To advise the full Council on matters relating to the dismissal of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

[NB. This is an independent Panel whose membership must include no less than two independent persons appointed under section 28(7) of the Localism Act 2011 and shall consist of three such independent persons].'

In Part 4.7 of the Constitution delete 7(a) and 7(b) on page 120 and renumber 7(c) to 7(b).

Insert a replacement 7(a) as follows:-

**'Dismissal.** The Council shall appoint a committee under section 102(4) of the Local Government Act 1972 known as the Dismissal Advisory Panel (the Panel) for the purposes of advising the Council on matters relating to the dismissal of the Head of Paid Service, Chief Finance Officer (Section 151 Officer) and the Monitoring Officer. Such officer(s) can only be dismissed by full Council. The Council must invite any independent person, being a person appointed under section 28(7) of the Localism Act 2011, appointed by the Council to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel. Where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council consider appropriate may be so invited. The Council is not required to appoint more than two such persons but may do so. Subject to this, the Council must appoint to the Panel such independent persons who have accepted an invitation issued in accordance with the above in accordance with the following priority order –

- (i) such an independent person who has been appointed by the Council and who is a local government elector in the register of electors for the Borough;
- (ii) such other independent person who has been appointed by the Council;
- (iii) such other independent person who has been appointed by another authority or authorities.

Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as an independent person under the Localism Act 2011.

Such officer(s) may not be dismissed by the Council unless the Panel is duly appointed and a meeting of the Panel held at least 20 working days before full Council holds its meeting to take a vote on whether or not to approve the relevant dismissal. Before the taking of such a vote, full Council must take into account, in particular –

- (i) any advice, views or recommendations of the Panel;
- (ii) the conclusions of any investigation into the proposed dismissal; and
- (iii) any representations from the relevant officer’.
- (iv) any professional advice from corporate human resources and legal officers