

Appendix C - Constitutional Requirements

- 1.1 The function of appointment, dismissal and taking disciplinary action against, an officer of the council must be discharged, on behalf of the council, by Chief Executive Officer (the head of paid service) or their nominee.
- 1.2 This does not however apply to the following posts:
- (a) The Chief Executive (Head of Paid Service) *
 - (b) Executive Director – Resources and Corporate Services (Section 151 Officer) *
 - (c) Service Director – Governance, Democratic and legal Services (Monitoring Officer) *
 - (d) Executive Director of Children and Family Services*
 - (e) Executive Director of Adult Services*
 - (f) Executive Director of Public Health**
 - (g) Executive Director – Strategy, Workforce and Localities
 - (h) Executive Director – Community Services
 - (i) Executive Director – Climate and Place
- And additionally.
- (j) any officer who reports or is directly accountable to the officers listed in (a) to (i) above.

Note

*Indicates posts that carry posts statutory responsibilities and authority. Statutory designations and these posts have been agreed by the Council to cover these statutory requirements are set out below. The posts of Head of Paid Service, Chief Finance Officer (also known as Section 151 Officer) and Monitoring Officer have a range of key constitutional responsibilities as set out in relevant legislation.

** This post carries statutory responsibility and authority. Any appointment or dismissal process is undertaken jointly with the Secretary of State for Health in accordance with National Health Service Act 2006.

2 DISCIPLINARY ACTION (INCLUDING DISMISSAL) IN RELATION TO OFFICERS

3.1 DEFINITION: 'Disciplinary action' means any action confirmed in relation to alleged misconduct and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body. It only includes failure to renew a contract of employment for a fixed term where the Council has undertaken to renew such a contract.

3.3.1 Any proposal for a dismissal of the Chief Executive, the Section 151 Officer or the Monitoring Officer will be determined by the Council on the recommendation of the Independent Persons' (IPs) Panel comprising a minimum of 3 IPs selected to participate by the Chief Executive in accordance with the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015. The IPs will be selected from a joint Somerset Councils' Panel of IPs. The Panel will be appointed by the Chief Executive (or the Head of HR where the Chief Executive is the subject of the proposed dismissal). The Panel shall be appointed a minimum of 20 days before the Council is due to meet to consider the dismissal.

3.3.2 A proposal for a dismissal of an officer specified in 1.2(d)-(j) will be determined by the Council on the recommendation of a special Panel of 6 Members appointed by the Leader of the Council (or their nominated representative) and comprising: -

- (a) The Leader of the Council (or their nominated representative)

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- (b) The Leader of the largest opposition group (or their nominated representative)
- (c) 4 other Members of the Council selected by the Leader of the Council in consultation with the other Group Leaders and in accordance with the rules of political proportionality.

3.3.3 Any question of dismissal on the grounds of redundancy (including voluntary), permanent ill-health or infirmity of mind or body in relation to a Chief Officer shall be determined by the Special Members' Panel appointed as specified above with the exception detailed in below.

3.3.4 The exception is where a proposed financial settlement for an officer leaving the Council exceeds £100,000. In these circumstances only Full Council can agree the financial settlement.

The relevant part of the constitution can be viewed using this link: [Part 15 - Officer Employment Procedure Rules \(somerset.gov.uk\)](#)