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**TRANSFORMATION AND RESOURCES OVERVIEW AND SCRUTINY
COMMITTEE**

Tuesday 12 June 2012

Present:- Councillor Mrs Elizabeth Shenton – in the Chair
Councillors Eastwood, Hambleton, Howells, Lawton, Mrs Peers, Stringer
and Waring

6. APOLOGIES

Apologies were received from Councillors Mrs Hambleton and Mrs Heames.

7. DECLARATIONS OF INTEREST

There were no declarations of interest.

8. MINUTES OF PREVIOUS MEETINGS

Resolved:- That the minutes of the meeting held on 23 April 2012 be agreed as a correct record

9. BUDGET PERFORMANCE MONITORING REPORT PERIOD 201/12 FOURTH QUARTER

A report was submitted providing the Committee with the Financial and Performance Review for the 2011/12 Fourth Quarter. The Council's Head of Performance and Transformation confirmed that the report was definitely for Quarter 4.

A report had been presented at the Committee's previous meeting. The review was ongoing and would be reported to Cabinet at its 18th July meeting, after which it would return to the Committee in order to be scrutinised. The majority of items within the Cabinet Performance Monitoring Report were on track. Officers stated that performance monitoring would focus less on organisational activity and move to a more outcome based approach that would consider quality of life issues such as health and the economy. The new version of the Finance and Performance Review would hopefully go to Cabinet in September.

It was felt by Members that an agreement from Cabinet detailing their budgetary plans was required from the outset of overview and scrutiny, which should include income generation, reserve plans, planned savings etc. The portfolio holder for Communications, Transformation and Partnerships confirmed that Officers had already been consulted with the aim to make the budget setting process as open as possible, and to open the process up to scrutiny by councillors and the public. When developments were available to share then these would be communicated. The Chair made clear that there was always the option of more meetings of the Committee if this was required.

Members questioned what the figures were for planning applications in comparison to previous years. Officers confirmed that the figures were substantially down

compared to previous high figures, but they were starting to improve. Specific figures could be provided if required.

Members questioned what the income over target figures were for J2. The Council's Head of Finance confirmed that the figures could be established and brought to the Committee. Members requested that this information be provided for all future meetings of the Committee.

Resolved:- (a) That the information be received.

(b) That income over target figures for J2 be provided for future meetings of the Committee

10. **WORK PLAN**

The work plan was considered by the Committee and items suggested for the forthcoming municipal year.

It was felt by members that the Committee needed to see planned numbers of efficiency savings such as reserves and borrowing plans in order for them to be scrutinised. This would go hand in hand with budget scrutiny and therefore a scrutiny brief would be required for the next Committee meeting.

The Chair proposed that training on the budget be conducted at the next meeting of the Committee for the benefit of Members. Members emphasised that learning about the content of the budget rather than the process would be most beneficial. The Council's Head of Revenues and Benefits would liaise with the Chair of the Committee to discuss this.

The Portfolio Holder for Communications, Transformation and Partnerships informed the Committee that a report of budget options was being considered and if implemented would come to this Committee for consideration. This report would provide options for picking the budget and would show what the consequences would be if a certain option was chosen. Preferences could be given by committees and fed back to the Cabinet. The public could also get involved with the budget options.

The Kidsgrove 'One Stop Shop' was raised by Members, in particular criticism of its customer service. The Police were scheduled to move into the 'One Stop Shop' and members questioned how this would be approached. The public had fears and concerns regarding these issues which needed allaying. There could be issues with Customer Services that go beyond the problems with the Kidsgrove 'One Stop Shop'. A scrutiny brief for Customer Service was requested for the next meeting.

The Committee had undertaken a review of the constitution in the previous municipal year through a working group and the constitution had been adopted for a short time. As part of the review the Chair had written to all Members of the Council as they had felt they had not had enough time to consider the changes. Only one piece of feedback was received as a result of the Chair's communication. Officers confirmed that the Constitution would hopefully be adopted by Full Council at its 11 July meeting. It was felt that the constitutional review should be an ongoing topic for the Committee through the Working Group. It was a living document that should be kept under review, especially as large areas of the constitution had not been looked at yet. Officers informed the Committee that there would be work on the indexing side of the document with the aim of creating an interactive, electronic Constitution. Members noted that a search facility would be beneficial for finding specific areas of the

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Constitution if there was an electronic version. It was also felt it should be one whole document, not split into many documents.

Resolved:- (a) That a scrutiny brief for the budget be provided at the next meeting

(b) That that training on the budget be provided at the next meeting of the Committee

(c) That a scrutiny brief for Customer Service be brought to the next meeting

(d) That the Committee continue to review the Constitution through the working group set up in the last municipal year

11. URGENT BUSINESS

There was no urgent business considered.

**MRS E SHENTON
Chair**

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STAFFING COMMITTEE

Submitted by: Head of Central Services

Portfolio: Communications Transformations and Partnerships

Ward(s) affected: All

Purpose of the Report

To give the views of the Committee on the Staffing Committee which has been agreed in principle by Full Council in order to inform the Leader and Chair of Transformation and Resources to finalise the details of the Committee

Recommendation

The Views of the Committee are sought.

Reasons

The Preferred solution balances the benefits and disbenefits of employment decisions being taken by Officers against the benefits and disbenefits of such decisions being made by Members.

1. Background

- 1.1 The Local Government Act 1972 provides that a Local Authority shall appoint such Officers as it considers necessary for the proper discharge of its or another's functions. Any employee appointed is required to hold office on such reasonable terms and conditions, including pay, as the Authority thinks fit.
- 1.2 Prior to 2000 most changes of any significance to terms and conditions were authorised in most authorities by a personnel or joint negotiating committee. Experimental arrangements with Cabinet forms of government saw this replaced with ratification of changes by Cabinet. However the Local Authorities (Functions and Responsibilities) (England) Regulations now provide that:
 - (i) It is not to be the function of the Executive to determine the terms and conditions on which staff hold office (including procedures for their dismissal); and
 - (ii) It is not to be the function of the Executive to exercise functions relating to Local Government Pensions.
- 1.3 Further the Local Authorities (Standing Orders) (England) Regulations provides that **the appointment and dismissal of or disciplinary action against Officers below Deputy Chief Officer level** must be delegated to the Head of the Paid Service or to his nominee.
- 1.4 The Regulations do provide that Members may sit on Committees considering **appeals** relating to appointment dismissal or discipline of staff. Such quasi judicial committees would require appropriate training **from those Officer decisions**.
- 1.5 Those Regulations provide that the Head of Paid service can only be appointed and dismissed by Full Council and that Chief Officers the Head of the Paid Service the Monitoring Officer and the Chief Finance Officer are subject to specific procedures which provide for Executive representation and objection and independent investigation.

1.6 The Current scheme of Delegation provides that **the day to day management of staff and the adoption and amendment of Employment Policies** are delegated to the Head of the Paid service and to Executive Directors subject to the Council's Budget and its plans and policy framework set by Members.

2. **Issues**

2.1. Subject to the above constraints (which are provided for in the Councils current Constitution) the matters now dealt with can be delegated by Council to Officers or Committees.

2.2 Clearly it is impractical for a Committee to discharge the operational management of staff as this would be likely to lead to delay whilst meetings were called reports written and the appropriate rules about notice etc. complied with. There would also be considerable extra expense in dealing with those matters and ensuring that Members receive the appropriate training and support to make decisions. There is also likely to be a detriment to the managerial ability to control their services appropriately and to their engagement through that responsibility and a loss of the benefit of the experience skills and training that Managers have developed. Over time management skills would also be lost and there is likely to be detriment to the recruitment retention and development of managerial staff.

This has to be balanced against the benefits of Member involvement. Member decision making may be more open and transparent and have opportunities for wider input and equalities. Involvement in making these sorts of decisions would develop Members engagement and understanding of Services and utilise and develop their skills. It would also make services more accountable to the electorate and may increase the trust of employees in policies as being fair.

On balance it is considered that in order to obtain the benefits discussed but to avoid the disbenefits, Officers should retain the operational management functions but that Members should set the Employment Policy framework and be responsible for scrutiny (oversight) of the staffing arrangements. Currently, the Employment Policies of the Council provide that most employment decisions are made by Officers but in setting the policies Members would be able to reallocate tasks such as dealing with appeals between the Officers and Members as they considered appropriate.

2.3 As with other quasi-judicial committees Members will require training before making decisions.

2.4 The Members of the Committee will be appointed in accordance with the rules of political proportionality.

2.5 As a new committee amends the Constitution it was considered appropriate that the decision should be in principle to allow Transformation and Resources Overview and Scrutiny to have an input.

2.6 The relevant Functions can be delegated wholly to Officers wholly to a Committee or Committees (but not to an individual Member) or partly to Officers and partly to a Committee or Committees at its meeting on 11 July the Council resolved as follows:-

(a) That in principle the council establish a staffing committee consisting of 6 Members to be responsible for the Council's functions as an employer including the Local Government Pension Scheme which are not delegated to Officers or referred to Full Council or constrained by the law with the terms of reference set out in this report.

(b) These functions include the adoption and amendment of all employment policies to the extent they relate to staffing matters to make representations to the Local Government Association and/or the Government or other organisations about any matter relating to employees of the Council and to make arrangements for members of the Committee to determine appeals of employees in accordance with the appropriate policies.

(c) That the Leader of the Council and the Chair of Transformation and Resources Overview and Scrutiny Committee having consulted with the Transformation and Resources Overview and Scrutiny Committee be authorised to finalise the details of the Committee in accordance with the agreed principles and the views of that Committee

The following functions are included:

(1) The adoption and amendment of all employment policies including the following to the extent they relate to staffing matters:

- Adoption leave policy
- Agency staff procedure
- Alcohol, drugs, substance misuse policy
- Attendance management policy
- Bullying and harassment policy
- Capability procedure
- Officers' Code of Conduct
- Compensatory leave policy
- Computer, telephone and clear desk policy
- Equal opportunities and diversity in employment
- Disciplinary procedure
- Discretionary powers
- Driving at work
- Early retirement
- Employee recognition policy
- Employees' handbook
- Flexible retirement
- Flexible working hours
- Grievance procedure
- Health and safety
- Home working
- Information policies – internet, email
- Job evaluation
- Job sharing
- Local Government Pension Scheme
- Maternity and paternity
- National agreement on pay and conditions of service
- Smoking
- Recruitment
- Redundancy
- Restructuring
- Remote working
- Staff communications and consultation
- Stress at work
- Time off for trade union duties
- Working time.

- (2) To make representations to the Local Government Association and/or the Government or other organisations about any matter relating to employees of the Council.
- (3) To make arrangements for members of the Committee to determine appeals of employees in accordance with the appropriate policies.

3 **Options**

The Committee is free to comment as it wishes.

4 **Proposal**

- 4.1 The Views of the Committee are sought.

5. **Reasons for Preferred Solution**

- 5.1 As a new committee amends the Constitution it was considered appropriate that the decision should be in principle to allow Transformation and Resources Overview and Scrutiny to have an input.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 6.1 The objective of the proposal is to provide the most effective and efficient employment arrangements to motivate and help the workforce to enable the Council to deliver its priorities. Accordingly the link to transforming our Council to achieve excellence could not be clearer.

7. **Legal and Statutory Implications**

- 7.1 As with all other Local authority functions the power to employ and the control of employment is constrained by statute and controlled by the Courts and Auditor. The Council is of course still subject to the general regime of employment protection and anti-discrimination legislation as well.

8. **Equality Impact Assessment**

- 8.1 The Equality Act 2010 has been considered. It is not considered that there will be a significant impact on equalities issues in relation to the proposal. However, having these decisions made by a committee does make them more open and transparent and the decisions will be made by a group of diverse individuals (Members) which may enhance the decision making process from an equalities point of view. Each individual policy will continue to be subject to assessment of its equality impact as is the case now and it will be important to ensure that members have the appropriate training officer support and information to enable them to make a positive contribution.

9. **Financial and Resource Implications**

- 9.1 It is intended to meet the needs of this Committee out of existing resources

10. **Major Risks**

- 10.1 The proposal takes into consideration the potential detriment to Managerial empowerment and motivation the need for efficient and timely decision making and the requirement to ensure professional and technical competence. It is considered that the correct balance is

struck between this and the benefits of member involvement referred to in the issues section of the report which might otherwise be lost.

11. **Sustainability and Climate Change Implications**

Not applicable.

12. **Key Decision Information**

Not a key decision

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