

Newcastle-Under-Lyme Borough Council

Date 17th January 2018

REPORT TITLE Governance arrangements in respect of employment matters

Submitted by: John Tradewell, Interim Chief Executive

Portfolio Corporate and Service Improvement, People and Partnerships

Ward(s) affected All

Purpose of the report

1. When the Council established the new Employment Committee and associated arrangements in September it didn't resolve the membership for that Committee. The purpose of this report is to ask the Council to rectify this and to deal with some associated matters.

Recommendations:-

1. That the terms of reference for the Employment Committee be amended by the addition of the following provision in relation to membership:

The Employment Committee will consist of the seven members nominated by Group Leaders in accordance with the "Rules to ensure political balance" set out in Annex 1 to Appendix 7 of Part 4 of the Council's constitution.

2. That the fourth bullet point of the terms of reference for the Employment Committee is amended to read as follows:

*To establish and appoint members to a sub-Committee as an Investigation and Disciplinary Panel (IDP), comprising three members (and such relevant independent persons as may be required by The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015), to hear disciplinary and conduct issues relating to a Statutory Officer in accordance with relevant HR Procedures. The Chairman of the IDP shall have authority to issue a notice of dismissal in the event of a decision by full Council to dismiss the Statutory Officer**

3. That the action taken to call an Employment Committee to take place after full Council be endorsed.

4. Where any staffing matters have been started, and have been following, the procedures in place prior to the Council's decision to establish the Employment Committee and new arrangements, those matters will now continue under the new procedures, and the Employment Committee and/or the IDP will have full authority to determine how those matters are brought within the new procedures.

2. **Background**

2.1 At its meeting on 6th September, Council agreed to establish an Employment Committee with the Terms of Reference below:

- To establish and appoint members to an Appointments sub-committee to act as an appointment panel for Executive Directors and Heads of Service ;
- Subject to any statutory requirements, to advise Council on the appointment of Statutory Officers and to make arrangements to establish and appoint members to an Appointments sub-committee to act as an interview panel for Statutory Officer appointment;
- To oversee matters of discipline or competence in respect of the Head of Paid Service, the Monitoring Officer and the Section 151 Officer (the Statutory Officers)*;
- To establish and appoint members to a sub-Committee as an Investigation and Disciplinary Panel (IDP), comprising three members, to hear disciplinary and conduct issues relating to a Statutory Officer in accordance with relevant HR Procedures. The Chairman of the IDP shall have authority to issue a notice of dismissal in the event of a decision by full Council to dismiss the Statutory Officer *
- To establish and appoint members to a sub-Committee as an Appeals Panel, comprising three members, to hear an appeal by a Statutory Officer against a decision of the IDP falling short of a recommendation to dismiss, in accordance with relevant HR procedures;
- Other than those matters delegated to the Section 151 Officer, to discharge the Council's responsibilities in relation to local government pensions matters;
- To review organisational structure where the changes involve compulsory redundancies that do not have the agreement of existing staff and/or where any such changes require additional budget, which require approval of Cabinet and/or full Council;
- To determine appeals (excluding any Statutory Officers) in relation to:
 - Dismissals whether arising by virtue of misconduct or otherwise
 - Disciplinary action
 - Grievances
 - Selection for redundancy
 - Grading

*Note: When discharging the functions marked * above, the Committee must include a member of The Cabinet.*

- 2.2 The Council did not then appoint members to the Employment Committee or to provide a mechanism for their appointment. The Council is therefore asked to address this by approving the following addition to the Terms of Reference:

The Employment Committee will consist of the seven members nominated by Group Leaders in accordance with the "Rules to ensure political balance" set out in Annex 1 to Appendix 7 of Part 4 of the Council's constitution.

- 2.3 In addition, it is necessary to amend the Terms of Reference slightly in relation to the appointment of a sub-committee as an Investigation and Disciplinary Panel. For certain matters, relating to statutory chief officers, it is necessary that the Panel also consists of relevant independent persons so as to comply with the requirements of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. The Council is therefore asked to address this by amending the fourth paragraph of the Terms of Reference above to read as follows:

*To establish and appoint members to a sub-Committee as an Investigation and Disciplinary Panel (IDP), comprising three members (**and such relevant independent persons as may be required by The Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015**), to hear disciplinary and conduct issues relating to a Statutory Officer in accordance with relevant HR Procedures. The Chairman of the IDP shall have authority to issue a notice of dismissal in the event of a decision by full Council to dismiss the Statutory Officer **

- 2.4 An Employment Committee is currently required for certain staffing matters and has been called for immediately after this full Council meeting. The Council is asked to endorse the action taken in calling this meeting.
- 2.5 There are some staffing matters currently underway in the authority. If, and to the extent, that these matters were started under the procedures in place prior to the Council's decision to establish the Employment Committee and new arrangements, those matters will now continue under the new procedures and the Employment Committee and/or the IDP will have full authority to determine how those matters are brought within the new procedures.

3. Legal and Statutory Implications

As set out in the report.

4. Financial Implications

None.

5. Major Risks

None.