

**MAIDSTONE BOROUGH COUNCIL**

**MEMBER AND EMPLOYMENT AND DEVELOPMENT PANEL**

**4 JULY 2011**

**REPORT OF THE HEAD OF DEMOCRATIC SERVICES**

**Report prepared by Neil Harris**

**1. APPOINTMENT OF SUB COMMITTEES**

1.1 Issue for Decision

1.1.1 To consider the appointment of the Panel's various Sub Committees.

1.2 Recommendation of the Head of Democratic Services

1.2.1 That the Panel appoint the following Sub Committees:-

- Performance Sub Committee
- Appeals Sub Committee
- Chief Officers Appeals Sub Committee
- Investigatory Sub Committee
- Joint Consultative Sub Committee

1.3 Reasons for Recommendation

1.3.1 At the meeting of Council on 27 April 2011 it was resolved:-

1. That the terms of reference of the Employment and Development Panel be expanded to include responsibilities currently undertaken by the Joint Consultative Committee and the Investigatory Committee.
2. That the functions set out below delegated to the Employment and Development Panel be dealt with as follows:-
  - (a) Appraisals - to be delegated to a Sub-Committee of 5 Members
  - (b) Acting as an Investigatory Committee in disciplinary matters for staff on the JNC Conditions of Service for Chief Officers of Local Authorities - to be delegated to a Sub-Committee of 5 Members
  - (c) Hearing and determining of appeals under the disciplinary procedures for staff on the JNC Conditions of Service for

Chief Officers of Local Authorities - to be delegated to a Sub-Committee of 5 Members who must be different to those Members appointed to serve on (b) above.

3. That the delegation to the General Purposes Group as set out below be transferred to the Employment and Development Panel:-

“To advise the Cabinet Member for Corporate Services and the Head of Human Resources on Member development priorities where appropriate.”

4. That to accommodate the additional delegations and to appoint the Sub-Committees, the membership of the Employment and Development Panel be increased from 8 Members to 12 Members to include at least 2 Members of the Executive.
- 1.3.2 Set out below are the various Sub Committees that the Panel need to appoint including their terms of reference, membership and political balance requirements. It is possible to appoint a Sub Committee which is not politically balanced, and the arrangements for such appointment are set out in paragraph 1.3.8 below.

#### 1.3.3 Performance Sub Committee

Terms of Reference:	To review annually the performance of the Chief Executive and Directors, to agree targets for the coming financial year, and agree any corrective action which may be required relating to the previous financial year.
Membership:	5 x Members
Political Balance:	3 x Conservative, 2 x Liberal Democrat

#### 1.3.4 Appeals Sub Committee

Terms of Reference:	To hear and determine appeals against decisions taken by the Chief Executive under the disciplinary or capability procedures or to hear grievances raised against the Chief Executive under the grievance procedure.
Membership:	3 x Members
Political Balance:	2 x Conservative, 1 x Liberal Democrat

### 1.3.5 Chief Officers Appeals Sub Committee

Terms of Reference:	To hear and determine appeals under the disciplinary procedures for staff on the JNC Conditions of Service for Chief Officers of Local Authorities.
Membership:	5 x Members (including at least 1 Member of the Executive)
Political Balance:	3 x Conservative, 2 x Liberal Democrat

### 1.3.6 Investigatory Sub Committee

Terms of Reference:	To act as an investigatory committee in disciplinary matters for staff on JC Conditions of Service for Chief Officers of Local Authorities.
Membership:	5 x Members (including at least 1 Member of the Executive) <b>Note:</b> Members of this Sub Committee must be different to those appointed to serve on the Chief Officers Appeals Sub Committee
Political Balance:	3 x Conservative, 2 x Liberal Democrat

### 1.3.7 Joint Consultative Sub Committee

Terms of Reference:	A consultative forum for views to be expressed between both parties on the Committee regarding the following issues relating to the employment of staff by the Council but excluding individual cases: - Health and Safety Issues at Work - Changes in Staff Structures - Terms of Conditions of Employment Such views are referred to the appropriate Council Decision Making Body.
Membership:	8 x Members
Political Balance:	4 x Conservative, 3 x Liberal Democrat, 1 x Independent

1.3.8 Section 17 of the Local Government and Housing Act 1989 provides for exceptions to the Political balance requirements. In essence, the Committee can amend the political balance of a Sub Committee

provided that notice of the intention to give such consideration has been given to all Members of the Sub Committee and when the alternative arrangements are put to the vote at the Committee, no members of the Committee votes against them.

1.4 Alternative Action and why not Recommended

1.4.1 An alternative would be to not appoint to any of all of the Sub Committees but this is not recommended as it would be going against the decision of Council as set out in the Constitution.

1.5 Impact on Corporate Objectives

1.5.1 None

1.6 Risk Management

1.6.1 To fail to appoint a Committee could create difficulties to the Council in undertaking the delegations set out for these Sub Committees.

1.7 Other Implications

1.7.1

- 1. Financial
- 2. Staffing
- 3. Legal
- 4. Equality Impact Needs Assessment
- 5. Environmental/Sustainable Development
- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management


1.8 Relevant Documents

1.8.1 Appendices

None

1.8.2 Background Documents

Council Constitution

**IS THIS A KEY DECISION REPORT?**

Yes

No

If yes, when did it first appear in the Forward Plan?

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This is a Key Decision because: .....

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Wards/Parishes affected: .....

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