

**MAIDSTONE BOROUGH COUNCIL**

**MEMBER AND EMPLOYMENT AND DEVELOPMENT PANEL**

**10 JULY 2013**

**REPORT OF HEAD OF POLICY AND COMMUNICATIONS**

**Report prepared by Janet Barnes**

**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 Policy and Communication

1.2.1 That the Panel appoint to the Sub Committees as set out in Appendix A.

1.3 Reasons for Recommendation

1.3.1 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 appointments are set out in paragraph 1.3.7 below.

1.3.2 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

### 1.3.3 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

### 1.3.4 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

### 1.3.5 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)

**Note:** 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

### 1.3.6 Joint Consultative Sub Committee

Terms of Reference: A consultative forum for views to be expressed between both parties (the Council and the Unions) 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

1.3.7 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.

1.3.8 With regard to the Joint Consultative Sub Committee, the Council agreed at its meeting on 15 May 2013 to amend the allocation of seats for the Member and Employment and Development Panel by moving 1 seat from Independent to Labour. This has an impact on this Sub Committee, as there is now no longer an Independent representative on the full Panel. For the above reason, it is proposed that the Independent Seat on the Joint Consultative Sub Committee be given to the Labour representative.

#### 1.4 Alternative Action and why not Recommended

1.4.1 An alternative would be to not appoint to any or 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 for the Council in undertaking the delegations set out for these Sub Committees.

#### 1.7 Other Implications

1.7.1

1. Financial

2. Staffing

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

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1.8 Relevant Documents

1.8.1 Appendices

Appendix A – Proposed Membership for the Member and Employment and Development Panel Sub Committees

1.8.2 Background Documents

None

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|---|--------------------------|--|-------------------------------------|
| <b><u>IS THIS A KEY DECISION REPORT?</u></b>  |                          | <b><u>THIS BOX MUST BE COMPLETED</u></b> |                                     |
| Yes   | <input type="checkbox"/> | No                                       | <input checked="" type="checkbox"/> |
| If yes, this is a Key Decision because: ..... |                          |  |                                     |
| .....   |                          |  |                                     |
| Wards/Parishes affected: .....                |                          |  |                                     |
| .....   |                          |  |                                     |