

Eden District Council
Accounts and Governance Committee
Council

30 July 2020

Human Resources and Appeals Committee Terms of Reference

Portfolio:	Resources
Report from:	Assistant Director Governance (Monitoring Officer)
Wards:	All Wards
OPEN PUBLIC ITEM	

1 Purpose

- 1.1 To consider revising the terms of reference of the Human Resources and Appeals Committee.

2 Recommendations

Accounts and Governance Committee

- 2.1 Recommend to Council that the proposed amendments to the Terms of Reference of the Human Resources and Appeals Committee are approved, and
- 2.2 Recommend to Council that an additional paragraph in the Terms of Reference for the Human Resources and Appeals Committee, be added, to reflect that the Committee will nominate a Member to participate in the Management of Change Panel, as set out in the draft Management of Change Policy, in relation to officers at Assistant Director level and above.

Council

- 2.3 Approves the proposed amendments to the Terms of Reference of the Human Resources and Appeals Committee, and
- 2.4 Approves the inclusion of an additional paragraph in the Terms of Reference for the Human Resources and Appeals Committee to reflect that the Committee will nominate a Member to participate in the Management of Change Panel, as set out in the draft Management of Change Policy, in relation to officers at Assistant Director level and above.
- 2.5 The Assistant Director Governance amend the Constitution to reflect the changes approved.

3 Report Details

- 3.1 Members will be aware that the Council has embarked on the One Eden transformation programme. This programme will, in part, redesign how we

work and make decisions. The Constitution, which governs the way we work, needs to complement the programme.

- 3.2 The programme comprises a number of different workstreams. One of these involves undertaking a review of the Council's Management of Change Policy. As part of that process, consideration needed to be given to the Human Resources and Appeals Committee's Terms of Reference in order to align them with the proposed revisions within the Management of Change Policy.
- 3.3 The purpose of drafting a new Management of Change policy is to simplify and make more transparent our approach for handling any organisational change which affects staff roles, and to ensure all related policies "join-up". Specifically in relation to the Term of Reference of the Human Resources and Appeals Committee - the involvement of Members has been clarified (a member of the HR & Appeals committee will be invited to be involved in the appointment at AD level upwards and in any appeals).
- 3.4 These proposed changes are set out in Appendix 1. They have been considered and agreed by the Accounts and Governance Working Group. This Working Group also endorses the recommendation of the Human Resources and Appeals Committee to include a paragraph to the Terms of Reference to ensure the Members role in the Management of Change Panel is clear.

4 Policy Framework

- 4.1 The Council has four corporate priorities which are:
 - Sustainable;
 - Healthy, safe and secure;
 - Connected; and
 - Creative
- 4.2 This report meets all corporate priorities, in that it shall ensure that the Council's Constitution is updated as appropriate.

5 Consultation

- 5.1 The Human Resources and Appeals Committee has been consulted on the proposed amendments. The Committee met on 13 July to consider the proposals and a copy of the minutes of that meeting is attached to this report.

6 Implications

6.1 Financial and Resources

- 6.1.1 Any decision to reduce or increase resources or alternatively increase income must be made within the context of the Council's stated priorities, as set out in its Council Plan 2019-2023 as agreed at Council on 7 November 2019.

There are no proposals in this report that would reduce or increase resources.

6.2 Legal

- 6.2.1 Any legal implications are provided within the body of the report.

6.3 Human Resources

- 6.3.1 There are no human resource implications arising from this report

6.4 Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	There are no implications arising from this report.
Health, Social Environmental and Economic Impact	There are no implications arising from this report.
Crime and Disorder	There are no implications arising from this report.
Children and Safeguarding	There are no implications arising from this report.

6.5 Risk Management

Risk	Consequence	Controls Required
Over time the Constitution ceases to be fit for purpose and does not include the provisions which are considered to be necessary and required. The Constitution does not align with the proposed changes arising from the One Eden programme.	Risk of decisions being challenged due to not being made in accordance with proper administrative requirements.	A detailed and substantial review of the Constitution is undertaken.

7 Other Options Considered

7.1 No other options have been considered.

8 Reasons for the Decision/Recommendation

8.1 To amend the Constitution so that it aligns with the proposed revision of the Management of Change Policy.

Background Papers:

Appendices:

Appendix 1 – Human Resources and Appeals
Committee revised Terms of Reference

Appendix 2 – Minutes of the Human Resources and
Appeals Committee held on 13 July 2020

Contact Officer:

Mrs L Tremble, Assistant Director Governance
(Monitoring Officer)

Direct Dial – 01768 212249

3.3 The Human Resources and Appeals Committee shall have responsibility as follows:

9 Members

(including at least 2 members of the Executive)

The Human Resources and Appeals Committee may establish sub-committees consisting of three members with full delegated authority to hear and determine any appeal falling within its terms of reference. The Human Resources and Appeals Committee may establish a Sub-Committee consisting of three Members and at least two Independent Persons to conduct any hearing in relation to proposed or potential disciplinary action in respect of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer and advise the Council on any proposal or recommendation to dismiss such an officer other than a dismissal resolved by a differently constituted Sub-Committee.

Terms of Reference

1. ~~To consider and determine matters relating to employment issues and appeals.~~
2. To ensure HR policies and procedures are in place for, ~~and where appropriate deal with,~~ the appointment and dismissal of staff.
3. To consider and determine any disciplinary in relation to the Council's statutory officers, grievance and re-grading appeals by the Council's employees, in accordance with HR~~the~~ policies and procedures of the Council.
4. To undertake final interview and appoint Chief Officers, Assistant Directors and Heads of Service (other than the Head of Paid Service).
5. To consider any other matter concerning Human Resources, which the Council's policies and procedures require should be considered by members of the Council.
6. To appoint three members of the committee to the Joint Consultative Committee.
7. To consider, where appropriate, the recommendations of the Joint Consultative Committee.
8. To interview candidates for and recommend to full Council a person to be appointed as the Head of the Paid Service, in accordance with current employment legislation and best practice.
9. To hear and determine appeals against decisions or actions made by or on behalf of the Council, including:
 - a) any appeal under the Freedom of Information Act 2000 and the re-use of Public Information Regulations;

- b) any appeal relating to discretionary business rate relief, discretionary housing payments and the award of local Council Tax discounts.
- 10. To hear and determine any complaint under the Council's complaints procedure.
- 11. To advise Council upon any proposal or recommendation to dismiss a relevant officer under the Officer Employment Procedure Rules.
- 12. To nominate a Member of the Committee to participate in the Management of Change Panel, as set out in the draft Management of Change Policy, in relation to officers at Assistant Director level and above.

Eden District Council

Human Resources and Appeals Committee Minutes - DRAFT

Date: 30 June 2020, Time 11.00am and 13 July 2020, Time 1.00pm **Venue:** These were virtual meetings, therefore there was no venue.

Present:

Chairman: Councillor A Ross

Vice Chairman: Councillor M Robinson

Councillors:	A Armstrong	G Nicolson OBE
	P G Baker	G Simpkins
	K Beaty	V Taylor

Officers Present: Julia Cater, Human Resources Consultant
Paul Sutton, Interim Director of Corporate Services
Lisa Tremble, Assistant Director Governance

Democratic Services Officer: Vivien Little, Nichola Baker and Karen Wyeth

HRa/1/06/20 Appointment of Vice-Chairman

At the start of the meeting, the Monitoring Officer advised that this meeting was being hosted remotely using conferencing software which allowed Members, Officers and public attendance whilst being able to protect themselves and others, whilst observing the Government's lockdown measures.

The Monitoring Officer also stated that all votes during this meeting would be taken through an informal recorded vote, though would not be noted as such in the minutes.

A Roll Call of all those Members in attendance remotely was then taken.

Proposed by Councillor Taylor
Seconded by Councillor Simpkins

and **RESOLVED** that Councillor Robinson be appointed Vice-Chairman of the Human Resources and Appeals Committee for the 2020/2021 municipal year.

HRa/2/06/20 Apologies for Absence

No apologies for absence were received for this meeting.

HRa/3/06/20 Declarations of Interest

No declarations of interest were made at this meeting.

HRa/4/06/20 Human Resources and Appeals Committee Terms of Reference

Members considered report G26/20 of the Assistant Director Governance which sought:

1. consideration of the Human Resources and Appeals Committee to the proposals to revise its Terms of Reference; and
2. submission of the comments of the Committee to the Monitoring Officer by 16 July 2020.

Following debate, Members agreed that they wished to defer any consideration of the proposed new Terms of Reference until they had been able to read the draft Management of Change Policy document. It was felt that without this they were unable to put forward any comments, with regard to the proposed new Terms of Reference for this committee, to the Monitoring Officer.

The Chairman announced that the meeting would be adjourned until 13 July 2020 and requested that a copy of the draft Management of Change Policy document be circulated to all members.

The meeting was adjourned at 11.55am.

The meeting was reconvened on Monday 13 July at 1pm

**Paul Sutton – Interim Director of Corporate Services and
Julia Cater – Human Resources Consultants**

were in attendance at the 13 July 2020 meeting.

No apologies for absence were received for the 13 July 2020 meeting.

No declarations of interest were made at the 13 July 2020 meeting.

Members continued to consider the above with further information having been provided regarding the Management of Change Policy.

Proposed by Councillor A Ross
Seconded by Councillor M Robinson

RESOLVED that:

- 1) Members of the Human Resources and Appeals Committee considered the proposals to revise its Terms of Reference; and

- 2) Members of the Human Resources and Appeals Committee recommended the inclusion of an additional paragraph in the Terms of Reference for this committee to reflect that the HR & Appeals Committee will nominate a Member to participate in the Management of Change Panel, as set out in the draft Management of Change Policy, in relation to officers at Assistant Director level and above.

The meeting ended 2:10pm