

**MINUTES OF A MEETING OF THE
PERSONNEL BOARD
HELD ON 5 SEPTEMBER 2018 FROM 7.35 PM TO 8.40 PM**

Committee Members Present

Councillors: Alistair Auty (Chairman), Stuart Munro (Vice-Chairman), UllaKarin Clark, Charlotte Haitham Taylor and Charles Margetts

Officers Present

Anne Hunter, Democratic and Electoral Services Lead Specialist
Andrew Moulton, Assistant Director Governance
Sarah Swindley, Lead Specialist HR

38. APOLOGIES

Apologies for absence were submitted from Councillors Lindsay Ferris and Pauline Helliars-Symons.

39. MINUTES OF PREVIOUS MEETINGS

The Minutes of the meeting of the Personnel Board held on 9 July 2018 and the Minutes of the Extraordinary Meetings held on 26 July, 2 August and 14 August 2018 were confirmed as correct records and signed by the Chairman.

40. DECLARATION OF INTEREST

There were no declarations of interest received.

41. PUBLIC QUESTION TIME

There were no public questions submitted.

42. MEMBER QUESTION TIME

There were no Member questions submitted.

43. SETTING UP OF AN INVESTIGATING AND DISCIPLINARY COMMITTEE (IDC)

The Board considered a report proposing the setting up of an Investigating and Disciplinary Committee (IDC) to deal with disciplinary matters relating to the three statutory Officers i.e. Head of Paid Service, Section 151 Officer and Monitoring Officer.

Andrew Moulton went through the report and advised that the process being proposed was in line with the Model Disciplinary Procedure and Guidance and drew Members attention to the Model Procedure Flow Diagram which set out the process that would be followed.

Andrew tabled a revised Terms of Reference and advised that because the IDC was being set up as a committee of the Personnel Board its membership must be drawn from those Members who had been appointed to Personnel Board, including substitute Members, and therefore the first sentence of section 2 had been amended to read: "The Investigating and Disciplinary Committee shall consist of three Members drawn from the membership of the Personnel Board, including substitute Members." Andrew further confirmed that the membership must be politically balanced and include at least one member of the Executive.

Members discussed the Terms of Reference in detail and in order to be open and transparent put forward that Personnel Board itself should agree the membership of the

IDC and not the Group Leaders. Members were also unhappy that the IDC was only now being set up when the Model Guidance had been in existence for some time.

In line with the other bodies that were included in the Model Procedure Flow Diagram Sarah Swindley tabled a draft Terms of Reference for a Personnel Board Appeals Sub-Committee which would consist of five Members. The Board was unhappy with the proposal that Members could sit on more than one body to hear the same matter and asked that the last sentence of section 2 be deleted from the TOR.

With regard to the Appeals Sub-Committee Terms of Reference Members again felt that the selection process was not as open and transparent as it could be. Following consideration of alternative selection methods it was agreed that eligible Members would be contacted by Democratic Services about their availability and from those that responded the Lead Specialist HR, in the presence of a Democratic Services Officer, would by anonymised ballot randomly pick the membership of the Sub-Committee. A substitute member for each category outlined in section 2 would also be picked. Any Member selected through this process would need to confirm in writing that they had no conflicts that would prohibit them sitting on the Sub-Committee. The Personnel Board asked that this selection process also be replicated in the IDC Terms of Reference.

It was agreed that Officers would amend the Terms of Reference for the IDC and the Appeals Sub-Committee, taking into account the comments made at the meeting, and circulate them to Personnel Board members for approval

RESOLVED that:

- 1) an Investigating and Disciplinary Committee be established and authority be delegated to the Committee to deal with disciplinary matters relating to relevant senior Officers i.e. Head of Paid Service, Section 151 Officer and Monitoring Officer;
- 2) the Investigating and Disciplinary Committee consist of three Members drawn from the membership of the Personnel Board, including substitute Members, with seats allocated, as and when the Committee is required to sit, in accordance with the proportionality rules and appointments made in accordance with the process set out in the revised Terms of Reference;
- 3) taking account of comments made at the meeting Officers amend the Terms of Reference of the Investigating and Disciplinary Committee, as set out in Appendix 1 of the report, and circulate them to members of the Personnel Board for final agreement;
- 4) a Personnel Board Appeals Sub-Committee be established and authority be delegated to the Sub-Committee to deal with appeals against disciplinary and grievance matters relating to relevant senior Officers i.e. Head of Paid Service, Section 151 Officer and Monitoring Officer;
- 5) the Personnel Board Appeals Sub-Committee consist of five Members drawn from the membership of the Personnel Board, including substitute Members, with seats allocated, as and when the Committee is required to sit, in accordance with the proportionality rules and appointments made in accordance with the process set out in the revised Terms of Reference;

- 6) taking account of comments made at the meeting Officers amend the Terms of Reference of the Personnel Board Appeals Sub-Committee as tabled, and circulate them to members of the Personnel Board for final agreement;
- 7) training be provided to members of the Investigating and Disciplinary Committee and the Personnel Board Appeals Sub-Committee prior to them attending their first meeting;
- 8) in line with the changes brought about by The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 Officers be asked to draft detailed procedures relating to disciplinary matters involving relevant Officers for subsequent inclusion in Section 11.5 of the Constitution.

Appendix to Minutes - terms of reference

44. CHIEF EXECUTIVE JOB DESCRIPTION

The Board considered a revised job description for the permanent recruitment of a Chief Executive.

Sarah Swindley highlighted the changes that had been made to the job description previously viewed by the Personnel Board, which had come about following feedback from Members, and advised that the role was due to be advertised tomorrow.

RESOLVED: That the job description, as attached at Appendix 1 to the report, be approved for the permanent recruitment of the Chief Executive.

45. ANNUAL EQUALITY MONITORING WORKFORCE REPORT

The Board considered the Annual Equality Monitoring Workforce report for 2018-2019.

Sarah Swindley when introducing the report highlighted that one of the main issues was encouraging staff to include their data on the system so that the Council had an accurate picture of its workforce. It was noted that the workforce was actually more diverse than the population it served. Sarah drew Members' attention to the action plan and specifically that a biennial equal opportunities refresh was being introduced to ensure that staff were up to date and aware of their legal duties and requirements.

Members were pleased to note the increased take-up of apprenticeships and felt that more PR should be done on this as it was very positive.

RESOLVED: That the Annual Equality Monitoring Workforce report be approved.

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