



Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP
Telephone 01572 722577 Facsimile 01572 758307 DX 28340 Oakham

Ladies and Gentlemen

A meeting of the **EMPLOYMENT AND APPEALS COMMITTEE** will be held in the **Council Chamber** at Catmose, Oakham on **Monday 19 June 2006**, commencing at **7.00pm** when it is hoped you will be able to attend.

Yours faithfully

Keith Franklin
Chief Executive

A G E N D A

APOLOGIES

1) DECLARATIONS OF INTERESTS

In accordance with the regulations, Members are required to declare any personal or prejudicial interests they may have and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

2) MINUTES

To confirm the Minutes of the Employment and Appeals Committee held on 27 June 2005, copy attached – pages 3 to 5.

3) PETITIONS, DEPUTATIONS AND QUESTIONS

To receive any petitions, deputations and questions received from members of the public in accordance with the provisions of Procedure Rules.

The total time allowed for this shall be 30 minutes. Petitions, deputations and questions shall be dealt with in the order in which they are received.

Questions may also be submitted at short notice by giving a written copy to the Committee Administrator 15 minutes before the start of the meeting. The total time allowed for questions at short notice is 15 minutes out of the total time of 30 minutes.

Any petitions, deputations and questions which have been submitted with prior formal notice will take precedence over questions submitted at short notice. Any questions which are not considered within the time limit shall receive a written response after the meeting and be the subject of a report to the next meeting.

4) MEMBERSHIP OF THE EMPLOYMENT AND APPEALS COMMITTEE

Members are requested to note the membership of the Employment and Appeals Committee as approved at the Annual Meeting of the Council on 8 May 2006.

5) MEETINGS OF THE EMPLOYMENT AND APPEALS COMMITTEE

Members are requested to note that at the Annual Meeting of the Council held on 8 May 2006, it was agreed that the Committee would meet at 7.00pm on 19 June 2006.

6) TERMS OF REFERENCE – Pages 6 to 7

Members are requested to note the Terms of Reference for the Employment and Appeals Committee (Appendix A) as approved at the Annual Meeting of the Council on 8 May 2006 which are attached at page 6 and to comment upon the suggested revised terms of reference on page 7.

Following previous comments by the Committee, the Constitution Review Working Group looked at the Terms of Reference and suggested that the Monitoring Officer should produce revised terms of reference to address the Committee's views.

These are listed below the current terms of reference and reflect what is already in Part 3 of the Constitution (numbers 1 to 4 with 4 amended to include examples of appeals) and number 5 is a generic term of reference to reflect that most employment issues cannot be considered by the Cabinet, as they are specifically listed in the Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) as being functions which must be discharged by the Council (or one of its committees). Subject to Member's views, the Constitution Review Working Group will then be asked to recommend the changes to Council.

7) APPEALS PANELS HELD SINCE THE LAST MEETING OF THE EMPLOYMENT AND APPEALS COMMITTEE – Page 8

To receive and note Appendix B which details the outcome of appeals panels held since the last meeting of the Employment and Appeals Committee (27 June 2006).

8) PROTOCOLS FOR SELECTING MEMBERS TO SIT ON EMPLOYMENT AND APPEALS PANELS – Page 9

The Committee is recommended to approve the Protocols for selecting Employment and Appeals Panels (Appendix C) which is based on similar Protocols to select Education Appeals and Standards Committee Local Determination Panels.

9) ANY OTHER URGENT BUSINESS

To consider any items of urgent business which have previously been notified to the person presiding.

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TO: MEMBERS OF THE EMPLOYMENT AND APPEALS COMMITTEE

Wg Cdr R D Toy – Chairman
Mrs E J Rodger – Vice-Chairman
Mrs R Archer
Mr A Hodgkinson

Mr P D Ind
Mr C W Phillips
Mr H E G Rees
OTHER MEMBERS FOR INFORMATION



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Minutes of a Meeting of the **EMPLOYMENT AND APPEALS COMMITTEE** held in the Council Chamber, Catmose, Oakham, Rutland on **Monday 27 June 2005** at 7.00pm

PRESENT: Wg Cdr R D Toy - Chairman – in the Chair

Mrs R Archer
Mr C W Phillips
Mrs E J Rodger

OFFICERS Mr G Pook Head of Legal Services
PRESENT: Miss T D Stokes Senior Committee Administrator

APOLOGIES: Mr A Hodgkinson, Mr P D Ind and Air Cdre S M D Williamson-Noble

174 DECLARATIONS OF INTEREST

In accordance with the Regulations, Members were invited to declare any personal or prejudicial interests they might have and the nature of those interests in respect of items on the Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applied to them. No such declarations were received.

175 MINUTES

RESOLVED

That the Minutes of the Appeals Committee held on 25 June 2001, copies of which had been previously circulated, be approved and signed by the Chairman as a correct record.

176 PETITIONS, DEPUTATIONS AND QUESTIONS

No petitions, deputations or questions from members of the public had been received.

177 MEMBERSHIP OF THE EMPLOYMENT AND APPEALS COMMITTEE

Members noted that the following members were appointed to the Employment and Appeals Committee at the Annual Meeting of the Council on 9 May 2005:-

Wing Commander R D Toy (Chairman)	Mr C W Phillips
Mrs R Archer	Mrs E J Rodger
Mr A Hodgkinson	Air Cdre S M D Williamson-Noble
Mr P D Ind	

178 MEETINGS OF THE APPEALS COMMITTEE

Members noted that at the Annual Meeting of the Council held on 9 May 2005, it was agreed that the Committee would meet at 7.00pm on 27 June 2005.

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With the Committee's agreement, the Chairman requested that the order of the agenda be altered in case additional members were able to attend for discussion of Agenda Item No 6) Terms of Reference.

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179 APPEALS PANELS HELD SINCE THE LAST MEETING

Members gave consideration to the summary of the appeals panels held since the last meeting of the Committee on 25 June 2001. It was noted that three appeals had been held, all of which related to business rates.

During consideration, clarification was sought in respect of how requests for conducting appeals panels were received and the requirement for members to be trained before they could participate in appeals panels. It was agreed to investigate the provision of training for new members of the Employment and Appeals Committee to ensure their participation in the appeals process in the future.

RESOLVED

That the decisions of the Appeals Panels held since the last meeting of the Committee (25 June 2001), as appended to the Agenda, be noted.

180 TERMS OF REFERENCE

Members were requested to note the Employment and Appeals Committee's Terms of Reference, which were approved most recently at the Annual Meeting of the Council on 9 May 2005. A copy was attached to the Agenda.

Discussion ensued regarding the accuracy and relevance of the Terms of Reference, particularly in terms of the employment aspect of the Committee's responsibilities. It appeared that the employment terms of reference had been carried over from what was formerly the Personnel Sub-Committee which disappeared as a result of the Government's proposals for modernisation and prior to the current Constitution being adopted.

Members noted that personnel related issues were not an Executive function and currently remained with the Council as a whole. In addition, members queried how the role of the Lead Member for Personnel related to the Committee's responsibilities.

Referring to the Terms of Reference in respect of Appeals, members agreed that these were acceptable and accorded with current practice.

In conclusion, it was suggested that Council be recommended to request the Constitution Review Working Group to review the Committee's Terms of Reference with particular emphasis on employment related issues to reflect current arrangements.

RESOLVED

- 1) That **COUNCIL BE RECOMMENDED** to request the Constitution Review Working Group to review the Committee's Terms of Reference with particular emphasis on employment related issues to reflect current arrangements.

2) That the Terms of Reference in terms of Appeals be noted.

181 ANY OTHER URGENT BUSINESS

No items of urgent business had been previously notified to the person presiding.

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The Chairman declared the meeting closed at 7.30pm.

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- 1 To formulate personnel policy.
- 2 The discharge of personnel questions which cannot be delegated to the Cabinet or officers and the constitution of any special human resources panels or working parties as may be required from time to time.
- 3 The nomination of members to serve on external bodies on behalf of the Council as an employer.
- 4 Monitor the implementation of human resource planning to facilitate the Council's aims and objectives.
- 5 Promote and facilitate the appointment of diverse staff of the highest calibre.
- 6 Promote and facilitate the Council in working to become an equal opportunities employer.
- 7 Provide appropriate training of staff to facilitate corporate cohesion and the highest standard of work throughout the Council for the best interests of consumers.
- 8 Promote and facilitate the highest possible level of care for the health, safety and welfare of all Rutland County Council employees.
- 9 Work positively towards and influence the direction and implementation of organisational development in line with corporate aims and objectives.
- 10 To hear, consider and determine appeals made in respect of the following statutory appeals processes:-
 - a. Access to Personal files
 - b. Approved Marriage Premises
 - c. Curriculum Complaints
 - d. Disciplinary and Grievance
 - e. Homelessness Review
 - f. Housing Improvement Renovation or Repair Grants
 - g. Registration Inspections (Registered Homes)
 - h. Social Services Complaints
 - i. Discretionary Rate Relief (NNDR)

Suggested Terms of Reference

- 1 To hear, consider and determine appeals against dismissal, grading and grievances by employees.
- 2 To determine and implement pay awards.
- 3 To approve personnel policies in relation to the employment of staff.
- 4 To hear, consider and determine any other appeals made under a statutory appeals process and/or where no other appeals body has established for the specific purpose. This will include:-
 - j. Access to Personal files
 - k. Approved Marriage Premises
 - l. Curriculum Complaints
 - m. Home to School Transport
 - n. Disciplinary and Grievance
 - o. Homelessness Review
 - p. Housing Improvement Renovation or Repair Grants
 - q. Registration Inspections (Registered Homes)
 - r. Social Services Complaints
 - s. Discretionary Rate Relief (NNDR)
- 5 The discharge of personnel functions that cannot be delegated under statute to the Cabinet or have not been delegated to officers and the constitution of any special human resources panels or working parties as may be required from time to time.

APPEALS PANELS HELD SINCE LAST MEETING OF EMPLOYMENT AND APPEALS COMMITTEE (27 JUNE 2005)

DATE	SUBJECT	PANEL MEMBERS (* = Chairman)	SUMMARY OF DECISION(S)
20 October 2005	Employment Matter	Mr P D Ind Mrs E J Rodger* Wg Cdr R D Toy	Dismissed
28 February 2006	Employment Matter	Mrs R Archer Mr A Hodgkinson* Mr C W Phillips	Allowed

**PROTOCOLS FOR SELECTING MEMBERS
TO SIT ON EMPLOYMENT AND APPEALS PANELS**

- 1) When a Panel is required, staff within the Democratic Services Section will liaise with the Chairman of the Employment and Appeals Committee regarding the selection of the Panel members.
- 2) A Panel will comprise three members of the Employment and Appeals Committee, who have received appropriate training in conducting appeals panels. Members who will form the Panel will be selected in strict alphabetical order, depending on their availability.
- 3) The name of the appellant and the nature of the Appeal will be notified to the members so that they may determine whether they have a personal interest, personal and prejudicial interest or any other factors such as bias, etc in the matter(s) to be considered. These issues could arise either out of the Council's Code of Conduct, any other statutory guidance or any advisory codes issued by professional bodies such as Local Authorities Co-ordinators of Regulatory Services (LACORS) or the Association of Council Secretaries and Solicitors (ACSeS), etc.
- 4) Where a Member is considered to have a personal and prejudicial interest in the matter(s) to be discussed s/he will not be selected to serve on a Panel to determine any appeal that gives rise to the interest.
- 5) Where a Member has a personal interest, and the appeal is considered to be sensitive or contentious in a locality, then members may also feel that the personal interest may be sufficient ground for them not to take part if it might be viewed by a third party as being likely to bias the member's consideration of the public interest.
- 6) If during a Panel hearing a member realises that an interest(s) exists and the member feels that s/he should not take part in the proceedings, then the Panel will defer consideration of the matter until such time as another Panel of three members without such an interest can meet.