

EMPLOYMENT COMMITTEE

23 May 2017

Is the final decision on the recommendations in this report to be made at this meeting?	Yes
---	------------

Appointment of Sub-Committees

Final Decision-Maker	Employment Committee
Lead Head of Service	Angela Woodhouse, Head of Policy and Communications
Lead Officer and Report Author	Caroline Matthews, Democratic Services Officer
Classification	Public
Wards affected	

This report makes the following recommendations to this Committee:

That the Committee appoint to the Sub-Committees as set out in paragraph 2.3 of the report

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all - none
- Securing a successful economy for Maidstone Borough - none

Timetable

Meeting	Date
Employment Committee	23 May 2017

Appointment of Sub-Committees

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To appoint to the Committee's various Sub-Committees as detailed in the body of the report.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 Set out in the body of the report and in Appendix 'A' are the various Sub-Committees that the Committee need to appoint to. It is possible to appoint a Sub-Committee which is not politically balanced and the arrangements for such appointments are set out in paragraph 2.2 below.
- 2.2 The Director of Finance and Business Improvement held discussions with the Group Leaders of both the Independent and UKIP political parties in October 2016 and it was agreed that the Group Leader for the Independents would be appointed to the Sub-Committees where indicated for the remainder of the municipal year 2016/17 and that the Group Leader for UKIP would be appointed for the municipal year 2017/18.
- 2.3 The allocation for the Sub-Committees for Employment Committee would be as follows:-

The Appointment Sub-Committee would consider the applications received for the posts of Chief Executive and Directors, compile a shortlist for interview and subsequently to interview and make appointments (in the case of the Chief Executive, any appointment is subject to confirmation by full Council)

Panel to consist of 5 Councillors (politically balanced at 2 Conservatives, 2 Liberal Democrats and 1 Independent or UKIP)

The Performance Sub-Committee would review annually the performance of the Chief Executive and Directors, agree targets for the coming financial year, and agree any corrective action which may be required relating to the previous financial year. To also review the mid-term performance of the Chief Executive.

Panel to consist of 5 Councillors (to include the Group Leaders of the 5 largest parties) (not politically balanced)

The Investigatory Sub-Committee would deal with disciplinary matters for protected officers

Panel to consist of 3 Councillors (politically balanced at 1 Conservative, 1 Liberal Democrat and 1 UKIP or Independent)

The Hearings Panel would deal with dismissals, except that any decision to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer must be approved by Council.

For the three statutory protected officers, Panel of 3 plus up to two Independent Persons (politically balanced at 1 Conservative, 1 Liberal Democrat and 1 UKIP or Independent)

The Appeals Sub-Committee would hear and determine appeals against decisions taken by the Chief Executive under the disciplinary or capability procedures or hear grievances raised against the Chief Executive under the grievance procedure

Sub Committee to consist of 3 Councillors (politically balanced at 1 Conservative, 1 Liberal Democrat and 1 UKIP or Independent)

- 2.4 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 Committee and when the alternative arrangements are put to the vote at the Committee, no members of the Committee votes against them. If the political balance of the Council were to change these arrangements would have to be reviewed.
-

3. AVAILABLE OPTIONS

- 3.1 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.
- 3.2 The Committee may choose not to have politically balanced Sub-Committees and agree that they will be made up from members of the Employment Committee.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option would be to appoint to the Sub-Committees as set out in paragraph 2.3.
-

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 Once the appointments are made, these will be held for the new municipal year 2017/18.
-

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	There are no impacts on corporate priorities.	Head of Policy & Communications
Risk Management	Failure to appoint to these Sub-Committees could create difficulties for the Council in undertaking these functions	Head of Policy & Communications
Financial	There are no financial implications	Section 151 Officer & Finance Team
Staffing	There are no staffing implications	Head of Policy & Communications
Legal	The recommended option relating to the appointment of the Sub-Committees will comply with the provisions of the Local Government and Housing Act 1989 (the Act) and the Council's Constitution. The Committee can decide to remove the need for political balance on the sub-committees using the procedure under Section 17 of the Act as set out in the report.	Interim Deputy Head of Legal Partnership
Equality Impact Needs Assessment	There are no implications arising from the report	Policy & Information Manager
Environmental/Sustainable Development	There are no environmental/sustainable development implications	Head of Policy & Communications
Community Safety	There are no community safety implications	Head of Policy & Communications
Human Rights Act	There are no human rights implications	Head of Policy & Communications
Procurement	There are no procurement implications	Head of Policy & Communications

Asset Management	There are no asset management implications	Head of Policy & Communications
-------------------------	--	---------------------------------

7. REPORT APPENDICES

Appendix A

8. BACKGROUND PAPERS

None