



Northumberland

County Council

COUNCIL

DATE: 4TH MAY 2022

ESTABLISHMENT OF COMMITTEES

Report of the Monitoring Officer

Cabinet Member: Councillor Richard Wearmouth

Purpose of report

To make arrangements for the discharge of the non-executive functions of the County Council through the appointment of committees, appointing Members to those committees in accordance with the proportionality of the council and to agree their terms of reference.

In order to hear and determine grievances raised by the Chief Executive and Chief Officers and also grievances made against the Chief Executive and Chief Officers, the Council must appoint a Grievance Committee.

In order to clarify roles and responsibilities and comply with the Council's legal obligations, it is necessary to make consequential amendments to the Terms of Reference to the Staff and Appointments Committee and the Employment (Appeals) Committee.

Recommendations

It is recommended that Council:

- 1. Appoints the committees, numbers of members of committees and chairs of committees set out in Appendix A.**
- 2. Appoints and approves the terms of reference of the proposed Grievance Committee and make consequential amendments to the Terms of Reference to the Staff and Appointments Committee and the Employment (Appeals) Committee set out in Appendix B**
- 3. Appoints ungrouped members to committees of the council.**
- 4. Delegates to the Monitoring Officer responsibility to appoint members of committees on the nomination of their respective Group Leader.**

Link to Corporate Plan

This links with the 'How' priority within the 2021- Corporate Plan

Key issues

1. The Council must appoint to Committees annually to discharge the non-executive functions of the Council.
2. Chief Executive and Chief Officers have a statutory and contractual right to raise a grievance to their employer. The County Council has grievance policies, but they do not make provision for a process to investigate, hear and determine such grievances for very senior officers. It is therefore proposed that a new Grievance committee is set up. This affects the functions of the Staff and Appointments Committee and the Employment (Appeals) committee and so the terms of reference for those committees needs to be considered.
3. Employment issues are non-executive functions of the Council and must be discharged by the Council, a committee, or a duly delegated officer. Given the seniority of the staff, the Council needs to make arrangements for a committee to discharge these functions on its behalf. The terms of reference and procedures therein set out in Appendix B take account of the ACAS Code of Practice and the guidance provided in the JNC for Chief Executives of Local Authorities in England and Wales.
4. The Pay Policy Statement 2022-3 already envisages that the responsibility for approving Severance and Redundancy Payments to Chief and Deputy Chief Officers is delegated to the Staff and Appointments Committee and the changes to the terms of reference set out the division of responsibilities between that committee and the Employment (Appeals) Committee.. The amended Terms of Reference attached as Appendix B seeks to clarify the various delegated functions to ensure that they are compliant with the Council's legal obligations and in accordance with the prevailing guidance.
5. Members will recall that these proposals were presented to County Council in January 2022, they have subsequently been considered in detail by the Constitution Working Group. The position paper setting out responses to the queries raised by the CWG is included as a background paper. It confirms that it is in order to effect these changes to the county council's policies to ensure that every member of staff has a clear process to present a grievance in relation to their employment, should the need arise.

Background

6. Under the Local Government Act 2000 all of the functions of the Council are discharged by the Leader and Cabinet, unless they are reserved to the County Council by law, or by local arrangements under the 2000 Act and its subordinate legislation.
7. The Local Government Act 1972 provides for the council functions to be discharged by Committee or Sub Committees appointed for that purpose or by officers of the council under delegated powers. The constitution of the County Council envisages a number of committees to discharge the non- executive functions, and the Annual Meeting of the Council needs to approve the formation of those committees, approve their terms of reference, and appoint members to the committees.
8. Members will be aware that committees of the Council must be proportionate according to the

respective representation of the political groups on the County Council. In the case of members who are not in a political group, the county council can appoint members directly to those committees, having regard to the proportionality rules. The custom and practice is for the County Council to appoint the chair of each of those committees for the ensuing year.

9. Appendix A sets out the committees of the Council referred to in the constitution and which have been existence in the previous municipal year. It also provides for the size of committee, its proportionate membership and the nomination of the Chair of the committee which has been submitted by the Leader of the Council. It sets out the current terms of reference for each committee, with members asked to note the recommendations detailed in paragraph 10 below in relation to proposed change of reference of the Staff and Appointments Committee and the Employment Appeals Committee going forward.
10. Appendix B sets out the creation of a new Grievance Committee to discharge the function of hearing and determining any grievance submitted by or in relation to certain senior officers. It also sets out some alterations to the terms of reference of the Staff and Appointments Committee and the Employment Appeals Committee to ensure that these properly describe the functions of those committees and ensure that they accord with the provisions of the Officer Employment Procedure Rules and other parts of the Constitution.

Implications

Policy	None
Finance and value for money	None
Legal	The report relates to functions set out in the Local Government Act 1972 and the employment rights and responsibilities for the council and its employees.
Procurement	None
Human Resources	Incorporated in the report
Property	None
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	None
Risk Assessment	N/A

Crime Disorder &	N/A
Customer Consideration	N/A
Carbon reduction	N/A
Health and Wellbeing	N/A
Wards	All

Background papers:

Position Paper on changes to Senior Manager Conditions of Service

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

	Full Name of Officer
Monitoring Officer/Legal	Suki Binjal
Executive Director of Finance & S151 Officer	Jan Willis
Relevant Executive Director	Cath McEvoy Carr obo Daljit Lally
Chief Executive	Cath McEvoy Carr obo Daljit Lally
Portfolio Holder(s)	Jan Willis

Author and Contact Details

Suki Binjal, Monitoring Officer and Interim Director of Governance