

EAST HERTFORDSHIRE DISTRICT COUNCIL

COUNCIL – 28 JANUARY 2004

REPORT BY ASSISTANT DIRECTOR (LAW AND CONTROL)

11 CONSTITUTION OF THE HUMAN RESOURCES SUB-COMMITTEE

“D” RECOMMENDATION – that (A) the number of seats on the Human Resources Sub-Committee be increased from six to seven and be allocated to political groups as follows:-

Seats	Cons	Lib Dem	DRA	KB	BWJS	JW
7	6	1	0	0	0	0

(B) the following Member be appointed to the additional seat on the Sub-Committee referred to in (A) above in accordance with the wishes of the Conservative Political Group to whom the additional seat has been allocated:

(C) a scheme of substitution for the Human Resources Sub-Committee be approved on the basis that a substitute Member attends the Sub-Committee in the absence of the appointed Member,

(D) the following Members be appointed as substitutes on the Human Resources Sub-Committee in accordance with the wishes of the Political Groups to whom the seats on this body have been allocated:-

Conservative Group (up to 6):  
Lib Dem Group (1 only), and

(E) all Members of the Human Resources Sub-Committee be requested to declare any possible personal and prejudicial interest in an appeal (or any other matter) well in advance of a meeting.

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1. Summary of Report

1.1 The purpose of this report is to secure a scheme of substitute Members of the Human Resources Sub-Committee and to increase the number of seats in this body.

## 2. Contribution to the Council's Corporate Objectives

2.1 The work of the Human Resources Sub-Committee contributes to the Council's key objectives relating to maintaining the health and sustainability of the organisation.

## 3. Background

3.1 The Human Resources Sub-Committee recently met to consider a grievance appeal by a Council employee. Prior to consideration of the appeal, a Member declared a personal and prejudicial interest in the matter as they were an acquaintance of the member of staff.

3.2 Having declared a personal and prejudicial interest the Member concerned left the room prior to consideration of the appeal.

3.3 As a consequence of the Member concerned leaving the meeting, the Assistant Director (Law and Control) outlined the implications for the Council proceeding with the hearing of the grievance appeal with the remaining Members of the Sub-Committee. Essentially, the Assistant Director indicated that it was in the interest of the Authority to ensure a mixed gender panel considered the grievance appeal.

3.4 The Assistant Director (Human Resources) commented that should this particular appeal proceed before an employment tribunal, that tribunal may look upon any decision taken by the Sub-Committee as prejudicial.

## 4. Proposal

4.1 Based on the advice of the Assistant Directors of Law and Control and Human Resources, Council is invited to consider a mechanism for ensuring that the Human Resources Sub-Committee is constructed with an appropriate balance of gender.

4.2 It is proposed to increase the existing membership of the Sub-Committee from 6 to 7. It is further suggested to address this issue as follows:-

- Members of the Sub-Committee should be reminded of the need to declare any possible personal and prejudicial interest well in advance of a meeting.
- A scheme to allow for substitute Members on the Human Resources Sub-Committee be created to allow for circumstances

where a Member declares a personal and prejudicial interest in an appeal.

5. Substitute Members

- 5.1 There are conflicting views on whether or not schemes which allow substitute Members to serve on Committees etc. are lawful.
- 5.2 However, many authorities do operate a scheme of substitution. Generally such schemes, in order to avoid challenge, ensure that there is no doubt at any moment in time over the constitution of a Committee or Sub-Committee and that whoever is attending a meeting as a substitute has been formally appointed as such by the Council on the basis of political proportionality. Such substitute Members can only attend the relevant meeting in the absence of an appointed Member.

6. Constitution of Human Resources Sub-Committee

- 6.1 The Human Resources Sub-Committee should comprise of seven seats allocated to political groups as follows:-

Cons	Lib Dem	KB	JW	DRA	BWJS
6	1	0	0	0	0

- 6.2 Political Groups are invited to identify who they would wish Council to appoint as substitute Members on the Sub-Committee up to the number of seats within their remit.

7. Legal Implications

- 7.1 Please refer to preceding narrative.

8.0 Financial Implications

None

9.0 Human Resources Implications

- 9.1 East Herts Council has a grievance procedure and a disciplinary procedure prepared in consultation with the recognised trades union. The procedures are monitored and reviewed and improved based on experience both within East Herts and other employers and based on

advice from the Employers Organisation and ACAS code of practice. One of the good practice elements of managing both grievance and discipline procedures is to include mixed gender panels to determine cases.

## 10.0 Conclusion

10.1 Council is invited to adopt a scheme of substitution for the Human Resources Sub-Committee and to confirm that Members of that body should declare any possible personal and prejudicial interest in an appeal well in advance of a meeting. Council is further invited to authorise the Assistant Director (Law and Control) to amend the constitution, if necessary, to take account of the substitution scheme and to increase the number of seats on this body from 6 to 7.

10.2 Council is invited to adopt the recommendations at the head of this report.

## Background Papers

None

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