

EAST HERTFORDSHIRE DISTRICT COUNCIL

COUNCIL – 29 JUNE 2005

10. REPORT BY DIRECTOR OF CORPORATE GOVERNANCE

STAFF POLICY – APPOINTMENT OF PANEL AND AMENDMENTS TO CONSTITUTION

'D' RECOMMENDATION- that (A) a Panel of 3 Members be established to consider any findings of independent investigating officers concerning harassment claims and to determine any consequential outcome in accordance with the Council's relevant policy;

(B) the allocation of seats on Scrutiny Committees, the Development Control and Licensing Committees and the Staff Panel be as follows:

<u>Committee</u>	<u>Seats</u>	<u>Cons</u>	<u>Lib Dem</u>	<u>KAB</u>	<u>JW</u>	<u>BWJS</u>	<u>DRA</u>	<u>Total</u>
Policy Scrutiny	16	13	2	1	0	0	0	16
Performance Scrutiny	16	13	2	0	1	0	0	16
Call-In Scrutiny	12	10	1	0	1	0	0	12
Development Control	25	20	2	1	0	1	1	25
Licensing	15	12	1	0	0	1	1	15
Staff panel	3	2	1	0	0	0	0	3
Total	87	70	9	2	2	2	2	87

(C) the following Members (subject to the qualifications detailed in the report now submitted) be appointed to the Panel referred to in (A) above in accordance with the wishes of the political groups to whom the seats have been allocated:

(D) Membership of all other bodies listed in (B) above, with the exception of the Panel, be as agreed at the Annual Council meeting held on 18 May 2005, and

(E) the amendments to the constitution detailed in the report now submitted be approved.

1.0 Purpose/Summary of Report

- 1.1 To establish a Panel as part of the Council's staff harassment policy.
- 1.2 To amend the Constitution to assist the Council to deal with human resources issues as efficiently as possible.

2.0 Contribution to the Council's Corporate Objectives

- 2.1 The proposals contribute to the Council's corporate priority to improve the health and sustainability of the organisation by advancing the target of ensuring the highest standard of corporate governance.

3.0 Background

- 3.1 Council has a staff harassment policy.
- 3.2 As part of its policy, a Panel needs to be established to consider the findings of independent investigating officers on claims of harassment. A Panel may interview all parties and any witnesses before coming to a conclusion.
- 3.3 A Panel will then reach a conclusion on what action should be taken.
- 3.4 A Panel can reach one of three conclusions:
 - (A) there has been no harassment proven;
 - (B) harassment has been proven and the informal process is appropriate;
 - (C) the level of harassment is such that the Council disciplinary procedure should be used against the perpetrator.
- 3.5 The decision of a Panel is binding, but subject to appeal.

4.0 Report

- 4.1 Council needs to establish a Panel to consider any report by an independent investigator. The Panel is a Committee of Council and therefore subject to the rules of political proportionality.
- 4.2 The Panel should be three Members in size. It is suggested that the Panel should comprise a Member of the Executive (but not the Leader) and two other Members (who are not on the Standards Committee).
- 4.3 Members of the Standards Committee should be precluded from a panel's membership as it may be that body that considers any appeal (see para 3.5 above).
- 4.5 In addition to establishing a panel, it is suggested that additional powers be given to the Human Resources Sub-committee and sub-delegation to appropriate officers. It is proposed that there should be a general delegation for Service Heads to suspend employees for whom they are responsible after consultation with the Head of Human Resources. Executive Directors should have the same power in respect of Service Heads after consultation with the Head of Human Resources. Human Resources Sub-Committee should be given authority to suspend an Executive Director or, in cases of extreme urgency for the Head of Human Resources to suspend after consultation with the Leader and the Chairman of the Council and the Chairman of Human Resources Sub-Committee.

5.0 Consultation

- 5.1 Consultation has taken place amongst Executive Members and Directors.

6.0 Legal Implications

- 6.1 Where Members of the Council are divided into political groups, the provisions of the Local Government and Housing Act 1989 place a duty on the Council to review the allocation between those groups of seats on its Scrutiny Committees, Regulatory Committees and Joint Committee according to certain principles. The aim is to ensure that the political composition of the Committees etc reflects the composition of the Council. The rules of the proportionality do not apply to the Executive.
- 6.2 There are two duly constituted political groups within East Herts

Council. In addition, account must be taken of those Members, if any, who are not Members of political groups on the Council. Those Members are entitled to a proportion of seats in relation to their relative percentage size. It is for Council to appoint such Members to the seats allocated. Details of political group etc sizes are listed below:

Cons:	41	(82%)
Lib Dem:	5	(10%)

Councillors Atkins, Barnes, Sapsford and Warren are independent Members (2% each).

- 6.3 The Conservative group now represents 80% of the Council. It is felt, however, that, no action be taken to review the overall allocation of seats pending the outcome of a by-election to fill the vacant seat on the Council that was represented by a Conservative Group Member.
- 6.4 The legal implications have been taken into account in suggesting amendments to the Constitution.
- 7.0 Financial Implications
- 7.1 None.
- 8.0 Human Resource Implications
- 8.1 None.
- 9.0 Risk Management Implications
- 9.1 A Constitution which reflects the Council's structure and delegation is important to the smooth running of the organisation.

10.0 Conclusion

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

Background Papers

None

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