
MEMBER ATTENDANCE AT GENERAL PUPOSES COMMITTEE WHEN IT SITS AS A HUMAN RESOURCES COMMITTEE

To: **Constitutional Review Working Party – 2 September 2014**

By: **Democratic Services & Scrutiny Manager**

Classification: **Unrestricted**

Summary: To consider the recommendations of the General Purposes Committee regarding the entitlement of Councillors to attend General Purposes Committees.

For Decision

1.0 Introduction and Background

1.1 At its meeting of 29 April 2014 the General Purposes Committee agreed the following recommendation:

“The issue of Member attendance at General Purposes Committee when it sits as a Human Resources committee should be referred for consideration at the Constitutional Review Working Party.”

1.2 This report presents this recommendation and sets out options on how it could be introduced.

2.0 The Current Situation

2.1 The General Purposes Committee is a Local Government Committee that is open for the public to attend, unless there is confidential or exempt material being discussed when the public are excluded under Schedule 12A of the Local Government Act 1972. As elected Members all Councillors are entitled to attend these meetings including any parts where the public are excluded.

2.2 The work of the General Purposes Committee can include dealing with confidential staff matters such as appointing statutory senior officers and considering complaints against those officers. The nature of these items of business inevitably means the public are excluded under various grounds as set out in Schedule 12A of the Local Government Act 1972.

2.3 The specific General Purposes Committees recommendation relates to a situation when the General Purposes Committee were discussing a very confidential staffing matter. The Committee felt the issue was so sensitive that (aside from essential supporting officers) only those Councillors who were part of the committee should be present when it was considered. Three Councillors were present to speak under Council Procedure Rule 24.1 and whilst the committee could not prevent those Councillors from being present, they did ask that they leave the room whilst the confidential items were considered. The three Councillors did leave as requested, but the General Purposes Committee felt that the situation had been unsatisfactory and hence made the recommendation above.

3.0 Attendance at General Purposes Committee

- 3.1 As mentioned above Councillors are entitled to attend all Local Government Act Committee meetings, therefore it would not be possible to “ban” attendance from certain meetings (in this case General Purposes Committee). However if Council could come to an agreement that only Members of the General Purposes Committee can attend General Purposes meetings when Human Resources matters are being discussed such a clause could be added to the Council’s constitution.
- 3.2 It is accepted that such a clause inserted in the constitution could potentially be open to challenge or be difficult to enforce legally and that compliance would rely on the “goodwill” of Councillors.
- 3.3 If such a rule were introduced it would be envisaged that Councillors would still be entitled to attend to speak under Council Procedure Rule 24.1 and that this speaking would occur at the beginning of the meeting (or relevant agenda item), immediately after which those Councillors who were not part of the Committee would then be required to leave the meeting.
- 3.4 In addition if such a rule were introduced then there would need to be a set of criteria to define which meetings were deemed to be about Human Resources matters and who would carry out the assessment against the criteria.
- 3.5 It is anticipated that where sensitive Human Resource matters are to be discussed that these be dealt with at a meeting exclusively called for that purpose and no other business would be placed on the agenda for that meeting. These matters would be those as defined in the Officer Employment Procedure Rules and the Standing Orders relating to staff. For the sake of clarity, the meeting could be called a General Purposes Committee (Human Resources) meeting (though in fact it would remain a meeting of the General Purposes Committee established by Council).
- 3.6 It could be the case that the Chairman of the General Purposes Committee and the Monitoring Officer jointly decide in the process of compiling the agenda for the meeting whether a meeting would be considering “Human Resources matters” as per the criteria set out at paragraph 3.5 above. In the absence of the Chairman or the Monitoring Officer, the decision could be taken by the Vice-Chairman and Deputy Monitoring Officer respectively.

4.0 Corporate Implications

4.1 Financial and VAT

- 4.1.1 There are no financial implications to the report.

4.2 Legal

- 4.2.1 This change if adopted would allow the full consideration of matters related to employment and discipline of statutory senior staff on a confidential basis. These matters are by their very nature restricted and exposure of information from these meetings into the public domain can leave the Council liable to action by the employee and may also breach data protection principles.
- 4.2.2 Whilst there is a potential interference with the rights of Members to attend meetings of the Council, this can be justified when balanced against the potential loss to the Council from the accidental releasing of highly confidential information, or the

potential reputational damage this could cause for individual officers who are the subject of such reports.

4.2.3 There is no reason why Members cannot seek to address this by collective agreement and seek to rely on the good will of Members to see that this is properly adhered to.

4.3 Corporate

4.3.1 Corporately, it is important that the Council take data protection issues and access to meetings and information seriously.

4.4 Equity and Equalities

4.4.1 None apparent.

5.0 Recommendation(s)

5.1 The Working Party's instructions are sought as to whether to ask Council to come to a decision on whether General Purposes meetings that discuss "Human Resources Matters" should only be attended by those Councillors on the Committee itself and appropriate officers whose presence is necessary in order to conduct the business in question.

5.2 In addition, if the Working Party does decide to ask Council for such a decision then the Working Party should also consider:

- a) the criteria for what constitutes "Human Resources Matters" and whether the suggested criteria as defined in paragraph 3.5 is appropriate, and,
- b) who would make such a decision, as outlined in paragraph 3.6.

5.3 That any such decision taken is then included in the Council's constitution.

6.0 Decision Making Process

6.1 Any recommendation of the Constitutional Review Working Party will be referred to the Standards Committee which, in turn, will make recommendations to Council for final adoption.

Future Meeting if applicable: Standards Committee Council	Date: 16 September 2014 2 October 2014
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Annex List

None	
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	Matthew Sanham – Finance Manager
Legal	Steve Boyle – Interim Legal Services Manager & Monitoring Officer