

CONSTITUTIONAL REVIEW WORKING PARTY

Minutes of the meeting held on 21 November 2019 at 3.00 pm in Council Chamber, Cecil Street, Margate, Kent.

Present: Dr Jonathan Sexton (Chairman); Councillors Hopkinson, Cllr Rev. S Piper, Stevens and Tomlinson

In Attendance: Councillor Bailey

118. APOLOGIES FOR ABSENCE

There no apologies of absence made at the meeting.

119. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members of the working party.

Mr Tim Howes, Director of Corporate Governance and Monitoring Officer declared an interest as the subject under discussion in agenda item 3 as the matter was about employment conditions for council employees.

One Member requested that Mr Howes recused himself from the meeting due to the declared interest. Mr Howes further advised Members that his role in the meeting was to advise Members as the Monitoring Officer about legal and constitutional matters before Members could make any recommendations regarding the adoption of standing orders for council employees.

120. MINUTES OF PREVIOUS MEETING

Councillor Piper proposed, Councillor Stevens seconded and Members agreed the minutes to be a correct record of the meeting that was held on 24 September 2019.

121. STANDING ORDERS IN RELATION TO STAFF

Dr Sexton, Chairman of the working party opened the discussion by stating that the report before Members reflected the state of the situation as at the 24 September working party meeting. He then invited Mr Tim Howes, Director of Corporate Governance & Monitoring Officer to introduce the report. Mr Howes advised Members that the council had received advice from JNC, which was included in the updated report and made the following comments:

- The flowchart had been amended to remove reference to the filtering mechanism;
- Paragraph 12.2 had been amended to reflect the advice given by the JNC (this advice was from both the employers and employees side of the JNC); which is that the filtering process should be light touch and should not have substantive Member involvement other than the Chair of the IDC.

Members made comments and asked questions seeking clarifications on a number of issues in the officer report. These are detailed below:

- Was the title Chairman of Independent Disciplinary Committee (IDC) interchangeable with Chairman of GPC?
- There was little reference in Table 1 and Table 2 to the decisions made at the meeting on 24 September;

- In response to the point raised above, the Chairman indicated that the substance of the whole discussion had been embedded in the report;
- The suggestions Members were putting forward were intended to protect the statutory officers;
- In other councils, they had the Head of Legal Services as a receiving officer of cases for filtering, who would then signpost the issue to an appropriate body for consideration.
- There should be a sub-committee for investigations and another for presiding over appeals;
- It was important to get the membership numbers that would ensure viable political proportionality on these sub committees, whilst maintaining a reasonably sized sub-committee that would not be intimidating to an employee that would come before it;
- In urgent cases, the committee meeting would need to be convened using council procedures for calling urgent meetings.

Responding to Member comments and questions Mr Howes made the following points:

- The title of chairman of IDC and GPC Chairman as reflected in the report section in question could be used interchangeably. This was because the GPC Chair would be acting as the Chairman of IDC;
- Most of the discussion that took place on 24 September was captured in the minutes and the reported captured the essence of that discussion;
- The filtering process had been removed from the process under discussion and the working party had to focus on the recommendations in the officer report without encroaching onto human resources functions;
- The recommendations were requesting the working party to consider proposals that would ensure that the council would fulfil legal requirements for adopting standing orders for council employees;
- Members ought to note that the purpose of the meeting was to agree standing orders and not to consider employment contracts;
- TDC through its Scheme of Delegations, delegated the authority to other bodies to carry out the human resources function;
- It was a viable option to establish two sub-committees out of the GPC as proposed by Members.

Mr Howes further advised that consequential changes would have to be made to subsequent documents to the officer report, in order to reflect the new recommendations to be forwarded to the Standards Committee and Council.

Councillor Stevens proposed, Councillor Piper seconded and Members of the Constitutional Review Working Party recommended to the Standards Committee the following:

- a. To create an Investigation and Disciplinary Sub-Committee and Disciplinary Appeals Sub-Committee as sub-committees of the General Purposes Committee , with the terms of reference as set out in Annex 1 of the report; each Sub-Committee to be formed from half of the Members of the General Purposes Committee and each Sub-Committee to include a Cabinet Member;
- b. To appoint an Independent Persons Panel, agree its terms of reference, as set out in Annex 1 to the report, and agree that it should comprise three Independent Persons;
- c. To agree to pay a fee to Independent Persons appointed to the Independent Persons Panel equal to the agreed rate paid in respect of their role in advising Council on Councillor Conduct issues;

- d. To amend the Employment Rules, as set out in Annex 2 of the report;
- e. To delegate to the Committee Services Manager authority to invite and appoint members to serve on the Independent Persons Panel as set out in paragraph 5 of the report.

Members further requested that an extraordinary meeting of the Standards Committee be arranged to expedite the consideration of the above recommendations.

Meeting concluded: 4.05 pm