

Part 5 – Terms of reference of other Committees

Council has determined that Committees shall be constituted and shall have delegated authority for the discharge of the Council's functions as set out below.

1.	GENERAL SERVICES COMMITTEE	
Appointed by:	Number of Elected Members:	
The Council under section 102 of the Local Government Act 1972	Seven	
Chair and Vice-Chair appointed by:	Political Proportionality:	
The Council	The elected Members shall be appointed in accordance with Political Proportionality	
Quorum:	Co-opted Members to be appointed by Council:	
Three	None	
<p>Functions determined by Council:</p> <ol style="list-style-type: none"> 1. To advise the Council on the appointment or dismissal of, or the arrangements for the appointment or dismissal of, the Head of the Paid Service insofar as this does not fall within the remit of the Joint Appointments Committee; 2. To appoint or dismiss or make arrangements for the appointment or dismissal of Directors, <u>and to appoint or to advise the Council on the dismissal of, or the arrangements for the dismissal of the Chief Finance Officer or the Monitoring Officer insofar as this does not fall within the remit of the Joint Appointments Committee and before the Committee makes a decision to recommend the dismissal to the Council of the Head of Paid Service or Monitoring Officer or Chief Financial Officer, the Committee shall invite to participate in that Committee business at least two Independent Persons appointed under the Localism Act 2011 to take part in the decision, with priority to an Independent Person appointed by the Council and who is a local elector followed by an Independent Person appointed by the Council and finally an Independent Person appointed by another Authority.</u> 3. To deal with any of the functions of the Council in relation to the employment of staff that are not dealt with by Officers under delegated powers, or which may be referred to them by an Officer waiving his/her power to make a decision, including powers to: <ol style="list-style-type: none"> 3.1 designate Officers (other than the Head of Paid Service) for specific statutory purposes; 3.2 exercise the Council's power of suspension of a Statutory Officer, after taking appropriate legal advice; 3.3 <u>make decisions in respect of disciplinary action, excluding dismissal which will be subject to a recommendation to and determination by the Council, in relation to the Head of Paid Service, Monitoring Officer and Chief Financial Officer.</u> 3.34 appoint any Sub-Committee or panel or other body to exercise the Committee's powers in relation to staff grading, disciplinary, grievance or any other staffing matter; 3.45 determine any other staffing matter that it is within the remit of the Council; 3.56 determine any matter in respect of compromise agreements and superannuation; 4. To settle cases of claimed or actual maladministration etc; 		

5. To advise the Council on major changes to the Constitution;
6. Insofar as is within the remit of the Council, to make casual or urgent appointments to outside bodies;
7. To agree any arrangements for the appointment of a joint Overview and Scrutiny Committee under section 245, National Health Service Act 2006, and any regulations made thereunder.
8. To exercise the functions of the Council in relation to elections, parish and town Councils, vacancies and local bills;
9. To make recommendations to the Council in respect of any change to the electoral arrangements for the authority.
10. Subject to, and without prejudice to, the generality of the foregoing, to exercise the powers and functions of the Council in relation to the provisions referred to in column (2) of Schedule 1 to the Local Authorities (Functions and Responsibilities Regulations) (England) Regulations 2000 as amended, including the following legislation and any amendment and replacement thereof and any regulations made thereunder:

Acts of Parliament

European Parliamentary Elections Act 1978, Schedule 1, paras. 4(3) and (4)

Health and Social Care Act 2001, section 8

Local Government Act 1972, sections 10,11, 75, 86, 87, 91, 101, 112, 151 and 239

Local Government Act 2000, section 82

Local Government and Housing Act 1989 sections 4(1) and 5(1)

Local Government and Rating Act 1997

Representation of the People Act 1983, sections 8(2), 18, 31, 35, 39(4), 52(4), 54, 106, 112, 135, 151, 270(3) and Schedule 12, para. 42

Representation of the People Act 1985, section 21

Representation of the People Act 2000, sections 10 and 93

Superannuation Act 1972, sections 7, 12, and 24

Subordinate Legislation

Commons Registration (General) Regulations 1966

Commons Registration (New Land) Regulations 1969, Reg. 6

Local Election (Parishes and Communities) Rules 1986

Local Elections (Principle Areas) Rules 1986

Functions determined by Statute

Chapter 10 – Officer Employment Procedure Rules

1. Responsibility for the Discharge of Employment Functions

- 1.1 The final decision on the appointment or dismissal of the Head of Paid Service / Chief Executive or on the appointment of any Statutory Chief Officers/Directors, or the dismissal of the Monitoring Officer, and Chief Financial Officer (as defined in the Local Government and Housing Act 1989) shall be by resolution of Council on the recommendation of the General Services Committee insofar as this does not fall within the remit of the Joint Appointments Committee.
- 1.2 The appointment and dismissal of, and taking disciplinary action against, any Chief Officer/Director shall, except where required to be by resolution of Council under Rule 1.1 above, be conducted by the General Services Committee insofar as this does not fall within the remit of the Joint Appointments Committee.
- 1.3 The General Services Committee may arrange for the discharge of any of its functions under Rule 1.2 above by a Sub-Committee or (with the exception of making a recommendation to Council as set out in Rule 1.1 above or the final decision on the appointment or dismissal of a Chief Officer/Director) an Officer.
- 1.4 Any Committee or Sub-Committee discharging functions under Rules 1.1 to 1.3 above must include at least one Member of the Cabinet.
- 1.5 The function of appointment and dismissal of, and taking disciplinary action against, any Officer of the Authority other than those listed at Rule 1.6 below shall be discharged, on behalf of the Authority, by the Chief Executive or by an Officer nominated by him/her.
- 1.6 Rule 1.5 above shall not apply to the appointment or dismissal of, or disciplinary action against:
 - (a) the Head of the Paid Service / Chief Executive
 - (b) a Statutory Chief Officer/Director
 - (c) a non-statutory Chief Officer/Director
 - (d) a political assistant.

2. Conflicts of Interest – General

- 2.1 Conflicts of Interest
- 2.2 No Officer shall take part in the appointment and dismissal of, and taking disciplinary action against, any Officer, including making any recommendation in respect of such action, where the Officer or a candidate for such appointment is a spouse, partner, close family relative or friend of the Officer concerned.
- 2.3 Where an Officer identifies that he would be in breach of Rule 2.1, above, he/she shall immediately notify his/her line manager (i.e. the Officer to whom he/she is responsible within the Authority's Management Structure) and the Head of Human Resources of such conflict, and the line manager shall arrange for another Officer to take over the Officer's responsibility in this matter. Where the Officer is the Chief Executive, he/she shall inform the Mayor and the Leader of such conflict and of the arrangements which he/she has made to avoid such conflict.
- 2.4 Declarations
- 2.5 The Authority will require any candidate for appointment as an Officer to state in writing whether he/she is the spouse, partner or close family relative of a serving Member or Officer or the spouse or partner of such a person. This statement will be included in appropriate recruitment literature.

- (ii) any other particulars relevant to the action notified to the Chief Executive by the decision-maker, and
- (iii) the period within which any objection to the making of the decision is to be made by any Member of the Cabinet

The notification shall be by e-mail or in writing to all Cabinet Members and the period of objection will be two working days or such longer period as the decision-taker shall determine. If the period of objection is to be shortened, notification will be by telephone and e-mail, and

(c) either:

- (i) the Leader notifies the decision-maker that neither he/she nor any other Cabinet Member has an objection to the action proposed
- (ii) the Chief Executive has notified the decision-maker that no objection was received by him/her from the Leader within that period
- (iii) the decision-maker has considered any objection received from the Leader within that period and is satisfied that such objection is not material or is not well-founded.

5. Political Assistants

- 5.1 Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.
- 5.2 No political assistant post shall be allocated by the Council to a political group which does not qualify for one under section 9 of the Local Government and Housing Act 1989.
- 5.3 No political group shall be allocated more than one political assistant.
- 5.4 Disciplinary action and dismissal of an assistant to a political group shall be undertaken by the Chief Executive or an Officer designated for that purpose by the Chief Executive.

6. Statutory Officers – Disciplinary Action

- 6.1 Suspension
- 6.2 The Chief Executive may suspend the Monitoring Officer or the Chief Finance Officer, and the General Services Committee, or a Sub-Committee thereof, may suspend the Chief Executive for the purpose of investigating alleged misconduct. That suspension will be on full pay and shall last no longer than two months unless extended at the direction of the General Services Committee designated independent person.
- 6.3 Disciplinary Action
- 6.4 No other disciplinary action may be taken in respect of any of those Officers except in accordance with a recommendation in a report made by the General Services Committee a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.
- 6.5 ~~Designated Independent Person~~
- 6.6 ~~The Chief Executive may appoint a designated independent person in respect of the Monitoring Officer or the Chief Finance Officer. The General Services Committee or a Sub-Committee thereof, may appoint a designated independent person in respect of the Chief Executive.~~