

## CONSTITUTION COMMITTEE

TIME: 3.00pm  
 DATE: Wednesday, 5 November 2008  
 VENUE: Members' Room

### MINUTES

#### Membership:

Ron Allen	p	Bruce Hogan	P
Lady Dunrossil	a	Ceri Jones	P
Bill Evans	p	Anotonia Noble	P
Charles Gillams	p	Kathy Williams	p
Jeremy Hilton	p		

#### Substitutes:

Tim Harman

P=Present a=apology/absent

### 22. MINUTES

#### RESOLVED

**THAT the minutes of the meeting held on 11 June 2008 be approved as a correct record and signed by the Chairperson.**

**23. APOLOGIES FOR ABSENCE** – An apology for absence was received from Lady Dunrossil.

**24. PUBLIC QUESTIONS** – No public questions were received.

**25. MEMBERS' QUESTIONS** – No members' questions were received.

**26. REVIEW OF PROCESS FOR EMPLOYMENT RELATED APPEALS** – Sue Scrivens, Head of HR, presented this report that proposed a change to the authority's current procedures for handling employment related appeals. The proposal was to align the Council's employment appeal arrangements with the Local Authorities (Standing Orders)(England) Regulations 2001. The proposal was that Members would hear employment related appeals for all officers at 2<sup>nd</sup> tier and above plus Directors of Service who directly report to a Group Director. The appropriate senior manager would hear all other appeals. Sue Scrivens gave assurances that appeals would be heard by a manager who had not previously been involved with the case. HR Officers would provide an advisory role, and again in an appeal situation the HR officer advising

would not have had any previous involvement. It was noted that the consultation and taken place with Trade Unions who supported the principles underpinning the proposals.

In response to Members' questions Sue Scrivens explained that an employee would be supported by either a Trade Union representative or a workplace employee. Staff were encouraged to join a Union. It was noted that there were about 9 local authorities who had changed their policies. Christine Wray confirmed that it would not be unlawful to leave our procedures as they are. An Employment Tribunal would consider whether the process was fair to the employee. If the County Council follow ACAS guidance there should be no room for criticism. However, a fair procedure could be possible under both models.

During the ensuing debate serious concerns were expressed in respect of member involvement being taken out of the appeals process for the majority of staff. Concerns were also expressed with regard to staff consultation, as a large number of staff were not members of a trade union and thus had not been consulted. Concerns were also expressed with regard to the perception of independence of a Manager from another Directorate hearing an appeal.

Cllr Jones proposed that "*the proposals contained within the report be rejected*".

This was seconded by Cllr Evans.

On being put to the vote it was

#### **RESOLVED**

**THAT the proposals contained within the report be rejected.**

- 27. CHANGES TO THE COUNCIL'S EXECUTIVE ARRANGEMENTS REQUIRED BY THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007** – Christine Wray, Assistant Director of Law & Administration presented this report that would be presented to Council in November in respect of proposals for amendments to the Council's Executive arrangements. The report advised members of the requirement to make changes to the Council's executive arrangements pursuant to the Local Government and Public Involvement in Health Act 2007 which amends the Local Government Act 2000.

#### **RESOLVED**

**THAT the report be noted.**

**28. AMENDMENTSTO THE COUNCIL'S CONSTITUTION** – Christine Wray, Assistant Director of Law & Administration presented this report that recommended amendments to paragraphs 3.5 and 3.6 of the Contract Standing Orders in Part 4 of the Constitution to enable the Group Director of Community & Adult Care and the Group Director of Environment respectively in consultation with the Director of Strategic Procurement, and the relevant Cabinet Member:

- To authorise the negotiation of single tenders of up to ten years in length and
- To authorise the extension of existing contracts that have been awarded as a result of a single tender process to a maximum length of 10 years.

In respect of Supporting People Contracts, Day Care Contracts and Bus Contracts.

A copy of the proposed amendments to the Constitution was attached at Appendix A of the report.

During debate it was suggested that it be included:

- a) that any decisions made under this Standing Order be reported to the Budget & Performance Overview and Scrutiny Committee on a quarterly basis and
- b) the requirement for Group Directors to consult with their Lead Cabinet Member in respect of any significant contracts – a significant contract being to the value of £50,000 or more.

On being put to the vote it was

**RESOLVED TO RECOMMEND TO COUNCIL**

**That changes to the Constitution as set out in Appendix A, including a) and b) above be approved.**

The Committee considered a further report containing minor amendments to the Constitution made by the Monitoring Officer under his delegated powers. A copy of the amendments was attached at Appendix B of the report.

**RESOLVED to RECOMMEND TO COUNCIL**

**That changes to the Constitution made by the Monitoring Officer under delegated powers, set out in Appendix B, be approved.**

**Cllr Jeremy Hilton  
Chairperson**

Meeting closed at 16.30