

# Governance Committee

## Urgent Business Supplemental Agenda

Monday, 9th November, 2015  
at 5.00 pm

### PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public

#### Members of the Committee

Councillor Barnes-Andrews (Chair)  
Councillor Daunt  
Councillor Inglis  
Councillor Jordan  
Councillor Noon  
Councillor O'Neill  
Councillor Keogh

#### Contacts

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## AGENDA

**9 CONSTITUTION UPDATE-CHANGES TO THE TERMS OF REFERENCE OF THE CHIEF OFFICER EMPLOYMENT SUB-COMMITTEE (KNOWN AS CHIEF OFFICER EMPLOYMENT PANEL) (Pages 1 - 4)**

Report of the Head of Legal and Democratic Services seeking amendment to the terms of reference of the Chief Officer Employment Sub-Committee (known as Chief Officer Employment Panel), attached.

NOTE: After consultation and agreement by the Chair of the Committee, this report is submitted for consideration as a matter of urgency. The matter is urgent as it directly interrelates with the budget proposals being considered by Council on 18th November 2015.

Friday, 30 October 2015

Head of Legal and Democratic Services

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# Agenda Item 9

<b>DECISION-MAKER:</b>	GOVERNANCE COMMITTEE COUNCIL		
<b>SUBJECT:</b>	CONSTITUTION UPDATE – CHANGES TO THE TERMS OF REFERENCE OF CHIEF OFFICER EMPLOYMENT SUB-COMMITTEE (known as CHIEF OFFICER EMPLOYMENT PANEL)		
<b>DATE OF DECISION:</b>	9 NOVEMBER 2015 (GOVERNANCE COMMITTEE) 18 NOVEMBER 2015 (COUNCIL)		
<b>REPORT OF:</b>	HEAD OF LEGAL & DEMOCRATIC SERVICES		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>RICHARD IVORY</b>	<b>Tel:</b> 023 8083
	<b>E-mail:</b>	richard.ivory@southampton.gov.uk	
<b>Director</b>	<b>Name:</b>	<b>DAWN BAXENDALE</b>	<b>Tel:</b> 023 8083
	<b>E-mail:</b>	dawn.baxendale@southampton.gov.uk	

<b>STATEMENT OF CONFIDENTIALITY</b>		
None		
<b>BRIEF SUMMARY</b>		
<p>This report sets out proposals to amend the Terms of Reference ('ToR') of the Chief Officer Employment ('COE') Sub-Committee to reflect proposed changes to the Council's organisational structure. This will be considered and discussed by Governance Committee on 9<sup>th</sup> November 2015. The recommendations to both Governance Committee and Council are included below. The matter is urgent as it directly interrelates with the budget proposals being considered by Council on 18<sup>th</sup> November 2015.</p>		
<b>RECOMMENDATIONS:</b>		
<b>Governance Committee</b>		
	(i)	To consider and recommend the changes to the Terms of Reference of the Chief Officer Employment Sub-Committee as detailed in this report
<b>Council</b>		
	(i)	To agree the changes to the Terms of Reference of the Chief Officer Employment Sub-Committee as detailed in this report
	(ii)	To authorise the Head of Legal and Democratic Services to finalise the changes as approved by Council and make any further consequential or minor changes arising from this decision of Council
<b>REASONS FOR REPORT RECOMMENDATIONS</b>		
1.	It is appropriate as a core tenet of good governance for the Council to keep its Constitution and the ToR of its committees and sub-committees under regular review and to amend them, to reflect changing circumstances. Proposed changes to the Council's organisational structure require minor amendments to the ToR of the COE Sub-Committee to widen its remit to ensure that the	

	Sub-Committee continues to play a role in the appointment and dismissal on capability grounds only of Chief Officer graded (and equivalent) officers.
2.	The proposals are linked to the Council's budget proposals and must be considered by the Governance Committee as a Constitutional change and Council to enable timely implementation of the proposed changes to the Council's organisational structure.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
3.	To not consider and approve the recommendations would mean that the COE Sub-Committee would not play a full role in the appointment and dismissal of the most senior officers in the proposed new organisational structure.
<b>DETAIL (Including consultation carried out)</b>	
4.	This report will be initially considered by Governance Committee prior to the Council meeting of 18 <sup>th</sup> November 2015. Any additional recommendations will be updated by the Chair of the Governance Committee at Council.
5.	The Constitution of the Council describes the way in which the Council conducts its business. It is required by law. It contains not only the articles of the Constitution, but also the various rules and procedures for decision-making, access to information, Overview and Scrutiny, the Codes of Conduct and so on, as well as the ToR of the Council's various Committees and Sub-Committees.
6.	The purpose of this report is to bring forward proposed changes to the Constitution as detailed below, these having been considered by the Governance Committee, with a view to reflecting the proposed organisational changes to the Council and ensuring that the COE Sub-Committee continues to have a role to play in the appointment and dismissal of Chief Officer graded (and equivalent) officers, arising from the implementation of the proposed organisational changes. This affects the top tiers of Chief Officers as detailed in Section 2 of the Local Government and Housing Act 1989. The former Employment Panel in 2002 resolved that Deputy Chief Officer appointments and dismissals be undertaken by the Chief Executive or officer nominated by him/her. That is proposed to be changed in respect of appointments and dismissals on grounds of capability only. In the budget report to Council on 18 <sup>th</sup> November 2015 there is a proposal regarding savings in the senior organisational structure. This revision to the ToR will enable that element to proceed in full and in one forum rather than split between members and officers. The recognised trade unions have been consulted and support the proposals.
<b>Amendments to the COE Sub-Committee's Terms of Reference</b>	
7.	The current ToR of the COE Sub-Committee is the:
	'Power to appoint and dismiss the Head of Paid Service and statutory and non-statutory Chief Officers in accordance with the Council's Officer Employment Procedure Rules and the resolution of the Employment & Appeals Panel of 16 <sup>th</sup> April 2002'.

8.	It is proposed to amend these ToR to read the:
	'Power to appoint and dismiss on capability grounds as permitted under legislation the Head of Paid Service, statutory and non-statutory Chief Officers and Deputy Chief Officers in accordance with the Council's Officer Employment Procedure Rules [delete - and the resolution of the Employment & Appeals Panel of 16 <sup>th</sup> April 2002]'
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
9.	None
<b><u>Property/Other</u></b>	
10.	None
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
11.	The Executive Arrangements and Constitution are required under the Local Government Act 2000 (as amended) and the Localism Act 2011.
<b><u>Other Legal Implications:</u></b>	
12.	None
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
13.	None

<b>KEY DECISION?</b>	No
<b>WARDS/COMMUNITIES AFFECTED:</b>	None
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	None
<b>Documents In Members' Rooms</b>	
1.	None
<b>Equality Impact Assessment</b>	
Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
<b>Other Background Documents</b>	
<b>Equality Impact Assessment and Other Background documents available for inspection at:</b>	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None

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