

**TERMS OF REFERENCE FOR EMPLOYMENT AND APPEALS COMMITTEE**

**GENERAL**

**TERMS OF REFERENCE**

1. All matters relating to hearings and determination of any employee grievance or appeal under the Council's disciplinary, grievance, dismissal and other employee relations procedure

5. Functions under the Fireman's Pension Scheme relating to pensions, etc as respects persons employed as members of Fire Brigades maintained pursuant to Section 4 of the Fire Services Act 1947 Section 26 Fire Services Act 1947 (10 & 11 Geo.6.C.41)

7. To determine any appeal against any decision made under a delegation where that delegation expressly confers a right of appeal. Such appeals will not extend to any matter falling within the terms of reference of another Panel, unless expressly provided for. Furthermore, such appeals shall not cover rights of appeal from the decision of any other Panel, save where expressly provided for.

8. To determine any appeal against a decision where a right of appeal exists at law, but where there is no specific provision in the terms of reference of any other Committee or Panel for the hearing of such an appeal.

**Moved down [1]:** a. This Panel is a committee of the Council appointed by the Council under Section 102(1) of the Local Government Act 1972.¶  
 ¶  
 b. The Council has arranged under Section 101(1) of that Act for the discharge by the Panel of such of the council's functions as are within the Panel's terms of reference (set out below).¶  
 ¶  
 c. Certain functions are delegated by this Panel to Officers. Full details may be found in the Officer's Scheme of Delegation which may be obtained from the Service Lead; Democratic & Electoral Services.¶  
 ¶  
 d. Where a function or matter within the Panel's competence has been delegated to an officer, the Panel may exercise that function/matter concurrently with the officer to whom it has been delegated.¶  
 ¶  
 e. The exercise of any function or matter within the Panel's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Service Director: Legal & Governance in pursuance of Council Procedure Rule 26.2. ¶  
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**Moved down [2]:** 2. Power to appoint staff, excluding Chief Officers, and to determine the terms and conditions on which all staff hold office but excluding revisions to pay scales (including procedures for their dismissal)

**Moved down [3]:** 6. To agree redundancy and severance payments and early release of pension benefits, where added years, enhanced payments or any element of discretion is sought.

**Moved down [4]:** 9. To determine any appeal where in the opinion of the Service Director: Legal & Governance a right of appeal should be conferred to give effect to the operation of the principles of natural justice or the principles contained in the Human Rights Act.

Delegations

Any delegation previously expressed as being "Service Director: Legal & Governance following consultation with the Chair of Employment Panel" shall be revised so that it reads "Service Director: Legal & Governance following consultation with the relevant Cabinet Member".

## **TERMS OF REFERENCE FOR GOVERNANCE COMMITTEE**

### **GENERAL**

- a. This Committee is a committee of the Council appointed by the Council under the Local Government Act 1972
- b. Certain functions are delegated by this Committee to Officers. Full details may be found in Part 3 of the Council's Constitution
- c. Where a function or matter within the Committee's competence has been delegated to an officer, the Committee may exercise that function/matter concurrently with the officer to whom it has been delegated.
- d. The exercise of any function or matter within the Committee's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Service Director: Legal & Governance in pursuance of Council Procedure Rule 26.2.

### **TERMS OF REFERENCE**

#### **Standards, ethics and probity**

1. To lead on the Council's duties under Chapter 7 Localism Act 2011 and to design, implement, monitor, approve and review the standards of ethics and probity of the Council, both for Councillors and employees. The Committee's powers shall include responding to consultation documents and the promulgation of Codes of Conduct but the adoption and revisions to the local Members Code of Conduct shall be reserved to the Council.
2. To promote a culture of openness, ready accountability and probity in order to ensure the highest standards of conduct of Councillors and employees.
3. To lead on all aspects of Corporate Governance by promoting the values of putting people first, valuing public service and creating a norm of the highest standards of personal conduct.
4. To oversee and manage programmes of guidance, advice and training on ethics, standards and probity for Councillors and employees and on the Members Code of Conduct.
5. To be responsible for the Council's register of Members' interests and to receive reports from the Monitoring Officer on the operation of the register from time to time.
6. To be responsible for written guidance and advice on the operation of the system of declarations of Members' Interests and to receive reports from the Monitoring Officer on the operation of the system of declarations from time to time.
7. To establish, monitor, approve and issue advice and guidance to Councillors on a system of dispensations to speak on, or participate in, matters in which they have interests and give dispensation in appropriate cases.
8. To exercise the functions of the Council in relation to the ethical framework, corporate governance and standards of conduct of Joint Committees and other bodies.



9. To establish a Standards Sub-Committee to investigate and determine appropriate action in respect of alleged breaches of the Members Code of Conduct.
10. To support the Monitoring Officer and Service Director: Finance & Commercialisation in their statutory roles and the issuing of guidance on them from time to time.
11. To receive regular reports on the performance of the Corporate Complaints process, Local Government Ombudsman referrals, Annual Governance Statement and Code of Corporate Governance and to recommend revisions to related policies and procedures as appropriate.

#### **Audit role**

12. To provide independent assurance on the adequacy of the risk management framework and the internal control and reporting environment, including (but not limited to) the reliability of the financial reporting process and the annual governance statement.
13. To be satisfied and provide assurance that appropriate action is being taken on risk and internal control related issues identified by the internal and external auditors and other review and inspection bodies.
14. To receive, and make recommendations on, such reports as are required in relation to all audit matters including the Annual Audit Plan.
15. The Committee shall specifically have responsibility for oversight of and provision of assurance on the following functions:
  - ensuring that Council assets are safeguarded;
  - maintaining proper accounting records;
  - ensuring the independence, objectivity and effectiveness of internal and external audit;
  - the arrangements made for cooperation between internal and external audit and other review bodies;
  - considering the reports of internal and external audit and other review and inspection bodies;
  - the scope and effectiveness of the internal control systems established by management to identify, assess, manage and monitor financial and non-financial risks (including measures to protect against, detect and respond to fraud).

#### **EMPLOYMENT MATTERS**

##### **General**

- a. This Panel is a committee of the Council appointed by the Council under Section 102(1) of the Local Government Act 1972.
- b. The Council has arranged under Section 101(1) of that Act for the discharge by the Panel of such of the council's functions as are within the Panel's terms of reference (set out below).

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- c. Certain functions are delegated by this Panel to Officers. Full details may be found in the Officer's Scheme of Delegation which may be obtained from the Service Lead: Democratic & Electoral Services.
- d. Where a function or matter within the Panel's competence has been delegated to an officer, the Panel may exercise that function/matter concurrently with the officer to whom it has been delegated.
- e. The exercise of any function or matter within the Panel's competence is always subject to any relevant requirement of the Council's Constitution including any Special Procedure and Protocol drawn up and approved by the Service Director: Legal & Governance in pursuance of Council Procedure Rule 26.2.

### **TERMS OF REFERENCE**

- 2. Power to appoint staff, excluding Chief Officers, and to determine the terms and conditions on which all staff hold office but excluding revisions to pay scales (including procedures for their dismissal) ..... Section 122 Local Government Act 1972
- 3. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities, to the extent that the staff are being placed at the disposal of the other authority in relation to the discharge of functions which are not the responsibility of the Executive of the authority placing the staff ..... Section 13(4) and (5) Local Government Act 1972
- 4. Functions relating to local government pensions, etc ..... Regulations under Section 7, 12 or 24 Superannuation Act 1972
- 6. To agree redundancy and severance payments and early release of pension benefits, where added years, enhanced payments or any element of discretion is sought.
- 9. To determine any appeal where in the opinion of the Service Director: Legal & Governance a right of appeal should be conferred to give effect to the operation of the principles of natural justice or the principles contained in the Human Rights Act.
- 10. Without prejudice to the generality of the above, the Panel will be able to determine the following:
  - (i) An appeal from a decision relating to Education Awards and Home to School Transport Assistance.

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Moved (insertion) [3]

Moved (insertion) [4]

Delegations

Any delegation previously expressed as being "Service Director: Legal & Governance following consultation with the Chair of Employment Panel" shall be revised so that it reads "Service Director: Legal & Governance following consultation with the relevant Cabinet Member".

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