

Corporate Services

Dean Taylor, Deputy Chief Executive and Director
Your Ref:

Our Ref: CC/GH

Please ask for: Mr G Hardy

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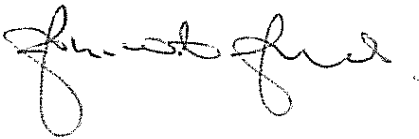
TO: ALL MEMBERS OF THE COUNCIL

16 May 2013

Dear Councillor

YOU ARE HEREBY SUMMONED to attend an extraordinary meeting of the Herefordshire Council to be held on **Friday 24 May 2013** at Shire Hall, Hereford at 2.30 pm at which the business set out in the attached agenda is proposed to be transacted.

Yours sincerely



**J JONES
HEAD OF GOVERNANCE AND MONITORING OFFICER**

AGENDA

Council

Date: **Friday 24 May 2013**

Time: **2.30 pm**

Place: **Shire Hall, Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Geoff Hardy, Governance Services

Tel: 01432 383408

Email: ghardy@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Geoff Hardy, Governance Services on 01432 383408 or e-mail ghardy@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Council

Membership

Chairman

Vice-Chairman

Councillor LO Barnett

Councillor ACR Chappell

Councillor PA Andrews
Councillor CNH Attwood
Councillor PL Bettington
Councillor WLS Bowen
Councillor AN Bridges
Councillor MJK Cooper
Councillor BA Durkin
Councillor DW Greenow
Councillor RB Hamilton
Councillor EPJ Harvey
Councillor JW Hope MBE
Councillor RC Hunt
Councillor TM James
Councillor AW Johnson
Councillor JLV Kenyon
Councillor JG Lester
Councillor RI Matthews
Councillor PJ McCaull
Councillor JW Millar
Councillor NP Nenadich
Councillor FM Norman
Councillor GJ Powell
Councillor R Preece
Councillor SJ Robertson
Councillor A Seldon
Councillor J Stone
Councillor DC Taylor
Councillor PJ Watts

Councillor AM Atkinson
Councillor CM Bartrum
Councillor AJM Blackshaw
Councillor H Bramer
Councillor EMK Chave
Councillor PGH Cutter
Councillor PJ Edwards
Councillor KS Guthrie
Councillor J Hardwick
Councillor AJ Hempton-Smith
Councillor MAF Hubbard
Councillor JA Hyde
Councillor JG Jarvis
Councillor Brig P Jones CBE
Councillor JF Knipe
Councillor MD Lloyd-Hayes
Councillor RL Mayo
Councillor SM Michael
Councillor PM Morgan
Councillor C Nicholls
Councillor RJ Phillips
Councillor AJW Powers
Councillor PD Price
Councillor P Rone
Councillor P Sinclair-Knipe
Councillor GR Swinford
Councillor GA Vaughan-Powell
Councillor DB Wilcox

AGENDA**Pages**

- 1. APOLOGIES FOR ABSENCE**
To receive apologies for absence.
- 2. DECLARATIONS OF INTEREST**
To receive any declarations of interest by Members in respect of items on the Agenda.
- 3. CHAIRMAN'S ANNOUNCEMENTS**
To receive the Chairman's announcements and petitions from members of the public.
- 4. SERVICE BUDGET REDUCTIONS AND FUTURE FINANCIAL PLANNING**
To progress the Council's change programme, to report on the service plan reviews for 2013/14 conducted in March/April aimed at de-risking identified areas of weakness to ensure the Council's plans are resilient and remain within its overall funding envelope of £150.296 million, and to seek agreement on next steps.

[Report to follow]
- 5. DETERMINATION OF TERMS AND CONDITIONS OF STAFF**
To approve amendment of the Constitution to enable the Chief Executive to set the terms and conditions of staff.

13 - 16

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

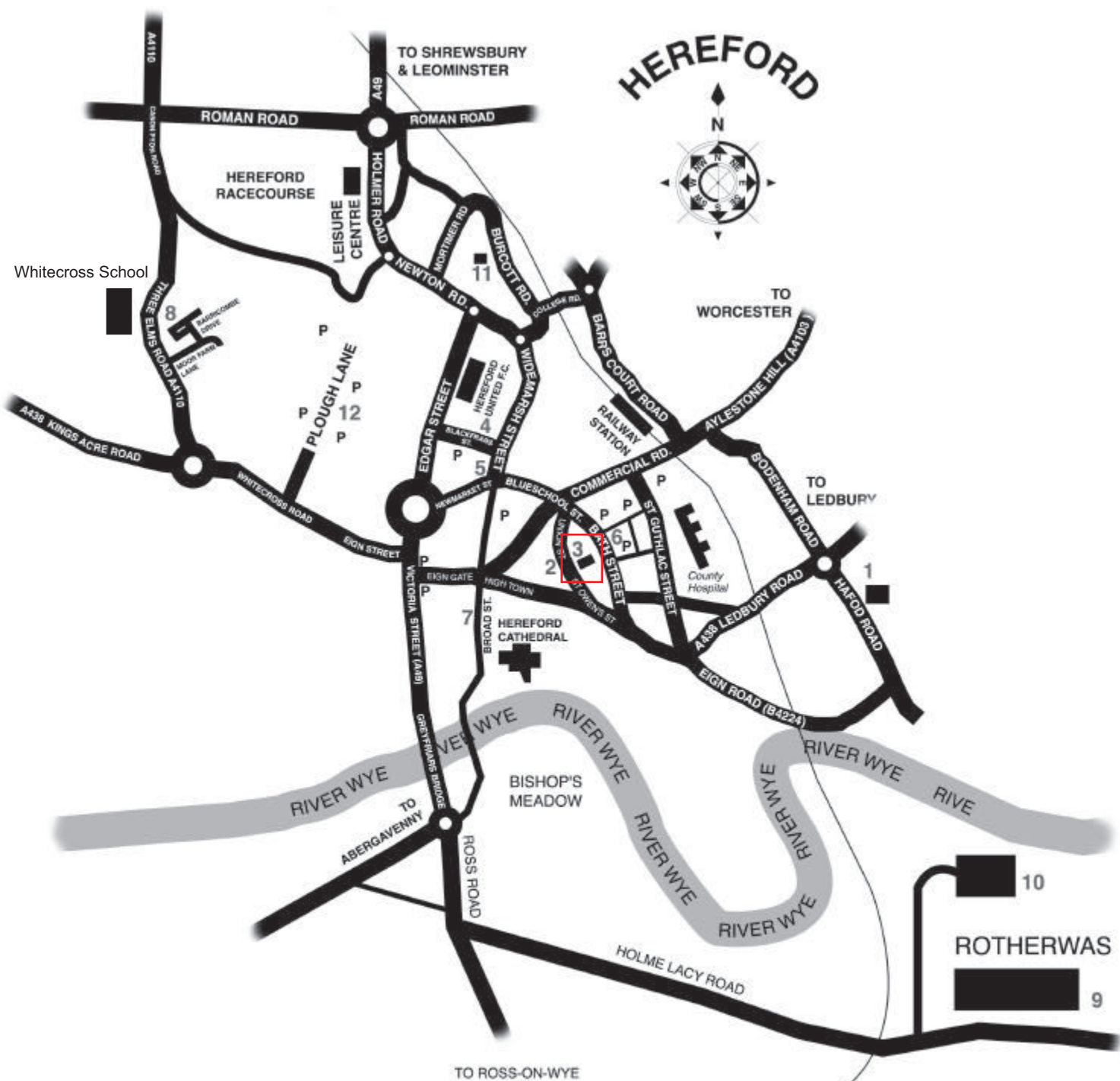
- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of the Cabinet, of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50, for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.
- A member of the public may, at a meeting of the full Council, ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council has powers or duties or which affects the County as long as a copy of that question is deposited with the Monitoring Officer eight clear working days before the meeting i.e. by 12:00 noon on a Monday in the week preceding a Friday meeting.

Public Transport Links

- The Shirehall is ten minutes walking distance from both bus stations located in the town centre of Hereford. A map showing the location of the Shirehall is found opposite.



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Whitecross School

- | | | | |
|---|------------------|----|-----------------------------------|
| 1 | Brockington | 7 | Kemble House |
| 2 | Town Hall | 8 | Trinity House |
| 3 | Shire Hall | 9 | Thorn Office Centre |
| 4 | Education Centre | 10 | Herefordshire Commercial Services |
| 5 | Garrick House | 11 | Merchant House |
| 6 | Bath Street | 12 | Plough Lane |

FIRE AND EMERGENCY EVACUATION PROCEDURE

IN CASE OF FIRE

(no matter how small)

1. Sound the Alarm
2. Call the Fire Brigade
3. Fire party - attack the fire with appliances available.

ON HEARING THE ALARM

Leave the building by the nearest exit and proceed to assembly area on:

GAOL STREET CAR PARK

Section Heads will call the roll at the place of assembly.

MEETING:	EXTRAORDINARY MEETING OF COUNCIL
DATE:	24 MAY 2013
TITLE OF REPORT:	DETERMINATION OF TERMS AND CONDITIONS OF STAFF
REPORT BY:	HEAD OF GOVERNANCE

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

County-wide

4. Purpose

To approve amendment of the Constitution to enable the Chief Executive to set the terms and conditions of staff.

5. Recommendation(s)

THAT:

- (a) an additional power number 7 be inserted in the Constitution, in the specific delegations to the Chief Executive, to read “ To determine the terms and conditions of employment of staff in accordance with the Employment Procedure Rules (part 4 paragraph 4.9.6)”;
- (b) paragraph 4.9.6.1 of the Employment Procedure Rules be replaced to read “The Chief Executive shall be responsible for determining the terms and conditions of all officers other than the Head of Paid Service”.

6. Key Points Summary

- The Council is responsible for the appointment and dismissal of the Chief Executive as Head of Paid Service.

Further information on the subject of this report is available Geoff Hardy, Democratic Services Manager on 01432 383408

- The Council, through its Employment Panel, is responsible for the appointment and dismissal of a Statutory Chief Officer or a Director.
- The Constitution in its current form does not make it suitably clear and apparent that the Chief Executive has the responsibility for setting the terms and conditions of service of all staff.
- The Council's delegation of Council functions confirms that the power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal) can be carried out by either a meeting of Council or the Employment Panel or the Chief Executive as set out in the Functions Scheme. However as far as the Chief Executive's delegation is concerned, this authority has not been carried through to his Scheme of Delegation.
- Bearing in mind the functions of the employment panel, the Chief Executive should have the residual responsibility for setting terms and conditions of employment for all staff (except those in respect of himself which is the responsibility of the employment panel). It is not proposed that the arrangements in the Constitution for the appointment and dismissal of Directors and statutory officers be changed.

7. Alternative Options

7.1 None

8. Reasons for Recommendations

8.1 Any alternative construction of the Functions Scheme would not be workable.

8.2 These revisions represent a clarification rather than a departure from normal practice.

9. Introduction and Background

9.1 The Constitution does not clearly reflect the position in its currently drafted form.

9.2 Whilst the Constitution is currently in the course of revision overall, this particular issue needs clarification in advance of any wholesale revisions, as it could lead to challenge if not implemented correctly.

10. Key Considerations

10.1 The proposed amendments leave a clear distinction between (1) the appointment and dismissal of senior officers and (2) the appointment and dismissal of more junior staff together with the drawing up of terms and conditions for all staff.

10.2 The dismissal of some posts are regulated in law (e.g. Monitoring Officer) and the proposals will be compliant with this.

11. Community Impact

None

12. Equality and Human Rights

12.1 This report pays due regard to the public sector equality duty.

13. Financial Implications

13.1 None.

14. Legal Implications

14.1 None identified.

15. Risk Management

15.1 There is a risk of challenge if these issues are not implemented correctly.

16. Consultees

None.

17. Appendices

17.1 None.

18. Background Papers

None identified.

