

HR Committee

3rd August 2016



Report of: Service Director HR & Workplace

Title: Role of the HR Committee

Ward: N/A

Officer Presenting Report: Richard Billingham

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Recommendation

That the Committee notes this report.

Summary

The report explains the role of the HR Committee.

The significant issues in the report are:

- There is no requirement in law for the Council to have an HR Committee.
- The law states that some functions cannot be the responsibility of the Executive.
- The power to exercise non-executive functions is either reserved to the Full Council or delegated by the Full Council to committees, Strategic Directors or other specified officers.
- The main purpose of the HR Committee centres on setting pay and grading arrangements for the Council's staff.
- Determining the terms and conditions on which Council employees hold office rests with the City Director (Chief Executive), though the Council's Constitution permits decisions in this area to be made by the HR Committee.



Policy

1. Not applicable.

Consultation

2. **Internal**
Not applicable.
3. **External**
Not applicable.

Context

4. There is no requirement in law for the Council to have an HR Committee. However, the law states that some functions cannot be the responsibility of the Executive. The power to exercise non-executive functions is either reserved to the Full Council or delegated by the Full Council to committees, Strategic Directors or other specified officers.
5. The following HR-related functions can only be exercised by the Full Council, but the Selection Committee is delegated to recommend the officers to the Full Council:
 - 5.1. Duty to appoint an electoral registration officer.
 - 5.2. Duty to appoint a returning officer for local government elections.
 - 5.3. Duty to designate officer as the head of the authority's paid service and to provide staff, etc.
 - 5.4. Duty to designate officer as the monitoring officer and to provide staff, etc.
6. The HR Committee's terms of reference include the following functions:
 - 6.1. To recommend to the Full Council the annual pay policy statement, including any amendments that may need to be made to the policy statement from time to time.
 - 6.2. To recommend to the Full Council, any changes to the pay and grading arrangements for first and second tier officers.
 - 6.3. To approve changes to the pay and grading of first and second tier officers within the policy framework approved by the Full Council (ie, the pay policy statement).
 - 6.4. Determining the pay and grading arrangements of all other employees.
 - 6.5. Power to determine the terms and conditions on which employees hold office (including procedures for their dismissal) (section 112 Local Government Act 1972).
 - 6.6. Functions relating to local government pensions etc. (Regulations under section 7, 12 or 24 of the Superannuation Act 1972).
7. The power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal) is delegated to the City Director (Chief Executive) as Head of Paid Service who, in accordance with the provisions of the Council's Constitution may arrange for the discharge of these functions through Strategic Directors. All officers exercising HR functions must do so in accordance with the Council's HR policies and any advice provided by the Service Director HR. The City Director must refer matters to the HR Committee as he/she

considers appropriate having regard to the following factors, as specified in Part 3.2 D (a) of the Council's Constitution:

- 7.1.** Whether the matter would have such an effect on communities, businesses or individuals such as the matter ought to be considered/determined by councillors.
- 7.2.** Whether a councillor, applicant or other person with a significant interest has requested that the matter be determined by committee.
- 7.3.** Whether there is evidence that the public or councillors have a significant actual or potential interest in the matter such as would give rise to a desire or expectation that it be determined by councillors.
- 7.4.** Whether the matter is likely to involve consideration of disputed or uncertain matters of fact or law or whether the decision gives rise to a fine balance between various options such as might reasonably give rise to an expectation that the matter will be considered by councillors.
- 7.5.** Where it is desirable that representations made in relation to the matter by an applicant, objector or other interested party should be heard and considered by councillors.
- 7.6.** The need for consistency of approach in the council's decision-making process.
- 7.7.** Whether there are any specific national or local policy implications arising from the matter under consideration which are of such significance that they might reasonably give rise to an expectation that they ought to be considered by councillors.
- 8.** Delegated officers are entitled to arrange for the discharge of functions allocated to them by their subordinate officers, provided that the delegated officer remains responsible for and accountable to the Council for the exercise of the delegated powers.
- 9.** An officer with the delegated power to make a decision may, where he/she considers it necessary, refer the matter for decision by the Full Council or by the relevant committee.
- 10.** A non-executive committee (such as the HR Committee) may delegate to sub-committees and officers.
- 11.** All delegated officers and delegated committees should seek and obtain appropriate professional advice from those employed by the Council for that purpose. Any report made by officers to councillors should record whether or not such advice has been obtained.
- 12.** Functions relating to local government pensions etc are delegated to the Strategic Director of Business Change, who must refer matters to the HR Committee as he/she considers appropriate having regard to the factors specified in Part 3.2 D (a) of the Council's Constitution (as set out above).
- 13.** The HR Committee hears collective disputes where these have not been resolved at officer level.
- 14.** The Selection Committee is responsible for making appointments at chief (ie, Strategic Director) and deputy chief officer (ie, Service Director) levels. The Head of Paid Service is responsible for giving notice of appointment and dismissal at these levels.
- 15.** Appeals against dismissal are heard by the Appeals Committee.

Proposal

6. That the Committee notes this report.

Other Options Considered

7. None, as this report is for information only.

Risk Assessment

8. Not applicable.

Public Sector Equality Duties

- 8a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.
- 8b) No equality impact assessment has been undertaken because this report is for information only.

Legal and Resource Implications

Legal

None, as this report is for information only.

Financial**(a) Revenue**

None, as this report is for information only.

(b) Capital

None, as this report is for information only.

Land

Not applicable.

Personnel

Not applicable.

Appendices:

None.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**Background Papers:**

None.