

# Full Council

13 December 2016



**Report of:** Service Director, Legal and Democratic Services

**Title:** Human Resources Committee – Terms of Reference

**Ward:** n/a

**Member Presenting Report:** Councillor Helen Godwin, Chair of Human Resources Committee

## Recommendation

That the terms of reference of the Human Resources Committee be amended to delegate to the Committee the responsibility of agreeing the salary of the Senior Coroner for the Avon coroner area.

## Summary

The report seeks the agreement of the Full Council to amend its Constitution to allow the Human Resources Committee to agree the salary of the Senior Coroner for the Avon coroner area.

## The significant issues in the report are:

The Coroners and Justice Act 2009 designates the Council the “relevant authority” for the Avon coroner area, which means that the Council is required to appoint and agree the salary of the Senior Coroner for the area. The Council’s Constitution does not currently provide for this, which means that such matters rest with the Full Council. Though the Senior Coroner is an officeholder and not an employee of the Council, it is proposed that the Human Resources Committee is the appropriate decision-making body.



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## **Policy**

1. The Human Resources Committee is responsible for recommending the annual Pay Policy Statement to the Full Council and sets the terms and conditions of Chief Officers.

## **Consultation**

2. **Internal**  
Legal Services – refer to Legal and Resource Implications below.
3. **External**  
Not applicable.

## **Context**

4. The Coroners and Justice Act 2009 designates the Council the “relevant authority” for the Avon coroner area, which means that the Council is required to appoint and agree the salary of the Senior Coroner for the area. The Council’s Constitution is currently silent in relation to appointing and agreeing the salary of the Senior Coroner for the Avon coroner area and therefore, as a non-executive function, both are currently matters for the Full Council.

## **Proposal**

5. Given the Human Resources Committee’s current role in setting the terms and conditions of employment of Chief Officers, and its responsibility for recommending the annual Pay Policy Statement to the Full Council, it is proposed that the responsibility for agreeing the salary of the Senior Coroner be delegated to the Committee.

## **Other Options Considered**

6. Not delegating the responsibility. This would mean that the Full Council would be required to agree the Senior Coroner’s salary.

## **Risk Assessment**

7. The risks of agreeing or not agreeing the proposal are outlined above.

## **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.

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- 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) An equality impact assessment has not been undertaken in relation to this proposal because it concerns an individual officeholder who is not an employee of the Council.

## **Legal and Resource Implications**

### **Legal**

Legal input has been provided in the production of this report and there is no further comment to be added.

**(Legal advice provided by Eric Andrews (Solicitor))**

### **Financial**

#### **(a) Revenue**

There are no financial implications relating to the recommendation that the terms of reference of the Human Resources Committee be amended to delegate to the Committee the responsibility of agreeing the salary of the Senior Coroner for the Avon coroner area.

However, when making proposals relating to the agreement of the salary of the Senior Coroner, this should be done with full consideration of the financial implications of the recommendations.

#### **(b) Capital**

There are no capital related financial implications of the recommendation in this report.

**Janet Ditte: Service Manager: Finance Business Support**

**Date: 29th November 2016**

### **Land**

Not applicable.

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**Personnel**

As the report is confined to the constitutional arrangements for setting the pay of the Senior Coroner, there are no HR implications arising from the report.

**(Personnel advice provided by Mark Williams (HR Business Partner))**

**Appendices:**

None.

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

None.