

SUBJECT:	Review of Joint Appointments and Implementation Committee and Personnel Committee
REPORT OF:	Head of Legal and Democratic Services
RESPONSIBLE OFFICER	Jim Burness, Director of Resources
REPORT AUTHOR	Joanna Swift, Head of Legal and Democratic Services and Monitoring Officer
WARD/S AFFECTED	None

1. Purpose of Report

To consider a proposal to replace the existing Joint Appointments and Implementation Committee (JAIC) and Personnel Committees at both Chiltern and South Bucks Councils with a single Joint Staffing Committee subject to agreement of both Councils.

RECOMMENDATIONS

Subject to the agreement of South Bucks District Council

1. That pursuant to section 102 of the Local Government Act 1972 the Council agrees to establish a Joint Staffing Committee with South Chiltern District Council with authority to exercise the Council's employment functions as set out in the terms of reference at Appendix A to this report
2. That the rules of procedure for the Joint Staffing Committee be agreed as set out in Appendix A
3. That the Joint Staffing Committee replaces the Personnel Committee and supersedes JAIC and the Inter Authority Agreement between the Councils be amended accordingly
4. That if a Joint Staffing Committee is established to also appoint a sub-committee comprising the members of each respective Council on the Joint Staff Committee to discharge employment functions specific to each Council and which are not delegated to officers
5. The Council's constitution be amended to reflect these changes and the Head of Legal and Democratic Services be authorised to make the necessary amendments to the IAA to reflect the above decisions in consultation with the Chief Executive and Leaders

2. Reasons for Recommendation

To streamline decision making at both Councils in relation to the joint workforce, to ensure they remain efficient and effective for both members and officers and reflect the shared working arrangements in place.

3. Content of Report

- 3.1 The JAIC was set up under the Inter-Authority Agreement in January 2012. Its terms of reference are to deal with the human resources implications of the joint arrangements between the two Councils with the primary function being to deal with arrangements for the appointment of the Joint Chief Executive and Joint Senior Management Team. This was subject to reference back to each Council where a decision required Full Council approval (e.g. the appointment of the Head of Paid Service). The JAIC also deals with other staffing related implementation matters referred to it by the Joint Committee or the Councils and advises the Joint Committee on any human resource matters connected with the joint arrangements.
- 3.2 The appointment and implementation phase of the joint arrangements is now reaching a conclusion with the recent completion of the Planning Shared Service Review. It is therefore appropriate to review the functions of JAIC. Furthermore, there is a need to review the relationship between JAIC and the Personnel Committees at both Councils. Reports to JAIC are also submitted to Personnel Committees at CDC and SBDC in accordance with the respective governance arrangements which causes both delay and duplication. As a joint workforce has now been created for almost all council services it is proposed that a more efficient and effective arrangement is to replace JAIC and the respective Personnel Committees at each Council with a single joint committee to:-
- deal with the appointment of the senior management team;
 - make recommendations to each Council on the appointment of the Head of Paid Service; and
 - deal with all matters relating to the joint employment of the joint workforce which are not delegated to officers.

Draft terms of reference for a Joint Staffing Committee are attached in appendix A for consideration.

- 3.2 For any staffing matters that are specific to CDC officers e.g. applying discretionary payments under the Local Government Pension Scheme, it is proposed that a Sub-Committee of the Joint Staffing Committee is appointed comprising CDC members only. Draft terms of reference are included in Appendix A

- 3.3 The current Personnel Committee membership at CDC is 7 and SBDC is 6 with the current membership of JAIC comprising 5 from each authority. It is proposed that the membership of the Joint Committee be 12, 6 from each authority with a quorum of 4 (2 from each authority). Draft rules of procedure are also included in Appendix A.

4. Consultation

None undertaken except for this report.

5. Corporate Implications

Financial – There are no financial implications arising directly from this report

Legal – As set out in the report

Risks issues – None specific

Equalities - None specific

6. Links to Council Policy Objectives

There are no direct links to the policy objectives. But an efficient and effective decision-making process accords with best practice and good governance generally.

7. Next Steps

Subject to both Councils' agreeing the recommendations a new Joint Staffing Committee will be established and members appointed at the next Annual Council Meeting.

Background Papers:	None except those referred to in the report
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Appendix A

Chiltern and South Bucks Joint Staffing Committee (JSC)

Enabling Powers

This Committee is established under the provisions of Section 102 of the Local Government Act 1972. To the extent that Executive functions are involved then Section 9EB of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) Regulations 2012 are relevant.

1. TERMS OF REFERENCE

The JSC are authorised to exercise the powers and functions of the Councils of Chiltern and South Bucks concerning:

- a) the selection and appointment of the Joint Senior Management Team subject to reference back to the relevant Full Council meetings of any decision which statutorily required such approval
- b) to make recommendations to each Council on the appointment of the Head of Paid Service
- c) all matters relating to the joint employment of the joint workforce, including appointment of staff and terms and conditions of employment
- d) to consider any issues raised by UNISON relevant to staff representation within the context of the Recognition and Procedural Agreement.
- e) to deal with any other staffing related implementation matters referred to it by the Joint Committee or by the Councils not otherwise delegated to officers
- f) to be responsible for grievance and disciplinary proceedings in respect of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.
- g) to deal with any other statutory duties of the Councils relating to joint employment arrangements of staff not otherwise delegated to officers
- h) to establish a standing Sub Committees for Council to deal with any matters relating to the appointment of staff and terms and conditions of employment that apply specifically to either Council and are not covered by a) to g) above

2. RULES OF PROCEDURE

Membership of the Committee

- 2.1 The Councils shall appoint 6 members to the JSC (politically balanced), including the Cabinet Leader and up to 1 other Cabinet Member from each Council, appointed in accordance with

the respective Councils local procedure rules including their period of office, vacancies arising and related matters.

- 2.2 The Committee shall be re-constituted at each Council's Annual Meeting as may be required by them
- 2.3 Each Council shall be entitled to change its appointees during the municipal year

Chairman and Vice Chairman

- 2.4 The JSC shall elect co-Chairman at their first meeting in each municipal year. The Chairmanship of the Committee shall alternate between the Councils each meeting.

Quorum

- 2.5 The quorum of a meeting of the JSC shall be 4 provided that there shall be 2 members present from each Council.

Venue for Meetings

- 2.6 The venue for meeting of the JSC shall normally alternate between the Councils' offices

Amendments to the Terms of Reference (Functions and Remit)

- 2.7 The Councils may amend the terms of reference and/or membership of the JSC from time to time. Any such amendment shall be agreed in writing by reference back to each full Council, taking into account any recommendation from the JSC.

Application of Procedure Rules

- 2.8 Rules 5, 6, 12, 13, 16 (save for Rule 16(2) the Chairman shall not have a casting vote), 17, 18, 19, 20 and 21 the South Bucks District Council Procedure Rules shall apply to the meetings of the JAIC, and which for the avoidance of doubt are the same as Rules 5, 6, 11, 12, 14 (save for Rule 14(2), the Chairman shall not have a casting vote), 15, 16, 17, 18 and 19 of the Chiltern District Council or in so far as they include additional provisions or more generous provisions i.e. time limits on speeches, the additional and more generous rules shall so apply.

Staffing Sub Committee

- 2.9 Sub-Committees appointed for Chiltern and South Bucks will have the following roles and functions:
 - a) the exercise of powers and functions concerning staff appointments and terms and conditions of employment that relate specifically to either Council not otherwise delegated to officers;
 - b) the Sub-Committee will not discuss matters which go to the JSC;
 - c) each Sub-Committee will comprise all the members of the JSC from the relevant council.