

CHAPTER 2 – 7 - EMPLOYMENT COMMITTEE

Functions and Procedure Rules

Under the Local Government Act 1972 the Council has established an Employment Committee. Employment matters are not Cabinet functions and cannot be discharged by the Cabinet. These Rules details what powers the Employment Committee has and how Committee meetings are conducted. In general, Employment Committee details with employment matters relating to Chief Officers as defined in the Officer Employment Procedure Rules.

The Council has delegated certain functions to the Committee and to certain Officers. The Employment Committee has the powers shown below in Functions of the Employment Committee. It also has two Sub Committees called the Employment Sub Committee and the Employment Appeals Sub Committee.

1.0 Functions of the Employment Committee

	Function	Delegation (who function can be carried out by instead of Employment Committee)	Exceptions to Delegation (must be carried out by Employment Committee)
1.1	Appointment of Chief Officers Except; Chief Executive which must be recommended to Council for ratification subject to any notice requirements.	None	None
1.2	Dismissal of Chief Officers Except; Statutory Officers which must be recommended to Council for ratification subject to any notice requirements.	Head of Paid Service Employment Sub Committee Employment Appeals Sub Committee.	None
1.3	Disciplinary Action against Chief Officers Except; Disciplinary action/capability which may result in dismissal of Statutory Officers	Head of Paid Service Employment Sub Committee Employment Appeals Sub Committee.	None

1.4	Recommend dismissal of Statutory Officers which will be supported by a report from the Council's Independent Person (following a determination by the Employment Appeals Committee if necessary) to Council subject to any notice requirements.	Employment Sub Committee Employment Appeals Sub Committee.	None
1.5	Deal with matters of capability (performance and sickness) relating to Chief Officers Except; Capability which may result in dismissal for Statutory Officers	Head of Paid Service Employment Sub Committee Employment Appeals Sub Committee.	None
1.6	Determine appeals from Chief Officers against disciplinary action, capability, grievance and harassment claims.	Employment Appeals Sub Committee.	None
1.7	Deal with appeals from Chief Officers against dismissal. Except; Dismissal of Statutory Officers	Employment Appeals Sub Committee.	None
1.8	Deal with grievance and harassment complaints against the Chief Executive.	Employment Sub Committee Employment Appeals Sub Committee.	None
1.9	Approve Terms and Conditions including pay for Chief Officers.	Head of Paid Service.	None

Employment Committee Procedure Rules

2.0 These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

2.1 Composition of the Committee

The Committee shall comprise seven Councillors all of whom shall have undertaken mandatory training contained within the Members Development Programme. Attendance must be for the duration of each training session. The Leader and Deputy Leader shall form part of the Committee.

The Committee will be politically balanced.

2.2 Training is mandatory in accordance with the Members' Development Programme. A record of attendance at training sessions will be maintained by Democratic Services.

2.3 There shall be no substitutions.

2.4 Quorum

The quorum for the Committee shall be four members which must be maintained for the duration of the meeting.

2.5 Who shall Chair the Meeting?

The Chair of the Employment Committee as determined by Council at the Annual Council Meeting shall preside and in their absence the Vice Chair shall preside. If neither are in attendance, the Chair shall be elected by attending Members by a majority of votes.

3.0 **Employment Sub Committee and Employment Appeals Sub Committee Procedure Rules**

3.1 These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

3.2 Composition of the Committee

The Committee shall comprise three Members all of whom shall have undertaken mandatory training contained within the Members' Development Programme. Attendance must be for the duration of each training session. In the event of an appeal against a decision of the Employment Sub Committee, the Employment Appeals Sub Committee shall not consist of the same Members who made the original decision.

The Committee will be politically balanced.

3.3 Training is mandatory in accordance with the Member Development Programme. A record of attendance at training sessions will be maintained by Democratic Services.

3.4 There shall be no substitutions.

3.5 Quorum

The quorum for the Committee shall be three members which must be maintained for the duration of the meeting.

3.6 Who shall Chair the Meeting?

Members shall decide by consensus who shall chair the meeting.

3.7 Order of Proceedings (all matters except recruitment)

All parties to the hearing shall provide any written representations to the Council in writing to the Council offices or by emailing democracy@melton.gov.uk ten clear days before the date of the hearing. Written representations shall be provided to the other parties. No written material shall be considered at the hearing unless it has been submitted in accordance with this rule.

3.8 The Chair of the Committee shall undertake introductions.

3.9 The Chair will ensure the parties understand the procedure to be followed and ask if the Chief Officer wishes to have representation.

3.10 The Committee will decide whether part or all of the hearing should be held in private because the public interest in doing so outweighs the public interest in holding the meeting or that part of the meeting in public in accordance with the Access to Information Rules.

3.11 The Committee will consider requests from any of the parties for permission for another person to appear at the hearing as a witness.

3.12 The Committee will decide what action to take if the Chief Officer does not attend the hearing.

3.13 The Council's representative will present his/her report and outline relevant information such as the process followed, representations and any relevant information following which the parties participating in the hearing and members of the Committee may ask questions of the applicant.

3.14 The parties participating in the hearing and members of the Committee may ask questions of the Council representative.

If applicable the Council representative will invite any witnesses to attend the Committee. The Council representative shall ask questions of the witness, followed by the Chief Officer or their representative and finally Committee members.

3.15 The Chief Officer or their representative shall present their case following which the parties participating in the hearing and members of the Committee may ask questions of the Statutory Officer. If the Chief Officer is not present any information provided by them will be considered by the Committee.

3.16 If applicable the Chief Officer will invite any witnesses to attend the Committee. The Statutory Officer or their representative shall ask questions of the witness, followed by the Council representative and finally Committee members.

- In the case of Statutory Officers, the Independent Person will present his/her report and outline relevant information such as the process followed, representations and any relevant information following which the parties participating in the hearing and members of the Committee may ask questions of the applicant.
- The Council representative shall summarise their case.

- The Statutory Officer shall summarise their case.
- The Committee shall retire with their legal advisor to make a decision which will be communicated at the hearing

3.17 A summary of the decision shall be provided at the meeting where possible along with notification of the appeals process.

4.0 **Order of Proceedings (Recruitment)**

Proceedings shall be conducted in a fair and transparent manner and in accordance with proper advice and the functions of the Committee.