

## GOVERNANCE COMMITTEE

9 March 2016

**Subject Heading:**

**Terms of Reference of Governance Committee and delegation of Authority from Council**

**CMT Lead:**

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**Policy context:**

Proposal to recommend Council to delegate authority to Governance Committee

**Financial summary:**

These changes are purely procedural and have no specific financial implications

### The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for  
People will be safe, in their homes and in the community  
Residents will be proud to live in Havering



### SUMMARY

The report anticipates the need for the Council to reach a decision on changes to staff terms and conditions of service in the autumn and recommends that Council should be asked to delegate authority to make the decision to this Committee and amend its terms of reference accordingly.

### RECOMMENDATIONS

That the Committee:

1. **Recommend to Council**, at its meeting on 30 March 2016 that it delegate authority to the Governance Committee to approve proposals which arise from the review of employee terms and conditions and make an amendment to its terms of reference to enable this.

2. **Note** that the proposals relating to employee terms and conditions are currently being developed and will be subject to consultation with all Council staff and the recognised trades unions.

<b>REPORT DETAIL</b>
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1. The Council is undertaking a review of the terms and conditions of service of all of its staff. The purpose of the review is to identify and replace those existing terms and conditions that are inconsistent, outdated, potentially unfair or do not assist the delivery of services. As well as creating a set of terms and conditions that are more fitted to the Council's business needs it is also intended that the review should create savings as part of the Council's budget strategy. This review has been underway for over a year and it is anticipated that formal consultation with staff and recognised trade unions will commence in May. The Chief Executive has authority to approve the proposals that will be subject to consultation but not to approve the implementation of those proposals or any variation upon them that might result from consultation. Depending on the outcome of the consultative process it is anticipated that the Council will need to decide whether or not to implement the changes sometime in the autumn.
2. Under section 112 of the Local Government Act 1972 this function is a non-executive function which is reserved in part to Council (e.g. for Head of Paid Service), with delegation already in place in relation to the Governance Committee and Appointments Committee for Deputy Chief Executives and Heads of Service and with a general delegation to Head of Paid service and other senior staff for all staff under Head of Service. The Constitution is silent on the appropriate forum where such a decision would normally fall within the officer delegation but given its wide-ranging and sensitive nature is more appropriate for member consideration. In the absence of such a delegation, the matter would inevitably go to full Council.
3. It is proposed, therefore, to recommend to Council that formal decisions in relation to Council-wide changes to terms and conditions of service should also be delegated to the Governance Committee and the terms of reference of the Governance Committee be amended to read:

*To determine matters relating to the Council's responsibilities as an employer, where a member-level decision is required and can be delegated to a committee, including the overall framework of terms and conditions of employment for employees.*

4. Although a formal decision on the final proposals arising from the review is not anticipated to be required before the autumn, the review process is currently underway and will involve formal consultation with staff and trade unions from May onwards. It may be necessary to seek formal authority for actions in relation to this review before the autumn and it would be valuable to have a forum in which the relevant councillors can be informed about

progress and developments. Therefore, it is proposed that the Council meeting on 30 March 2016 should be recommended to approve delegation of authority to the Governance Committee.

### **IMPLICATIONS AND RISKS**

#### **Financial implications and risks:**

There are no financial implications or risks arising directly from this report.

#### **Legal implications and risks:**

The authority to determine terms and conditions of service for its employees is set out within the report and is a non-executive function. The report seeks to put in place a sensible solution to ensure decision making is carried out at the appropriate level within the organisation.

#### **Human Resources implications and risks:**

The report relates to the authority to take a decision on a major review of employee terms and conditions but has, of itself, no direct bearing on human resources.

#### **Equalities implications and risks:**

The report has no direct equalities or social implications nor is an Equalities Assessment required. It should be noted that the review of terms and conditions referred to in the report might potentially have equalities implications and will be subject to an independent equalities assessment before being presented to this Committee for a decision.

### **BACKGROUND PAPERS**

**None**