

*Please ask for:*

Lisa Young

*Direct dial:*

(023) 9254 5651

*Fax:*

(023) 9254 5587

*E-mail:*

Lisa.young@gosport.gov.uk

12 January 2011

## **S U M M O N S**

**MEETING:** Extraordinary Personnel Sub Board  
**DATE:** 20 January 2011  
**TIME:** 5.00 pm  
**PLACE:** Committee Room 2, Town Hall, Gosport  
**Democratic Services contact:** Lisa Young

LINDA EDWARDS  
BOROUGH SOLICITOR

---

### **MEMBERS OF THE SUB-BOARD**

The Mayor (Councillor Allen) (ex-officio)  
Councillor Carter CR (Chairman)  
Councillor Burgess (Vice-Chairman)

Councillor Chegwyn  
Councillor Hook

Councillor Jessop  
Councillor Wright

### **FIRE PRECAUTIONS**

(To be read from the Chair if members of the public are present)

**In the event of the fire alarm (continuous ringing sound) sounding, please leave the room immediately.**

**Proceed downstairs by way of the main stairs or as directed by GBC staff, following any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.**

**IMPORTANT NOTICE:**

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

**NOTE:**

- i. Councillors are requested to note that, if any Councillor who is not a member of the Sub Board wishes to speak at the Sub Board meeting, then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

AGENDA

**PART A ITEMS**

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

*All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.*

3. DEPUTATIONS – STANDING ORDER 3.5

*(NOTE: The Sub Board is required to receive a deputation(s) on a matter which is before the meeting of the Sub Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Tuesday, 18 January 2011. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).*

4. PUBLIC QUESTIONS – STANDING ORDER 3.6

*(NOTE: The Sub Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Sub Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Tuesday, 18 January 2011).*

5. MEMBER PANELS

*To set up two Member Panels, one for the annual appraisal interview for the Chief Executive and Deputy Chief Executive, and the other to hear three disciplinary appeals.*

PART II  
Contact  
Officer:  
Kathy Inch  
Ext 5224

6. ANY OTHER ITEMS

*-which the Chairman determines should be considered, by reason of special circumstances, as a matter of urgency.*

7. EXCLUSION OF PUBLIC

To consider the following motion:

That in relation to the following item the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this item

Extraordinary Personnel Sub Board  
20 January 2011

there would be disclosure to them of exempt information within Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the report.

PART B ITEM  
FOLLOWING THE EXCLUSION OF THE PRESS AND  
PUBLIC

Item No.	Item	Paragraph no. of Part I of Schedule 12A of the Act	
8.	STAFF CHANGES	Paragraphs 1 and 3 <b>Reason:</b> The report identifies specific individuals and information regarding their personal financial affairs rather than the Council overall financial affairs. The public interest in the Council's overall affairs can be met in other ways without releasing such personal information and therefore the public interest in maintaining the privacy of personal information outweighs the public interest in the Councils financial affairs.	PART II Contact Officer: Kathy Inch Ext 5224

## Agenda item no. 5

<b>Board/Committee:</b>	<b>PERSONNEL SUB-BOARD</b>
<b>Date of meeting:</b>	<b>20th JANUARY 2010</b>
<b>Title:</b>	<b>MEMBER PANELS</b>
<b>Author:</b>	<b>HEAD OF PERSONNEL</b>
<b>Status:</b>	<b>FOR DECISION</b>

### **Purpose**

To set up two Member Panels, one for the annual appraisal interview for the Chief Executive and Deputy Chief Executive, and the other to hear three disciplinary appeals.

### **Recommendation**

That the Sub-Board appoint:

- (i) a Review Sub-Group to conduct a personal review interview with the Chief Executive and the Deputy Chief Executive/ Borough Treasurer
- (ii) a Panel to consider three disciplinary appeals.

### **1. Background – Review Sub-Group**

- 1.1** In accordance with National Conditions of Service for Chief Executives of Local Authorities, there should be an annual performance appraisal, conducted by senior representatives of the Council. Personnel Sub-Board have authority to appoint a Review Sub-Group for this purpose, together with a similar interview for the Deputy Chief Executive/ Borough Treasurer. The annual performance appraisal should be used for the setting of both general and specific objectives for the year ahead, and review of performance in achieving previously set objectives. The focus of the process should also be on clarifying what the Chief Executive is expected to achieve and identifying any continuing personal development needs to maintain a high level of performance.
- 1.2** The setting of objectives should be by consensus between the Chief Executive and senior representatives of the Council appointed for the purpose.
- 1.3** There is no requirement for such formal interviews for Directors, whose performance is reviewed by the Chief Executive. However, the practice of carrying out interviews for Directors has been welcomed by both Members and the Officers themselves for a number of years.

- 1.4 The Chief Executive's performance was last reviewed on 28<sup>th</sup> June 2010 by a Sub-Group consisting of Councillors C.R. Carter, R. Forder and D. Wright. The Sub-Group interviewed the Borough Treasurer and Deputy Chief Executive prior to that.

## **2. Report – Review Sub-Group**

- 2.1 The Director's meeting with Members would normally be arranged after his formal review with the Chief Executive. The notes of that review can be used as the basis for the interview with Members.
- 2.2 The Chief Executive's personal review interview would then normally take place following Members' meeting with the Director.
- 2.3 The Action Plan previously agreed with the Chief Executive, together with any submissions he may wish to make, will be used as the basis for the interview, which will be arranged once a Panel has been nominated.

## **3. Background – Disciplinary Appeal Panel**

- 3.1 In accordance with the Council's Constitution – Delegated Powers to Personnel Sub-Board – the Sub-Board have the authority to arrange Member panels for formal review purposes, discipline and grievance, and job evaluation appeals (subject to the members concerned having had adequate training).
- 3.2 The Council's Disciplinary Procedure provides as follows in relation to appeals:

"If an employee is dissatisfied with any disciplinary decision relating to him/her, there is a right:

- (i) to apply for a personal interview with a Manager not previously involved with the case (if the action has been taken by a subordinate officer), and, if the employee remains dissatisfied,
- (ii) to apply for an interview with the Chief Executive, or a Director in the Chief Executive's absence, and, if the employee remains dissatisfied,
- (iii) to request an Appeals Panel of the Council to consider the case (an Appeals Panel will consist of 3 members, not all of whom will be of the same political group)."

## **4. Report – Disciplinary Appeal Panel**

- 4.1 Three employees of the Council were dismissed for serious misconduct

on 6<sup>th</sup>/7<sup>th</sup> December 2010; the hearings were conducted by an independent Service Unit Manager. Each lodged an appeal to the Chief Executive, and these appeals were heard on 22<sup>nd</sup> and 23<sup>rd</sup> December 2010.

- 4.2 The dismissals were upheld as a result of this first stage of appeal, in consequence of which two of the employees have lodged a further appeal which should be heard by a panel of Members as provided for by the Procedure.
- 4.3 The Sub-Board are therefore requested to nominate an Appeal Panel consisting of 3 Members, not all of whom should be of the same political group. In accordance with the Disciplinary Procedure, any Member who has had any direct prior involvement with the matters relating to the disciplinary issue must not take part in the appeal hearing.
- 4.4 A briefing will be arranged for the Panel prior to the appeal hearings in order to satisfy the need for appropriate training to be afforded.

## **5. Risk assessment**

### **5.1 Chief Executive and Director Review**

It is important that annual reviews are carried out so that performance and objectives can be reviewed with Members, and any training or development needs identified, with resources made available to meet such needs. Failure to carry out an annual appraisal of the Chief Executive's performance is a breach of the conditions of service for that officer.

### **5.2 Disciplinary Appeal Panel**

Disciplinary appeals must be dealt with in accordance with the agreed procedure, which accords with the ACAS Code of Practice and guidance. This avoids any potential procedural defects should the case proceed to an Employment Tribunal, and ensures that the decisions and the reasons for them have been fully investigated internally for their reasonableness in all the circumstances.

## **6. Legal Implications**

- 6.1 In accordance with the Council's Disciplinary Procedure and the ACAS Code of Practice and Guidance, employees have a right of appeal against disciplinary sanctions. The final right of appeal internally is to a Panel of Members of the Council.
- 6.2 Should the employees be dissatisfied with the outcome of the appeal, or believe that the appropriate procedure has not been followed, they have the right to complain to an Employment Tribunal.

## **7. Financial Implications**

- 7.1** There are no direct financial implications related to the review interviews for the Chief Executive and Director.
- 7.2** There are no direct financial implications in connection with the setting up and hearing of the disciplinary appeals. However, should they be dissatisfied with the result of the appeals, the employees have a right to complain to an Employment Tribunal. The maximum compensation for an employee whose claim of unfair dismissal is successful is £68,400 (with effect from 1<sup>st</sup> February 2011).

## **8. Conclusion**

- 8.1** The annual appraisal interviews for the Chief Executive and Director are now due, and the Sub-Board are invited to nominate senior representatives to undertake those interviews.
- 8.2** Two disciplinary appeals have been lodged, and the Sub-Board are invited to nominate three Members to form an Appeal Panel.

<b>Financial implications:</b>	Section 7 of the report
<b>Legal implications:</b>	Contained in the report
<b>Service Improvement Plan implications:</b>	The appraisal interviews enable S.I.P. to be discussed and assessed
<b>Corporate Plan:</b>	Actions agreed should be directly related to the Corporate Plan
<b>Risk Assessment:</b>	Paragraph 3
<b>Background papers:</b>	(1) National Conditions of Service for Chief Executives of Local Authorities (2) Confidential correspondence, evidence and notes relating to the disciplinary issues.
<b>Appendices/Enclosures:</b>	
Report author/Lead Officer:	Kathy Inch