

MEETING:	Full Council
DATE:	Thursday, 24 September 2015
TIME:	10.30 am
VENUE:	Council Chamber, Barnsley Town Hall

SUPPLEMENTARY AGENDA

Recommendations to Council

All reports detailed below are subject to Cabinet recommendation and are available to download from the Council's website. The Cabinet Spokesperson for the Service in question will respond to any comments or amendments concerning these minutes.

- 29.** Proposal to Increase Member Representation on the Member Development Working Party (Cab.29.7.2015/6) (Pages 3 - 8)

RECOMMENDED TO COUNCIL:-

- (i) that approval be given to increase representation on the Member Development Working Party from 7 to 10 members; and
- (ii) that the additional members include the Cabinet Support Member without Portfolio and two of the new members elected in 2014 and/or 2015, to be selected at the Council meeting on 24th September, 2015.

- 30.** Appointment to Outside Bodies - Shaw Lands Trust (Cab.26.8.2015/6) (Pages 9 - 10)

RECOMMENDED TO COUNCIL that approval be given to the appointment of two representatives as Trustees to the Shaw Lands Trust for a three year term.

- 31.** Proposed Amendments to Appeals Against Dismissal (Cab.9.9.2015/10) (Pages 11 - 14)

RECOMMENDED TO COUNCIL:-

- (i) that with effect from 1st October, 2015, the requirement for appeals against dismissal to be heard by a panel of Elected Members, as set out in the report submitted, be ceased;
- (ii) that with effect from 1st October, 2015, appeals against dismissal from employment should be heard by a panel of officers consisting of the Director of Legal and Governance; the Director of Human Resources, Performance and Communications; together with an Executive Director who has no prior involvement with the appeal be considered; and
- (iii) that appeals against the dismissal of the Chief Executive Officer, Monitoring Officer or Section 151 Officer be dealt with in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Diana Terris

Diana Terris
Chief Executive

Item 29

BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Director of Human Resources, Performance and Communications

PROPOSAL TO INCREASE MEMBER REPRESENTATION ON THE MEMBER DEVELOPMENT WORKING PARTY

1. Purpose of report

- 1.1 To approve an increase in member representation on the Member Development Working Party.

2. Recommendations

- 2.1 **It is recommended that approval be given to increase representation on the Member Development Working Party from 7 to 10 members.**
- 2.2 **It is recommended that the additional members include the Cabinet Support Member without Portfolio and two of the new members elected in 2014 and / or 2015. The additional representatives will be selected at the Council meeting on 24 September 2015.**

3. Introduction

- 3.1 On 20 July 2005 (Cab.20.7.2005/10) Cabinet approved a recommendation to establish a Member Development Working Party. This recommendation was formally approved by Council on 1 September 2005.
- 3.2 The Member Development Working Party is the key advisory body established to guide the development and delivery of high quality learning and development activities for members. It monitors progress relating to the delivery and achievement of effective training and development for members, ensuring all activities are member-led, effective and timely.
- 3.3 The Member Development Working Party Terms of Reference, which were revised in 2015, are attached at Appendix B.
- 3.4 To ensure that member involvement in the planning and evaluation of member development is as inclusive as possible, it was agreed that membership of the working party should cover all political groups and, where possible, the different roles members held in line with the Council's constitutional arrangements, the length of service on the authority, gender and work status.

3.5 The 2005 report to Cabinet proposed that the Member Development Working Party would comprise of 10 members as follows:

- 1 x Cabinet Member without Portfolio (lead on Member Development)
- 1 x Support Member to the Cabinet Member without Portfolio
- 1 x Chair of a Scrutiny Commission
- 1 x Chair of a Regulatory Board
- 1 x Labour Group Member
- 1 x Liberal Democrat Group Member
- 1 x Conservative Group Member
- 1 x Independent Group Member
- 1 x Unaligned Group Member

3.6 Since 2005, the number of members on the Working Party and its composition has reduced. Following Annual Council on the 22nd May 2015, 7 members were appointed to the Working Party as follows:

- Cllr Sharon Howard – Labour (Chair)
- Cllr Linda Burgess – Labour
- Cllr Ken Richardson – Labour
- Cllr Ralph Sixsmith MBE – Labour
- Cllr Alice Cave – Labour
- Cllr Robert Barnard – Conservative
- Cllr Phil Birkinshaw – Independent

4. Proposal and justification

4.1 Whilst the Working Party is representative of the different political groups on the Council, it is important to ensure it remains reflective of the different roles held by members, their length of service on the authority, gender and work status.

4.2 As such, it is proposed that 3 additional members be appointed to the Member Development Working Party. The new members should include the Cabinet Support Member without Portfolio and two of the new members elected in 2014 and / or 2015.

4.3 This proposal will increase member representation at the Member Development Working Party meetings, enabling other members to be involved and to contribute new and different ideas to the group to guide the development and delivery of high quality learning and development activities for members.

5. Implications for local people / service users

5.1 The Member Development Working Party encourages members to develop and improve their knowledge and skills enabling them to effectively support the communities and people they represent.

6. Financial implications

6.1 There are no financial implications arising from this report.

7. Employee implications

7.1 Support will continue to be provided to the Member Development Working Party by officers from Human Resources, Performance and Communications. Other officers from across the Council will also provide advice and support to the Working Party as and when required.

8. Communications implications

8.1 There are no communications implications arising from this report.

9. Consultations

9.1 The Member Development Working Party has been consulted and is in agreement with the recommendation to increase the representation on the Working Party.

10. The Corporate Plan and the Council's Performance Management Framework

10.1 The Member Development Working Party ensures that member learning and development is aligned to the Corporate Plan priorities and Future Council characteristics, enabling members to carry out their roles effectively in accordance with the Council's constitution and in line with the member's vision, values and behaviours.

11. Promoting equality, diversity, and social inclusion

11.1 Approval of this report will ensure that member involvement in the planning and evaluation of member development is as inclusive as possible.

11.2 The Member Development Working Party ensures that all members have equal opportunity to participate in training and other development opportunities.

12. List of appendices

12.1 Appendix B – Member Development Working Party Terms of Reference 2015

13. Background papers

13.1 Cabinet Report 'Member Development – Establishment of Working Party' (Cab.20.7.2005/10)

13.2 Working files held within Human Resources, Performance and Communications – available for inspection.

Member Development Working Party - Terms of Reference 2015

1. Purpose of the Member Development Working Party

The Member Development Working Party (MDWP) is the key advisory body established to guide the development and delivery of high quality learning and development activities for members.

The MDWP monitors progress relating to the delivery and achievement of effective training and development for members, ensuring all activities are member-led, effective and timely.

2. Composition of the Member Development Working Party

Following Annual Council on the 22nd May 2015, the following members were appointed to the Member Development Working Party:-

- Cllr Sharon Howard – Labour
- Cllr Linda Burgess – Labour
- Cllr Ken Richardson – Labour
- Cllr Ralph Sixsmith MBE – Labour
- Cllr Alice Cave – Labour
- Cllr Robert Barnard – Conservative
- Cllr Phil Birkinshaw – Independent

3. Officer Support for the Member Development Working Party

Support will be provided to the MDWP by officers from the Organisation Development Team. Other officers from across the Council will also provide advice and support to the MDWP as and when required.

4. Terms of Reference

The MDWP terms of reference is reviewed periodically to make sure it continues to reflect how it will support members to develop as their roles change.

The following are the revised terms of reference which are intended to reflect the working party's current role. The MDWP will:-

- Ensure development is aligned to the Corporate Plan priorities and Future Council characteristics, enabling members to carry out their roles effectively in accordance with the Council's constitution and in line with the member's Vision, Values and Behaviours;
- Identify learning and development needs for all elected members relating to their roles on the Council and develop an annual development programme, regularly monitoring its effectiveness in order to improve the skills and knowledge of members;
- Promote and facilitate member development in Barnsley through the co-option of members to 'special member working groups', thereby enabling other members to be involved and to contribute new and different ideas to the group;

- Encourage a culture within the Council which values and promotes member development and encourages members to share their learning and expertise with their colleagues;
- Identify, approve and encourage participation in learning and development activities to promote the continuous improvement of Barnsley Council and its members;
- Put in place an action plan to retain the Member Development Charter Award as well as monitoring progress to continually improve the Member Development Offer and development activities for members;
- Work to ensure all members have equal opportunity to participate in training and other development opportunities;
- Act as member development champions by promoting member development activities with other members to encourage greater member attendance at development events and participation in member development activities (e.g. All Member Information Briefs)

5. Member Development Charter

The MDWP has a responsibility to ensure the Council maintains the Member Development Charter. To ensure the Council continues to meet the evidential requirements of the Charter, the MDWP will ensure the following 'key elements' are considered in the work that the group undertakes:

- **Strategies are in place to improve member development**, i.e. the MDWP, the Member Development Offer, New Members Induction Programme, All Member Information Briefs etc.
- **Learning and development takes into account diversity of needs**, i.e. equal access to training for all members, and offering different and flexible ways of developing members (BOLD online learning system).
- **A structured process is in place for regularly assessing members' individual learning**, i.e. a process exists to identify individual and collective development needs. This may include Members P&DR's, training plans, training needs analysis, future member development needs and evaluation reports.
- **Councillor Role Descriptions are in place**, which are up-to-date and reflect the current responsibilities and roles members undertake.
- **The Member Development Offer includes an annual member development training programme, as well as other types of flexible learning for members**, that have been developed to meet identified member development priorities and investment in learning is periodically evaluated.
- **There is a corporate workforce development strategy in place**, which brings together member and officer development and includes plans to ensure continuous improvement in the approach to developing both officers and members.

- **Learning is shared and exchanged with other members, peers and officers**, to encourage capacity building in the Council and to enable it to be a learning organisation culture. In addition, promoting the role of a member and encouraging people to be community leaders.
- **Members are developed and supported in the use of the internet and social media to communicate and network with their communities**, i.e. as part of their community leadership role.
- **Improving access to attend meetings or training sessions** i.e. supporting members with disabilities, or who are carers.

Item 30

BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the Forward Plan.

REPORT OF THE DIRECTOR OF LEGAL AND GOVERNANCE TO CABINET ON 26 AUGUST 2015

APPOINTMENTS TO OUTSIDE BODIES – SHAW LANDS TRUST

1. PURPOSE OF REPORT

- 1.1 To agree the appointment of two Trustees to the Shaw Lands Trust.

2. RECOMMENDATIONS

- 2.1 Recommended to Council that approval be given to the appointment of two representatives as Trustees to the Shaw Lands Trust for a three year term.**

3. BACKGROUND

- 3.1 The Shaw Lands Trust dates back to 1568. It supports charitable groups and also offers educational bursaries for individuals in Barnsley. Projects run by a charitable group must either be a Barnsley Borough-wide project or be based in the borders of the town of Barnsley as it was when the Trust was set up. There is the preference for projects benefitting young people, but not exclusively so. On average, grants are in the region of £500.
- 3.2 The Council nominates nine representatives to the Shaw Lands Trust. At the moment our current representatives are Councillors D Birkinshaw, Burgess, Hayward, Mitchell, Noble and Richardson; Mr S Henshaw, Mr T Sheard and Mr M Price.

4. CURRENT POSITION

- 4.1 The Clerk to the Trust has written to the Authority advising that the terms of office of Councillor Hayward and Mr Henshaw will expire in October.

5. PROPOSAL

- 5.1 It is proposed that approval be given to the appointment of two representatives as Trustees to the Shaw Lands Trust for a three year term.

6. FINANCIAL, STAFFING, CRIME AND DISORDER AND LOCAL AREA IMPLICATIONS

6.1 None.

7. BACKGROUND PAPERS

Documentation available for inspection in the Council Governance Unit, Legal and Governance, Town Hall, Barnsley, Telephone (01226) 773425.

Officer Contact: Craig Rogerson **Telephone No:** 773425 **Date:** August 2015

Item 31

BARNSLEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan.

Report of the Director of Human Resources, Performance and Communications

Proposed Changes to the Appeals against Dismissal Procedure

1. Purpose of Report

- 1.1 The purpose of this report is to seek Member approval to change the current procedure for appeals against dismissal from employment.

2. Recommendations

- 2.1 **It is recommended that with effect from 1 October 2015, the requirement for appeals against dismissal to be heard by a panel of Elected Members should cease.**
- 2.2 **It is recommended that with effect from 1 October 2015, appeals against dismissal from employment should be heard by a panel of officers consisting of the Director of Legal and Governance; the Director of Human Resources, Performance and Communications, together with an Executive Director who has no prior involvement with the appeal being considered.**
- 2.3 **Appeals against the dismissal of the Chief Executive Officer, Monitoring Officer or Section 151 Officer are dealt with in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.**

3. Introduction

- 3.1 The Council's Constitution at Section (1) Page 16 – Appeals, Awards and Standards Regulatory Board (b) states that "...the Board will deal with appeals relating to the discipline of staff but only in cases of appeals against dismissal, or in such other cases as may be delegated to it from time to time....."
- 3.2 In essence, this position has been unchanged since 1974 despite the significant transformation that has taken place across the Council in terms of modernisation, including our governance arrangements.

- 3.3 The current scale, scope and complexity of employment and other European and sovereign legislation around employment can result in these cases taking months/ years to conclude and the weight of detailed evidence together with the need to have at least a rudimentary knowledge of the legislation can be challenging for decision makers who are not routinely dealing with these matters.
- 3.4 Members of any appeals panel are drawn from the Appeals, Awards and Standards Regulatory Board, appointed by Annual Council. Essentially for appeals against dismissal the determining factors are achieving political proportionality, and then the availability of Members.
- 3.5 Whilst it is possible to train Members in the Council's policies and procedures, it is not possible to give Members who do not operate in this field, the background knowledge of all of the different pieces of legislation that comes into play when determining whether the dismissal is fair or unfair.
- 3.6 Notwithstanding that the appeal panels are clerked by the Director of Legal and Governance, or his representative, it is ultimately the decision of Members as to whether to uphold the dismissal or not and that decision to a great extent creates precedent for future cases of a similar nature.

4. Consideration of Alternative Approaches

- 4.1 There are in essence 3 approaches;
- 4.1.1 Do nothing and leave all appeals against dismissal with Members.
- 4.1.2 Amend the Constitution of the Council transferring the responsibility for all appeals against dismissals from Members to a panel of officers (Recommended Option).**
- 4.1.3 Amend the Constitution of the Council, transferring the responsibility for appeals against dismissal on the grounds of Ill-health and Performance in Employment to a panel of officers and leave the appeals against dismissal on the grounds of conduct with Members.

5. Proposal and Justification

- 5.1 It is recommended that with effect from 1 October 2015 all appeals against dismissal from employment should be considered by an officer panel consisting of the Director of Legal and Governance; the Director of Human Resources, Performance and Communication, together with an Executive Director who is independent of the case under consideration.

5.2 Other authorities from the region have already moved away from Member to Officer appeal panels, i.e.

- Doncaster
- Harrogate
- Kirklees
- Wakefield
- East Riding
- Hambleton
- Leeds
- Selby

With many others currently considering their position.

6. Impacts on Local People

6.1 None directly arising from this report.

7. Financial Implications

7.1 None directly arising from this report.

8. Employee Implications

8.1 Having a standing panel of highly trained and experienced officers should ensure consistency of approach and decision making, leading to a robust but fair process for considering appeals.

9. Communication Implications

9.1 None directly arising from this report.

10. Consultations

10.1 Consultations have taken place with the Senior Leadership Team who endorse the proposal.

10.2 Discussions have taken place with the Trade Unions who do not support the proposal.

10.3 The Director of Human Resources, Performance and Communications has consulted the Secretary of the Local Government Yorkshire & Humberside, who has confirmed that across the region there are authorities who no longer have Members involved in appeals against dismissal as described at 5.2.

11. The Corporate Plan and the Council's Performance Management Framework

11.1 None directly arising from this report.

12. Tackling Health Inequalities

12.1 None directly arising from this report.

- 13. **Climate Change & Sustainable Energy Act 2006**
 - 13.1 None directly arising from this report.
- 14. **Risk Management Issues**
 - 14.1 None directly arising from this report.
- 15. **Health, Safety and Emergency Resilience Issues**
 - 15.1 None directly arising from this report.
- 16. **Compatibility with the European Convention on Human Rights**
 - 16.1 This proposal supports the ethos of Article 6 and directly supports Article 8.
- 17. **Promoting Equality, Diversity and Social Inclusion**
 - 17.1 This proposal supports the principles of equality, fairness and transparency.
- 18. **Reduction of Crime and Disorder**
 - 18.1 None directly arising from this report.
- 19. **Conservation of Biodiversity**
 - 19.1 None directly arising from this report.
- 20. **Glossary**
 - 20.1 Not applicable.
- 21. **List of Appendices**
 - 21.1 None.
- 22. **Background Papers**
 - 22.1 Background papers are available from Julia Bell, Director, Human Resources, Performance and Communications.

Officer Contact: Julia Bell Telephone No: 773304 Date: July 2015

Financial Implications / Consultation Date:

Consultations have taken place with representatives of the Executive Director, Finance