

SLOUGH BOROUGH COUNCIL

REPORT TO: Employment & Appeals Committee **DATE:** 24th June 2014

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WARD(S): All

PART I **FOR DECISION**

EMPLOYMENT & APPEALS COMMITTEE: APPOINTMENT OF SUB-COMMITTEES

1. **Purpose of Report**

This report recommends, in accordance with the Constitution, the establishment of two Sub-Committees and appointment of Members to serve on them.

2. **Recommendations**

The Committee is requested to resolve:-

- a) That the Appeals Sub-Committee be appointed for the 2014/2015 Municipal Year
- b) That the Employment Appeals Sub-Committee be appointed to deal with a one outstanding Appeal Hearing
- c) That the terms of reference of the Sub Committees be as set out in Appendix A
- d) That seats be allocated to the Sub-Committees as shown in paragraph 5.1.
- e) That Members be appointed to serve on each of the Sub-Committees in accordance with the wishes expressed by Political Groups in respect of seats allocated to them as set out in paragraph 5.1.(To Follow)

3. **Wellbeing Strategy Priorities**

There are no implications for the Council's Wellbeing Strategy priorities as this report is administrative in nature.

4. **Other Implications**

(a) **Financial**

There are no financial implications of proposed action.

(b) **Human Rights Act and other Legal Implications**

The recommendations meet the requirements of political proportionality as set out in the Local Government and Housing Act 1989 and associated Regulations. The Appointments Sub-Committee must include at least one Executive Member.

5 Supporting Information

Sub-Committees

- 5.1 The Constitution (as revised from 1st June 2014) provides for the Employment and Appeals Committee to appoint an Appeals Sub-Committee. Prior to revision of the Constitution the Committee would ordinarily have appointed an Employment Appeals Sub-Committee to deal with appeals against dismissal. As an appeal against dismissal was submitted on 28th May 2014, during the currency of the previous Constitution, the appellant has a right that appeal to be heard by a member Sub-Committee. Accordingly, the Sub-Committees and seat allocations have been calculated to reflect group membership and statutory proportionality entitlements as follows:

Sub-Committee	Seats	Labour	Conservative
Appeals S/C	5 (+ 5 deputies)	4 (+4)	1 (+1)
Employment Appeals S/C *	3 (+ 6 deputies)	2 (+4)	1(+2)

* Employment Appeals Sub-Committee required to deal with the one appeal submitted, and thereafter to disband.

- 5.2 The Constitution also provides for the Committee to establish an Investigating Sub-Committee and Appointments Sub-Committee as required, in accordance with the Officer Employment Procedure Rules. These Sub-Committees will be appointed if the need should arise.
- 5.3 Nominations have been sought from Political Groups and will be reported to the meeting.
- 5.4 **Terms of Reference**

The terms of reference of the Sub-Committees are set out at Appendix A for consideration and agreement by the Committee. The terms of reference of the Appeals Sub-Committee will need to be reviewed following changes in the Council's Housing Allocations Policy. In the meantime, the Committee is requested to agree the terms of reference as attached in order that any existing transport appeal can be progressed.

6 Appendix

A - Terms of reference of the Sub-Committees

7 Background Papers

'1' - Constitution

Employment and Appeals Committee: Sub-Committees Terms of Reference

Appeals Sub-Committee

1. To determine appeals against refusal by the Local Education Authority of applications for home to school transport which do not fall within the LEA's policy for the provision of such transport.
2. To consider complaints about the school curriculum and collective worship in accordance with Section 23 of the Education Reform Act 1988.
3. To deal with requests for the allocation of accommodation outside the Council's approved policies on referral by the Officers or by three Members of the Council.
 - a) Decisions on Appeals:- To deal with requests:
 - i) against exclusion from various schemes on matters of interpretation or value judgement;
 - ii) against cancellation of applications for false or incomplete information;
 - iii) against rent arrears recovery action and proceedings for possession;
 - iv) in respect of any discretionary housing service provided from time to time not within the established criteria, where special circumstances apply and the Assistant Director Housing and Environment has refused the application;
 - v) against assessments made under the Amenity Points Scheme for housing rents or any other method of rent assessment;
 - vi) against an Officer decision concerning the re-housing of applicants on urgent medical grounds, where in the view of Members the applicant(s) should be dealt with as a priority in the light of the facts of the case, taking into account the agreed definition of guidelines;
 - vii) against determination of improvement grants.
 - b) To deal with unusual matters of day to day management referred by the Director of Resources, Housing and Regeneration or Service Heads for guidance.
4. To hear representations and determine appeals under the statutory provisions relating to nurseries, playgroups, child minders and residential homes.
5. To consider and determine appeals against refusal by the Authority of application for Local Council Tax Discount.
6. To consider and determine appeals in accordance with Section 17(3) of the Health & Social Services and Social Security Adjudication Act 1983.

Employment Appeals Sub-Committee

To consider and determine appeals against dismissal arising from the Council's Disciplinary Policy & Procedure, Severance Policy and Procedure Guidance and Management of Absence Procedure.