



PERSONNEL COMMITTEE

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To: Councillors Morgan (Chair), Boldrin (Vice-Chair), Barkley, B. Gray, Poland, Shepherd and Snartt (For attention)

All other members of the Council
(For information)

You are requested to attend the meeting of the Personnel Committee to be held in Committee Room 1, at the Council Offices, Southfields, Loughborough on Tuesday, 7th June 2022 at 6.00 pm for the following business.

Chief Executive

Southfields
Loughborough

30th May 2022

AGENDA

1. APOLOGIES
2. MINUTES OF THE PREVIOUS MEETING 3 - 6

To confirm as a correct record the minutes of the meeting held on 29th March 2022.

3. DISCLOSURES OF PECUNIARY INTERESTS AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

For information, disclosable pecuniary interests and registrable interests relate to entries that are included, or should be included, on a councillor's register of interest. Non-registrable interests relate to any other matters.

4. QUESTIONS UNDER COMMITTEE PROCEDURES 12.8

No questions were submitted.

5. PERSONNEL COMMITTEE PANELS - UPDATE

Verbal update regarding recent Panel meetings.

6. JNCC APPOINTMENT OF COUNCILLORS 2022-23 7 - 13

A report of the Strategic Director, Environmental and Corporate Services.

7. APPOINTMENT TO PANELS 2022-23 14 - 16

A report of the Strategic Director, Environmental and Corporate Services.

8. SENIOR LEADERSHIP REVIEW - CHIEF OFFICER APPOINTMENT PANEL 2022-23 17 - 19

A report of the Chief Executive.

FUTURE MEETING DATES

Please note further meetings of the Committee for 2022-23 are scheduled as follows:

11th October 2022

20th December 2022

28th March 2023

PERSONNEL COMMITTEE 29TH MARCH 2022

PRESENT: The Chair (Councillor Barkley)
Councillors Gray, Pacey, Poland, Shepherd,
Snartt and Ward

Strategic Director; Environmental and Corporate
Services
Senior HR Advisor
Democratic Services Officer (NC)

APOLOGIES: Councillor Morgan and Boldrin

The sound recording device failed to function.

As the Chair and Vice-chair had sent their apologies, Cllr Barkley was appointed Chair of the meeting.

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

20. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 21st December 2021 was confirmed as a correct record and signed.

21. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

22. QUESTIONS UNDER COMMITTEE PROCEDURES 12.8

No questions had been submitted.

23. GENDER PAY GAP INFORMATION

A report of the Strategic Director, Environmental and Corporate Services was submitted asking the Committee to note the Gender Pay Gap information (item 5 on the agenda filed with these minutes).

It was noted that the submission of this report one year after the data had been collated was in part due to the timescales for submission of the data to SLT and JMTUM. The third Gender Pay Gap report had been delayed due to COVID and this had impacted the timelines. It could be possible to submit next year's data earlier in the year dependant on the workplan.

Summary of Discussion:

- the Government had not set any targets but considered the rate of progress in terms of closing the gender pay gap to be too slow. The Council was committed to closing the gap within a generation in accordance with Government guidelines, but acknowledged there were many complicating factors to achieving no pay gap at all. A Gender Gap Action Plan setting out aims for improving the gender pay gap was reviewed regularly by the Equality Working Group.
- generally the data had remained stable. Comparisons with neighbouring Local Authorities, which had a lower gender pay gap, indicated that, having outsourced refuse collections and maintenance of open spaces, this had impacted on the number of males in the lower quartiles for the Council and was anticipated to be a factor in the Council having a higher pay gap than those Authorities..
- a review (just started) of recruitment and selection policies would consider ways to encourage a more diverse workforce. The Agile Working policy also encouraged more flexibility for employees, including those who had caring responsibilities to be managed around work.
- although female staff were paid on average 87p for every £1 paid to male staff it was noted that the gender pay gap did not stem from paying men and women differently for the same or equivalent work.
- management courses were offered to appropriate staff, including apprenticeships and this could encourage more females into higher quartile paid roles. It was noted that at senior management level the gender ratio was roughly split equally.

Members considered gender pay gap concerns could be better measured if female employees at the Council were surveyed to understand their views of working within the Council, the gender pay gap and ease of recruitment to traditionally male dominated roles.

RESOLVED that

1. the Gender Pay Gap Action Plan 2019 be circulated to the Committee and that when the plan is updated this also be circulated;
2. the Personnel Committee note the details of the Gender Pay Gap report.

Reasons

1. The Committee considered it was important for targets to be set to enable the Council to work towards improving its gender pay gap and wished to review the Action Plan.
2. The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 requires public sector employees with 250 or more employees on the snapshot date of 31 March each given year, to carry out gender pay analysis and reporting.

24. HEALTH AND WELLBEING POLICY AND CHARTER

A report of the Strategic Director, Environmental and Corporate Services was submitted asking the Committee to consider the proposed Health and Wellbeing Policy and Health and Wellbeing Charter (item 6 on the agenda filed with these minutes).

The Senior HR Advisor noted that the Health and Wellbeing at Work Group had drafted an Action Plan which included relevant aspects of training.

Members welcomed the drafting of a Health and Wellbeing Policy and Charter and discussed the importance of creating an organisational culture where employees could feel comfortable discussing health and wellbeing concerns with their line managers, mental health first aiders or access external professional support. It was noted that the staff surveys went some way to providing an indication to senior management whether a culture was embedded and could highlight issues within individual services. In addition managers were encouraged to monitor high workloads and to support employees attending training where appropriate. The introduction of the Agile Working Policy had helped employees to work more flexibly within the constraints of the business needs of their service.

As the Council moved slowly out of the COVID pandemic and towards working more in the office it was acknowledged that this was an area to be monitored closely and initiatives amended as circumstances continued to change.

RESOLVED that

1. an update of health and wellbeing in the Council be provided to the Committee twice yearly in line with its review by senior management;
2. the Personnel Committee approve the Health and Wellbeing Policy and Health and Wellbeing Charter as suitable for implementation.

Reasons

1. The Committee wished to continue to review the progress and position of the Council in relation to health and wellbeing.
2. The Council has a Health and Wellbeing at Work Group who meet quarterly to discuss and develop a range of health and wellbeing initiatives across the Council. The Group identified a need to develop a Health and Wellbeing Policy and a Health and Wellbeing Charter to support its employees.

NOTES:

1. No reference may be made to these minutes at the next ordinary Council meeting unless notice to that effect is given to the Democratic Services Manager by five

members of the Council by noon on the fifth working day following publication of these minutes.

2. These minutes are subject to confirmation as a correct record at the next meeting of the Personnel Committee.

PERSONNEL COMMITTEE – 7TH JUNE 2022

Report of the Strategic Director, Environmental and Corporate Services

Part A

ITEM 6 JOINT NEGOTIATING AND CONSULTATIVE COMMITTEE (JNCC) – APPOINTMENT OF COUNCILLORS 2022-23

Purpose of Report

To appoint councillor representatives to the Joint Negotiating and Consultative Committee (JNCC) for 2022/23.

Recommendation

That 4 councillors be appointed as representatives on the Joint Negotiating and Consultative Committee for 2022/23.

Reason

To enable the operation of the Joint Negotiating and Consultative Committee in accordance with its constitution and, therefore, negotiation and consultation to take place between the Council as an employer and its employees.

Policy Justification and Previous Decisions

The responsibilities of the Personnel Committee include the making of councillor appointments to the Joint Negotiating and Consultative Committee.

Implementation Timetable including Future Decisions

Once decided by the Committee, the appointments for 2022/23 will come into immediate effect.

Report Implications

The following implications have been identified for this report:

Financial Implications

None identified.

Risk Management

There are no specific risks associated with this decision.

Background Papers: None

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Part B

Background

1. The Joint Negotiating and Consultative Committee's functions are set out in its constitution, attached as an appendix to this report. This constitution states that the management side of the Committee shall include 4 councillors, to be confirmed annually.
2. A politically balanced approach would comprise 3 Conservative councillors and 1 Labour councillor, although there is no requirement for political balance in this case.
3. For the 2021-22 council year, the representatives appointed were Councillors Barkley, Brennan, Morgan and Poland.

Appendix

Constitution of the Joint Negotiating and Consultative Committee.

CONSTITUTION OF THE JOINT NEGOTIATING AND CONSULTATIVE COMMITTEE

1. TITLE

- 1.1 The Committee shall be known as the Charnwood Borough Council Joint Negotiating and Consultative Committee (JNCC).

2. OBJECTIVE

- 2.1 To establish a workable and effective arrangement for good employee relations, for the avoidance of any misunderstanding and for the promotion of joint participation in all matters of common interest and concern on a genuine consultative and negotiating basis at Council level, as outlined in Clauses 7.3 and 7.4 of the Recognition and Procedural Agreement.

3. MEETINGS

- 3.1 Meetings of the JNCC shall be held quarterly, or by agreement.
- 3.2 Special meetings may be called by a written request to the Secretary from at least half the members of either side. Such meetings must be convened within 21 days, unless the side requesting the meeting agrees otherwise. Agendas and supporting paperwork should be provided in accordance with the provisions below unless otherwise agreed by the majority of JNCC members.

4. PRINCIPLES

- 4.1 The JNCC is authorised to undertake consultation and negotiation on all matters specified in Clauses 7.3 and 7.4 of the Recognition and Procedural Agreement.
- 4.2 JNCC will make recommendations to the appropriate Council body in relation to the terms and conditions and training and development of local government employees.
- 4.3 JNCC will undertake other functions assigned to it from appropriate Council bodies.
- 4.4 No issues in relation to specific individual cases shall be within the scope of JNCC.
- 4.5 Working groups or subcommittees can be constituted by a majority vote of JNCC.
- 4.6 Between meetings JNCC can commission further work from the Chair, Vice-chair or working groups/subcommittees.

5. REPRESENTATION

- 5.1 There shall be a Management Side and a Joint Trade Union Side.
- 5.2 The Management Side shall consist of 4 elected members and up to 4 senior managers of Charnwood Borough Council.
- 5.3 The Union Side shall consist of up to 8 elected representatives of the recognised trade unions who shall also be Council employees or appropriate paid officials. The number from each union shall be determined by the Union Side but shall reflect the approximate numbers of their members. Each recognised union will have a minimum of one seat.
- 5.4 If, for any reason, a particular union does not wish to participate in JNCC for a period, the vacancies may be appropriately taken up by other recognised unions. It will be for the union side to determine who takes up the vacancies.
- 5.5 If a JNCC member ceases to be an employee or paid Trade Union official (as appropriate) the member will no longer be eligible to participate in JNCC. The vacancy will be filled by the appropriate side.
- 5.6 Each side shall confirm the names of its representatives on an annual basis and inform the other immediately of any changes in the interim period.
- 5.7 Each side shall make every effort to ensure that its nominated representatives attend each meeting but substitution will be permitted on both sides where it cannot be avoided.
- 5.8 Both sides will be entitled to have advisors in attendance who will have speaking rights.
- 5.9 Meetings shall be deemed to be quorate if 3 members of each side are present. However, if less members of a side are present, that side may agree that the meeting shall be deemed to be quorate.

6. Chair

- 6.1 A Chair and a Vice-chair shall be appointed by the JNCC at their first meeting of each Council Year.
- 6.2 The Chair and Vice-chair shall be held in alternate years by a member of the management side and the union side unless the Committee agree otherwise.
- 6.3 In the absence of both the Chair and the Vice-chair, a Chair for the meeting will be appointed by the side holding the Chair.

7. OFFICERS

- 7.1 The Secretary for JNCC will be the Strategic Director of Environmental and Corporate Services or other appropriate Council Officer.
- 7.2 Other officers shall attend JNCC as invited.

8. ADMINISTRATION

- 8.1 The JNCC Secretary will be responsible for arranging the meetings or to delegate this task to an appropriate other Council officer.
- 8.2 Either side should inform the Secretary of any agenda items and provide any supporting papers at least five working days before the final agenda is issued.
- 8.3 The JNCC Secretary will be responsible for preparing and issuing the final agenda and any supporting paperwork 10 working days before the meeting.
- 8.4 If the deadline for agenda items cannot be met, issues can be raised through the standing agenda item AOB (Any Other Business). Issues can be discussed if the majority of JNCC members present are in agreement.
- 8.5 The JNCC Secretary will ensure that minutes are taken and circulated. Minutes shall be subject to the agreement of the Committee and will be signed by the Chair of the meeting at which they are agreed.

9. STATUS OF RESOLUTIONS

- 9.1 Subject to section 9.4, agreements of the JNCC shall be binding on both sides so long as they have been the subject of consultation or negotiation and endorsement at a full meeting of the JNCC.
- 9.2 Agreements should be noted in the minutes of the meeting.
- 9.3 Where agreements constitute “collective agreements” or “local agreements” separate documents will be drawn up by the Secretary and signed by the Chair of the meeting where the agreement was reached.
- 9.4 Where required, agreements of the JNCC will not come into effect until ratified by the appropriate Council decision making body (e.g. full Council, Personnel Committee, or Cabinet).

10. COMMUNICATIONS

- 10.1 Either side can propose communication or consultation with the workforce on any issue raised at JNCC. Where agreement for wider

communication or consultation is reached this should be recorded in the minutes of the meeting.

10.2 As appropriate, members of the Trade Union Side shall be afforded reasonable facilities to visit and communicate with all workplaces and staff.

10.3 It is expected that as far as possible communication with staff will be by Joint Statements although this does not preclude either side from issuing their own communications.

11. DISPUTES

11.1 Where there is a breakdown/deadlock in respect of a matter under negotiation, both viewpoints will be presented to Personnel Committee for consideration.

11.2 Disputes should be resolved in line with the provisions set out in clause 9 of the Recognition Agreement.

PERSONNEL COMMITTEE – 7TH JUNE 2022

Report of the Strategic Director, Environmental and Corporate Services

Part A

ITEM 7 APPOINTMENTS TO PANELS 2022-23

Purpose of Report

To consider appointments to Panels for 2022-23.

Recommendation

That Panels comprising 5 councillors be appointed for the Council year 2022-23 in respect of the following:

- a) To determine appeals by a JNC Officer against dismissal.
- b) To determine all other employment related appeals for JNC staff which are provided for in the Council's procedures.
- c) To make recommendations to Council on the appointment or dismissal of the Head of Paid Service.
- d) To undertake the Chief Executive's Performance and Development Review.

Reason

Section 5.5 (e) of the Council's Constitution (Roles of decision taking Committees) states that the Personnel Committee will appoint Panels comprising 5 councillors (with a quorum of 3) for these functions. Appointing Panels to undertake these functions at the beginning of the Council year will prevent the need for a meeting of the Committee for the sole purpose of appointing a Panel and enable the functions to be dealt with in a timely manner.

Policy Justification and Previous Decisions

The responsibilities of the Personnel Committee include the appointment of Panels for the purposes set out.

Implementation Timetable including Future Decisions

Once decided by the Committee, the appointments will come into immediate effect for 2022 - 23.

Report Implications

The following implications have been identified for this report:

Financial Implications

None identified.

Risk Management

There are no specific risks associated with this decision.

Background Papers: None

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Part B

Background

1. Section 5.5 (e) of the Council's constitution states that the Personnel Committee will appoint panels for the following functions:

To determine appeals by a JNC Officer against dismissal.

To determine all other employment related appeals for JNC staff which are provided for in the Council's procedures.

To make recommendations to Council on the appointment or dismissal of the Head of Paid Service.

To make appointments to Chief Officer and Statutory Officer posts excluding the Head of Paid Service.

To undertake the Chief Executive's Performance and Development Review.

2. In 2014/15, the Committee decided to appoint a single Panel for all of the functions as set out above but was also given the opportunity each year to consider if it might wish to appoint Panels for some or all of the functions stated, only as they are needed in each year.
3. Since 2014/15 the Committee has always appointed a single Panel for all of the functions as set out in the Council's Constitution. However, due to an ongoing Senior Leadership Review the Committee is being asked to appoint a Panel for only the functions as stated in the recommendation and a separate report has been submitted to the Committee to appoint a Chief Officer Appointment Panel for 2022-23 (see item 8).
4. A 5 Member Panel which reflects the political balance of the Council, will comprise 4 Conservative councillors and 1 Labour councillor.
5. In 2021-22 the Committee resolved to appoint Barkley, Boldrin, Morgan Poland and Shepherd for a Panel in respect of all the functions as set out in Section 5.5 (e) of the Council's Constitution (Roles of decision taking Committees).
6. When the Committee appoints the Panel members, there is no requirement that Panel membership be drawn solely from that of the Personnel Committee but it is usual for this to be the case.
7. The Council's Constitution states that councillors should not participate in Personnel Committee and Panel meetings unless they have attended appropriate training on relevant personnel matters prescribed by the Head of Strategic Support.

PERSONNEL COMMITTEE – 7TH JUNE 2022

Report of the Chief Executive

Part A

ITEM 8 SENIOR LEADERSHIP REVIEW – CHIEF OFFICER APPOINTMENT PANEL 2022-23

Purpose of Report

To establish an Appointment Panel for 2022-23 to deal with any Chief Officer¹ selection and appointment processes that may be required as a result of the ongoing senior leadership review.

Recommendation

That a Panel comprising of 5 Councillors (with a Quorum of 3) be appointed for the Council year 2022-23 to form a Chief Officer Appointment Panel, based on political balance requirements (ie. 4 Conservative group members, and one Labour group member).

Reason

To establish a Panel, in line with Section 5.5 (e) of the Council's Constitution (Roles of decision taking Committees) that states that the Personnel Committee will delegate to a Panel to make appointments to Chief Officer and Statutory Officer posts excluding the Head of Paid Service and to deal with any Chief Officer selection and appointment processes that may be required as a result of the ongoing senior leadership review.

Policy Justification and Previous Decisions

The Constitution specifies that the Personnel Committee has responsibility to make appointments to Chief Officer posts (ie. Strategic Directors / Directors), and that the Committee will appoint a panel of 5 members to undertake this function.

Implementation Timetable Including Future Decisions

The Panel will be required to meet to undertake any interviews and selection processes that may be required to make any appointments to Chief Officer posts that may be required as part of the ongoing senior leadership review. The interview dates have already been set as part of the formal consultation

¹ Localism Act 2011 43 defines “chief officer”, in relation to a relevant authority, as the following- (a) the head of its paid service designated under section 4(1) of the Local Government and Housing Act 1989; (b) its monitoring officer designated under section 5(1) of that Act; (c) a statutory chief officer mentioned in section 2(6) of that Act; (d) a non-statutory chief officer mentioned in section 2(7) of that Act; (e) a deputy chief officer mentioned in section 2(8) of that Act.

requirements and therefore panel members will need to be available on the 25th and 26th July, and the morning of the 8th August.

The Panel will be supported by the Chief Executive and an HR advisor, as the selection process will initially be an internal process, an external independent person will also join the Panel in the event that it needs to meet.

Note: some Chief Officer posts may be filled without the requirement for a selection process. This will be due to confirmation of current employees in a role “matched” to their current role as documented in relevant HR policies. (ie. where the content of a new job is determined to be the same or substantially the same as that of their current job), and in such cases the Panel’s involvement will not be required.

Report Implications

Financial Implications

None.

Risk Management

No risks have been identified arising from this report.

Background Papers: None

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Part B

Background

1. As set out in Part A of this report, the Personnel Committee needs to establish a Panel of 5 elected members (on the basis of political balance requirements) to deal with any Chief Officer selection and appointment processes that may be required as a result of the ongoing senior leadership review.
2. Some posts may be filled without the requirement for a selection process based on comparability (ie. where the content of a new job is determined to be the same or substantially the same as that of their current job), and in such cases the Panel's involvement will not be needed.
3. If the Panel does need to meet, it will be supported by the Chief Executive, by an HR advisor and an Independent Person.