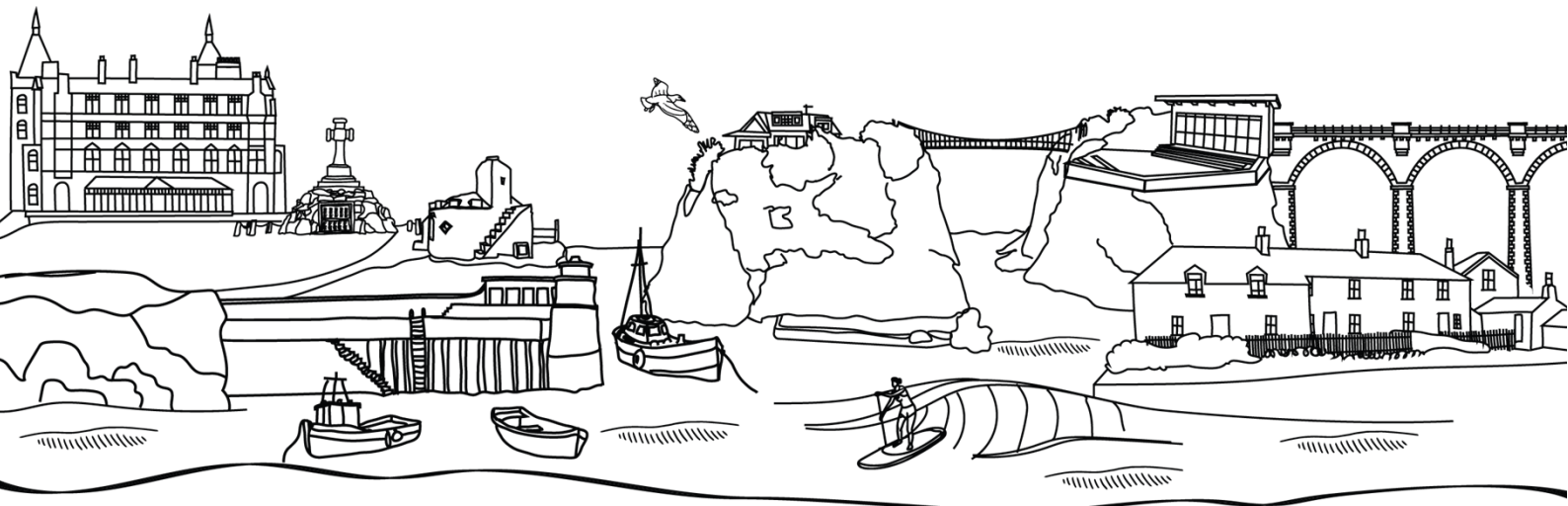




NewquayCouncil

CorporateService

Document:	Terms of Reference
Committee :	Human Resources Sub Committee
Date of Inception:	May 2023



This is a Policy or Procedure document of Newquay Town Council and as such must be fully adhered to by both councillors and employees.

Policy/Procedure File Status

Version	1.1	Approving Body	Full Council
Date	16/09/2023	Date of Approval	
Responsible Officer	Chief Executive & Town Clerk (CE&TC)	Minute Reference	
Oversight	Governance and Resources (G&R)	Review Date	May 2024

Version History

Date	Version	Author/Editor	Comments
03/02/2021	0.2	Town Clerk	Update to name and membership numbers following adoption
08/03/2022	22 1.0	CE&TC	Update and review following G&R Recommendations
07/03/2023	23 1.0	CE&TC	General check and update of document date. No further changes proposed.
16/09/2023	23 1.1	CE&TC	Requested to amend to reflect potential changes to G&R Committee to regularise this as being a sub-committee of G&R and removal of standard recruitment control as well as structure reviews

Review Record

Date	Type of Review Conducted	Stage Completed	Summary of Actions Taken or Decisions Made	Completed By
08/03/2022	Full	Yes	Updated dates, membership and other items (highlighted)	CE&TC
07/03/2023	Full	Yes	Updated dates. No further changes proposed.	CE&TC
16/09/2023	Full		Requested to amend to reflect potential changes to G&R Committee to regularise this as being a sub-committee of G&R and removal of standard recruitment control as well as structure reviews	CE&TC

1.0 Membership

- 1.1 Membership of this committee is to be appointed at the first Mayor Making meeting following the elections of the Council. The membership should then remain the same for the four-year term of the Council. The exception to this is vacancies that arise as a result of resignation, code of conduct breaches or other reason. In such instances the vacancy will be filled as soon as practically possible through Full Council. Wherever possible changes to membership should be minimal over a Council term with an expectation the membership should remain the same for the four years if possible.
- 1.2 The Human Resources Sub-Committee to consist of six members of the Council (each Committee should be as diverse and representative to the Council and Newquay as possible).
- 1.3 The Committee Chair and Vice Chair are to be elected annually by the Committee at the first meeting after the Annual Council Meeting of Newquay.

2.0 Aims

- 2.1 To ensure professional management of all employees of Newquay Town Council and that appropriate policies and training are in place to enable Newquay Town Council to meet its employer obligations and aspirations to have a reputation as a good employer.

3.0 Objectives

- 3.1 Oversee any staffing related matter brought to it by the Town Clerk, including setting terms and conditions for members of staff and to update existing terms and conditions following any changes in employment law and/or best practise guidelines.
- 3.2 Manage the health and well-being of all members of staff in conjunction with the Town Clerk.
- 3.3 Ensure effective processes are in place and implemented for all staffing matters including recruitment, selection, training, retention, restructures, annual staff appraisals, disciplinary, grievance hearings, risk management, leave, sickness etc.
- 3.4 Manage the code of conduct for members, including the introduction of sanctions and subsequent complaints under the Code of Conduct for members. To be clear only Full Council can receive, consider and implement formal sanctions following a breach finding. However, this committee will assist in determining reasonable action and shall support the Town Clerk to protect members and officers where needed.
- 3.5 Authorise the recruitment of new permanent posts following a 7-day consultation period for all council members.
- 3.6 Actively plan and monitor the training and development of staff with relevant service managers. Ensuring the CPD and broader

knowledge requirements of the role of individual officer roles are met.

- 3.7 Actively plan and monitor the training and development of members.

4.0 Meetings

- 4.1 The committee shall meet a minimum of 4 times in a Municipal year, normally in June, September, November and March; during office hours, with Special meetings being called as required by the Town Clerk, through normal procedures defined in Standing Orders.
- 4.2 Members will be summoned to attend meeting which will normally be held in the Council Chamber, Municipal Offices and a Public Notice of the meeting shall be given in accordance with Schedule 12, Para 10(2) of the Local Government Act 1972.
- 4.3 The Town Clerk may attend any meeting to offer advice, guidance and support.
- 4.4 The committee may cancel a meeting by way of a majority decision at a meeting of the committee, or via email should this be appropriate. A notice confirming the cancellation of a meeting shall at the very least be circulated to all members of the Council, on the Council's website and on the Council's social media channels.
- 4.5 The meeting location may be varied from time to time but shall be contained within the Public Notice of the Meeting and associated summons.
- 4.6 The Public Notice will be posted on the Town Council's website. Subject to restrictions, at least one notice will also be published in a Town Council public notice board.
- 4.7 This committee is regulated by the Data Protection Act and much of the information will be of an exempt nature. Therefore maintaining strict levels of confidentiality forms an integral part of every meeting.

5.0 Documentation

- 5.1 The minutes of all meetings shall be recorded by an officer of Newquay Town Council, scheduled by the Town Clerk, circulated at **Governance and Resources Committee** ~~Full Council~~ meetings of Newquay Town Council and uploaded to the Town Council website within 4 weeks of the meeting.
- 5.2 Confidential information/considerations may be appended to minutes, but may also be withheld from ~~Full Council or~~ non-committee members depending on the nature of the information and the need to know (as per the Data Protection Act). This does not apply to resolutions that shall be contained in the minutes.

5.3 All

5.3.1 resolutions of the committee

5.3.2 recommendations to **Governance and Resources**

5.3.25.3.3 recommendations to Full Council

5.3.35.3.4 recommendations to other committees

5.3.45.3.5 matters referred to other committees/Full Council

shall be recorded in the minutes of the meetings.

- 5.4 The committee shall draw up and agree written Terms of Reference for working parties **and sub-committees** that fall under this committee's control. Such Terms of Reference will not bestow powers or a remit that is wider or falls outside the committee's own Terms of Reference. Such documents will be owned by this committee and any variation requests from the working party/**sub-committee** shall be referred to this committee for consideration and decision.

6.0 Accountability

6.1 This committee is a sub-committee of the **Governance and Resources Committee**.

6.16.2 The Committee has delegated powers to act on behalf of the **Governance and Resources Committee or** Full Council in relation to the defined terms of reference only; any recommendations outside the Committee's terms of reference shall be made to **the Governance and Resources Committee Full Council** and may require another committee's input before a decision is made by **either the Governance and Resources Committee or** Full Council **where appropriate or another responsible committee**.

6.26.3 In some circumstances, officers have delegated powers to act on behalf of the committee and/or Full Council under a separate Scheme of Delegation or as outlined in committee terms of reference or minutes.

6.36.4 At all times the committee must adhere to all Standing Orders, Financial Regulations, policies, procedures and member code of conduct which may all change from time to time.

7.0 Scope and Specific Delegations

7.1 The Committee has the delegated powers from **the Governance and Resources Committee Full Council** to undertake activities and make relevant decisions to achieve the objectives as set out in section 3.

7.2 The Committee has the delegated powers from **the Governance and Resources Committee Full Council** to establish an Annual Committee

Budget for recommendation to the Governance and Resources Committee no later than November each year in-line with Financial Regulation 3.1.

- 7.3 The Committee has the delegated powers from Full Council to spend up to its annual budget, without the requirement to go back to either the Governance and Resources Committee or Full Council for approval; subject to such spends falling within the objectives of the committee and are budgeted for in-line with Financial Regulation 3.1.
- 7.4 The Committee has the delegated powers to consider and make relevant decisions on any matter referred to it by Full Council or indeed the Governance and Resources Committee.
- 7.5 To appoint Sub-Committees and Working Parties that shall report to it in accordance with Standing Orders.
- 7.6 The Committee shall have the following specific delegations:
 - 7.6.1 To oversee, adopt and implement the Council's Staff Handbook with any recommended changes advised by the Town Clerk. This includes following the advice from appointed HR advisers and considering consultation responses from the officers of the Council.
 - 7.6.2 Set operational policies and procedures for all staff employed by Newquay Town Council following liaison and sign-off from the Town Clerk as Head of Paid Service.
 - 7.6.3 Ensure arrangements are in place for staffing cover, flexible working time arrangements and integrated office working should the Town Clerk indicate there is a problem than cannot be easily resolved under their existing officer delegated powers.
 - 7.6.4 Support the Town Clerk to manage and review the existing administration structure from time to time, to ensure effective utilisation of staff resources to include recruitment, selection, restructures and dismissal/redundancy situations.
 - 7.6.5 Assist the Town Clerk in the management of the Council's Pay and Grading structure for staff, including reviews of said structure as the Council evolves (subject to advice from the Town Council's HR advisors, consulting staff and recommendations from the Head of Paid Service).
 - 7.6.6 Establish and activate a Panel of members for any disciplinary or grievance processes and subsequent appeals (if relevant) as necessary.

- 7.6.7 Empower panels created under 7.6.6 to reach a decision over the dismissal or other sanctions against members of staff in-line with advice provided by the Town Council's HR advisors and Town Clerk. The Town Clerk's Statutory post is excluded from this authority.
- 7.6.8 Recommend sanctions and, in extreme cases, dismissal of the Town Clerk to Full Council, following completion of a full disciplinary/grievance procedure, any subsequent appeals process and subject to following the advice from the Town Council's HR advisors at the time. Such an undertaking will be handled in the strictest of confidence at all times in accordance with the Data Protection Act.
- 7.6.9 To hear and handle grievances from the Town Clerk which relates to the Mayor, including the introduction of sanctions and subsequent complaints under the Code of Conduct for members.
 - 7.6.9.1 This includes supporting the Town Clerk in establishing measures to protect any member of staff from bullying, harassment or inappropriate behaviour from members, public, other officers etc.
- 7.6.10 To work with the Town Clerk to assess the future potential requirements of the Town Council and its members, including changes in Local Government structures.
- 7.6.11 To work with the Town Clerk to manage any holiday and sickness entitlement issues, which cannot be resolved by the Town Clerk under their officer delegated authority.
- 7.6.12 To authorise the recruitment of new permanent posts following a 7-day consultation period for all members. During the 7 days members can call in the decision to recruit a new member of staff to a Full Council meeting. The member calling in that decision must attend the meeting otherwise the objection will be disqualified. If no objections are received within the 7-day period, the new role(s) may be recruited as necessary.
- 7.6.13 To be responsible for the management and oversight of the Armed Forces Covenant.

8.0 ReviewWhat is not delegated to this committee

- 8.1 The Committee's terms of reference are to be reviewed at least annually. Any changes must be recommended to Full Council for approval. The following is an indication of what is not delegated to this committee under these terms of reference (list not exhaustive):

- 8.1.1 Recruitment of staff (G&R Committee)
- 8.1.2 Spend of the salaries, wages, payroll, temporary staff and other related budgets (G&R Committee/Head of Paid Service)
- 8.1.3 Staff Structure Reviews (G&R Committee)
- 8.1.4 Appointment or dismissal of a statutory post holder i.e. Town Clerk, Responsible Financial Officer, Data Protection Officer etc (Full Council)

9.0 Review

- 9.1 The Committee's terms of reference are to be reviewed at-least annually. Any changes must be recommended to the **Governance and Resources Committee** ~~Full Council~~ for approval.