

CONSTITUTION COMMITTEE

AGENDA



17 September 2024

at 2.00pm

**Committee Room “B”,
Civic Centre, Hartlepool.**

CONSTITUTION COMMITTEE:

Councillors Bailey-Fleet, Boddy, Buchan, Dodds, Harrison, Little, Male, Thompson and 1 Vacancy

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**

3.1 To confirm the minutes of the meeting held on 8 July 2024.

4. ITEMS REQUIRING DECISION

- 4.1 THE COUNCIL’S CONSTITUTION – 2024/25 (*Monitoring Officer/Director of Legal, Governance and Human Resources*)
 - (i) LOCAL JOINT CONSULTATIVE COMMITTEE
 - (ii) PERSONNEL SUB-COMMITTEE
 - (iii) REINSTATEMENT OF PUBLIC QUESTIONS
 - (iv) STREET TREE FELLING – DUTY TO CONSULT

5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

8 JULY 2024

The meeting commenced at 2.00 p.m. in the Civic Centre, Hartlepool

Present:

Councillors: Bailey-Fleet, Boddy, Buchan, Harrison, Little and Male

Also Present:

In accordance with Council Procedure Rule 4.2 Councillor Dunbar was in attendance as substitute for Councillor Dodds

Steve Williams, Joint Trade Unions

Officers: Denise McGuckin, Managing Director
Neil Wilson, Assistant Chief Solicitor
Denise Wimpenny, Principal Democratic Services Officer

14. Appointment of Chair

It was agreed that Councillor Harrison be appointed Chair for the ensuing year.

15. Apologies for Absence

Councillors Dodds and Thompson.

16. Declarations of interest by Members

Councillor Dunbar declared a personal interest as Chair of Local Joint Consultative Committee.

17. Minutes

The minutes of the meeting of the Committee, held on 14 May 2024 were confirmed.

18. Periodic Review of the Council's Constitution – Update *(Monitoring Officer/Director of Legal, Governance and Human Resources)*

The Committee was asked to consider any changes to the remit of the Local Joint Consultative Committee following a Member request for a review. The Chair outlined the background to the request and outlined the benefits of holding regular diaried meetings between unions, Members and officers.

In the discussion that followed the purpose of the Local Joint Consultative Committee was debated and clarification was provided in response to concerns raised in terms of the implications of the proposals. Following further discussion in terms of the feasibility of holding open meetings, it was suggested that authority be granted to the Managing Director, in consultation with the Leader and Trade Union representative to determine the remit, frequency and membership of the Local Joint Consultative Committee.

Members views were also sought in relation to the following, details of which were set out in the report:-

Personnel Sub Committee

It had been suggested that the membership of the meeting be increased to 5 members and that the meeting be renamed an 'Appeals Committee.'

Members supported the proposal and commented on the benefits as a result. Views were expressed that the membership should comprise 4 Elected Members plus 1 Independent Person and be politically balanced where possible.

Forward Plan

It had been proposed that the requirement to publish a Forward Plan be removed from the constitution as this was not a statutory requirement and be replaced by an internal document that would be circulated to all Members and Directors.

Members supported this proposal.

Grant Funding

Members were referred to 11.3 of the Articles of the Constitution which included the circumstances when a decision is not defined as key as well as the current reporting process to Finance and Policy and the Policy Committee as soon as practicable thereafter, details of which were included in the report.

In order to delegate appropriate responsibility to policy committees, it is proposed that each policy committee be given authority to determine use of specific grant funds relating to that Committee when the conditions of grant explicitly require such a member decision. The following wording was proposed to be added to each policy committee:-

“Determination of usage, and oversight of grant funding in relation to grants that fall within the policy committees remit, where required under the conditions of grant”.

Members supported this proposal.

Decision

The Committee recommended the following:-

- (i) Local Joint Consultative Committee - that authority be granted to the Managing Director, in consultation with the Chair and Trade Union representative to determine the remit, frequency and membership of the Local Joint Consultative Committee.
- (ii) Personnel Sub-Committee:-
 - (a) That the membership of the meeting be increased to 5 members and that the meeting be renamed an ‘Appeals Committee.’
 - (b) That the membership should comprise 4 Elected Members plus 1 Independent Person and be politically balanced where possible.
- (iii) Forward Plan – that the requirement to publish a forward plan be removed from the constitution and be replaced by an internal document that would be circulated to all members and directors.
- (iv) Grant Funding - That the following wording be added to each Policy Committee:-

“Determination of usage, and oversight of grant funding in relation to grants that fall within the policy committees remit, where required under the conditions of grant”.

The meeting concluded at 2.35 pm.

CHAIR

CONSTITUTION COMMITTEE

17 September 2024



Report of: Monitoring Officer/Director of Legal, Governance and Human Resources

Subject: PERIODIC REVIEW OF THE CONSTITUTION

1. PURPOSE OF REPORT

To consider changes to the Constitution in relation to the following matters:

- a) Local Joint Consultative Committee
- b) Personnel Sub-Committee
- c) Reinstatement of Public Questions at Council
- d) Duty to Consult – Street Tree Felling

2. BACKGROUND

As a result of the Periodic Review of the Constitution considered by the Constitution Committee on 8 July 2024, **see Appendix 1**, a report was submitted to Council on 10 July 2024, **Appendix 2**. During the consideration of the report, **see Appendix 3**, Council requested that the Constitution Committee consider the following issues further:

Local Joint Consultative Committee
Personnel Sub-Committee
Reinstatement of Public Questions at Council

In addition to this, there is a statutory duty to consult in relation to the felling of street trees and consideration needs to be given to where this responsibility should be included within the Council's Constitution along with any delegated powers that are deemed appropriate.

3.1 Local Joint Consultative Committee (LJCC)

At the meeting of the Constitution Committee on 8 July, Members gave consideration to a request for a review of the remit of the LJCC which is classed as an 'advisory' outside body within the Constitution.

On the 10 July Full Council the following recommendations of the Constitution Committee, as amended, were agreed:
Local Joint Consultative Committee

(i) **That the Local Joint Consultative Committee be regularised and diarised** and authority be granted to the Managing Director, in consultation with the **Chair of Finance and Policy Committee, Chair of LJCC** and Trade Union representative to determine the remit, frequency and membership of the Local Joint Consultative Committee.

(ii) That this issue be deferred to the next meeting of Council pending further consideration by the Constitution Committee and the suggested additions to the minutes of the Constitution Committee held on 8 July 2024, as highlighted in bold, be referred to the next meeting of the Constitution Committee for consideration and amendment.

To comply with this recommendation, the attached 'LJCC Terms of Reference' **Appendix 4**, have been drafted in consultation with the Chair of Finance and Policy Committee and Trade Union Representatives. It is proposed that meetings of the LJCC be scheduled to meet within each Full Council cycle.

Members views are sought.

3.2 Personnel Sub-Committee

The Constitution Committee considered the membership and responsibilities of Personnel Sub-Committee which is a Sub-Committee of the Audit and Governance Committee. The Sub-Committee is currently made up of 3 Elected Members who are appointed by the Audit and Governance Committee. The Constitution Committee gave consideration to increasing this membership to 5 consisting of 4 Elected Members politically balanced where possible along with 1 Independent Person. In addition, it was suggested that the Sub-Committee be renamed an 'Appeals Committee'.

The responsibilities of the Personnel Sub-Committee are:

Power to consider and determine:

- Appeals against dismissal
- Appeals arising out of Departmental staffing reviews and/or re-structures
- Grievances at the final internal stage
- Home to School Transport Appeals.

Functions relating to local government pensions, etc. relating to the determination of individual cases excluding those relating to individual early retirement.

At Full Council on the 10 July, Members agreed to defer the recommendations so that further work could be undertaken in relation to the appointment of an 'independent' member to the Committee. It is suggested that a non-statutory co-opted member could be added to the committee's membership. This member would not have voting rights and it is therefore recommended that the membership be increased to 6 to include the independent co-opted member. A draft specification is attached at **Appendix 5** for Members consideration.

Members are asked to:

1. Agree and refer to Full Council that the Personnel Sub-committee be renamed 'Appeals Committee' and increase its membership to 6 (5 elected members plus a non- statutory co-opted independent member).
2. Approve and refer to Full Council the attached specification for the appointment of a non-statutory co-opted person to the Appeals Committee.
3. Request that full Council delegate authority to the Director of Legal, Governance and Human Resources to make the necessary arrangements to appoint a non-statutory co-opted independent member including advertising and interview. Interviews Panel to include the Leader and Deputy Leader and one other Member (not to be a member of the Labour Group.)

3.3 Reinstatement of Public Questions at Council

At the meeting of Council on 10 July, a Member referred to the proposal to reinstate public questions at Council meeting. Attached to the report at **Appendix 6** is an extract from the Council's Constitution which details the current provision for public questions to Council.

Members' views are sought.

3.4 Duty to Consult – Street Tree Felling

Section 115 of the Environment Act 2021 was enacted on the 30 November 2023 and inserts a new ‘duty to consult’ under s96A of the Highways Act 1980. This means that local authorities have a statutory duty to consult residents on the felling of street trees where no exemptions apply.

The Constitution is currently silent on this issue and it is proposed that the delegation scheme be updated to include the following:

Executive Director of Development, Regeneration and Neighbourhoods:

In consultation with the Chair of Neighbourhood Services, the power to make decisions on the felling of street trees following the duty to consult under the provisions of section 96A of the Highways Act 1980 (as amended by 115 of the Environment Act 2021).

In cases where the removal of a street tree is outside the scope of the duty to consult or is subject to an exemption within the legislation or guidance, the decision on whether to fell a street tree will be made by the Council’s arboriculturalist.

Members views are sought

4. REASONS FOR RECOMMENDATIONS

- 4.1 It is the responsibility of the Monitoring Officer to monitor the Constitution to ensure that the aims and principles of the Constitution are given full effect.

5. BACKGROUND PAPERS

Hartlepool Borough Council’s Constitution
Street Tree Felling Guidance - <https://www.charteredforesters.org/wp-content/uploads/2023/12/Duty-to-Consult-Guidance-for-Local-Authorities-FINAL.pdf>

6. CONTACT OFFICERS

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CONSTITUTION COMMITTEE

8 July 2024



Report of: Monitoring Officer/Director of Legal, Governance and Human Resources

Subject: PERIODIC REVIEW OF THE COUNCIL'S CONSTITUTION

1. PURPOSE OF REPORT

To review and consider changes to the Constitution prior to consideration of the changes by Council on 10 July 2024.

2. BACKGROUND

The Council's Constitution at Article 14 ("Review and Revision of the Constitution") requires that the Monitoring Officer "will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect."

This report sets out details of issues which have been referred to the Committee for consideration since the last meeting of the Committee.

3. PROPOSALS

3.1 Local Joint Consultative Committee (LJCC)

A Member has requested a review of the remit of the LJCC.

The Constitution currently states that:

The Local Joint Consultative Committee comprising 7 Members of the Council and to include only those Members who are not Members of the Finance and Policy Committee. The function is to resolve disputes where there is a formal failure to agree between the Authority and the Trade Unions. This will enable the views of members to be considered and make recommendations to be referred to Finance and Policy Committee for decision.

Members are asked to consider any changes to the LJCC.

3.2 Personnel Sub-Committee

The Personnel Sub-Committee is a Sub-Committee of the Audit and Governance Committee. The Sub-Committee is made up of 3 Elected Members who are appointed by the Audit and Governance Committee. The responsibilities of the Sub-Committee is set out in the Constitution as follows:-

Power to consider and determine:

- Appeals against dismissal
- Appeals arising out of Departmental staffing reviews and/or re-structures
- Grievances at the final internal stage
- Home to School Transport Appeals.

Functions relating to local government pensions, etc. relating to the determination of individual cases excluding those relating to individual early retirement.

It has been suggested that the membership of the meeting be increased to 5 members and that the meeting be renamed an 'Appeals Committee' – Members views are sought

3.3 Forward Plan

The Committee will be aware that the Forward Plan is a document that sets out information about 'key decisions' that Council, a Policy Committee, Sub-Committee, Officers or joint arrangements will make. Forward Plans are prepared to cover a rolling period of four months, beginning with the first day of any month. They are prepared on a bi-monthly basis and subsequent plans will cover a period beginning with the first working day of the second month covered in the preceding plan.

It has been proposed that the requirement to publish a Forward Plan is removed from the Constitution and be replaced by an internal document that will be circulated to all Members and Directors. Members views are sought

3.4 – Grant Funding

Section 11.3 of the Articles of Constitution sets out key decisions of the council, but also covers the circumstances when a decision is not defined as key. In relation to government grants, the following paragraph is in place as an exclusion for key decisions:

“Expenditure which is inevitable as a result of the Government providing a Section 31 grant ('New Burden' Funding) to help fund the impact of specific legislative

commitments where there is no in year cost, or future commitment for the General Fund. Details of any Section 31 grants and the commitments which need to be funded will be reported to the Finance and Policy Committee and the relevant Policy Committee as soon as is reasonably practicable thereafter.”

The council receives numerous Section 31 grants throughout the course of each financial year. These grants have varying purposes and indeed values. It is not considered practical to explicitly report each award to Finance and Policy and the relevant policy committee, and as such it is proposed to remove the final sentence:

“Expenditure which is inevitable as a result of the Government providing a Section 31 grant (‘New Burden’ Funding) to help fund the impact of specific legislative commitments where there is no in year cost, or future commitment for the General Fund.”

Furthermore there are occasions whereby grant is awarded to the council with flexibility as to spend, within a broader purpose. Such grants can require member sign off to ensure compliance with grant conditions or ministerial requirements. In order to delegate appropriate responsibility to policy committees it is proposed that each policy committee will be given authority to determine use of specific grant funds, relating to that committee, when the conditions of grant explicitly require such a member decision. The following wording is proposed to be added against each policy committee;

“Determination of usage, and oversight of grant funding in relation to grants that fall within the policy committees remit, where required under the conditions of grant”

14. RECOMMENDATIONS

- 14.1 That the Committee consider the report and formulates its recommendations for submission to Full Council

15. REASONS FOR RECOMMENDATIONS

- 15.1 It is the responsibility of the Monitoring Officer to monitor the Constitution to ensure that the aims and principles of the Constitution are given full effect.

16. BACKGROUND PAPERS

Hartlepool Borough Council's Constitution

17. CONTACT OFFICERS

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Report of: Constitution Committee

Subject: REVIEW OF THE COUNCIL'S CONSTITUTION

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to enable Full Council to consider changes to the Constitution which have been recommended by the Committee.

2. BACKGROUND

- 2.1 The Council's Constitution at Article 14 ("Review and Revision of the Constitution") requires that the Monitoring Officer "will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect."
- 2.2 The report to be considered by the Constitution Committee addresses suggestions for review which have arisen since the last meeting of the Committee.

3. PROPOSALS

- 3.1 The Constitution Committee, at its meeting on 8 July 2024, will consider a report (**Appendix 1**) which includes proposed changes to the Constitution with regard to the following issues:-
- Local Joint Consultative Committee
 - Personnel Sub-Committee
 - Forward Plan
 - Grant Funding
- 3.2 A copy of the minutes of the Constitution Committee will be circulated following the Committee meeting

4. RECOMMENDATIONS

- 4.1 To consider the recommendations of the Committee and to delegate authority to the Director of Legal, Governance and Human Resources to make the necessary changes to the Constitution arising from the agreed changes.

EXTRACT

COUNCIL

MINUTES OF PROCEEDINGS

10 July 2024

The meeting commenced at 7.00 pm in the Civic Centre

The Deputy Ceremonial Mayor (Councillor Morley) presiding:

COUNCILLORS:

Allen	Bailey-Fleet	Boddy
Buchan	Clayton	Cook
Cranney	Creevy	Dunbar
Feeney	Hall	Hargreaves
Harrison	Jorgeson	Little
Male	Martin-Wells	Nelson
Oliver	Reeve	Roy
Scarborough	Sharp	Smith
C Wallace	S Wallace	

Officers: Denise McGuckin, Managing Director
Hayley Martin, Director of Legal, Governance and Human Resources
Denise Wimpenny, Democratic Services Team

18. TO CONSIDER REPORTS FROM THE COUNCIL'S COMMITTEES AND TO RECEIVE QUESTIONS AND ANSWERS ON ANY OF THOSE REPORTS

1. Periodic Review of the Council's Constitution – Report of Constitution Committee

The Director of Legal, Governance and Human Resources presented the report considered by the Constitution Committee on 8 July 2024, which proposed changes to the Constitution with regard to the Local Joint Consultative Committee, Personnel Sub-Committee, Forward Plan and Grant Funding, details of which were set out in the report. Members were referred to the minutes of the Constitution Committee and approval was sought to changes to the wording to the recommendation in relation to the Local Joint Consultation Committee to include the addition of consultation with the Chair of Finance and Policy Committee and Chair of the Local Joint Consultative Committee as well as Trade Union representative.

Following presentation of the report, a Member advised that the recommendations of Constitution Committee in relation to the Local Joint Consultative Committee proposals had not been unanimously agreed with 5 Members in favour of the proposals and 2 against. The accuracy of the minutes were also questioned in terms of the omission of his proposal that meetings of the Local Joint Consultative Committee be regularised and diarised and issues around the delegation arrangements were also questioned, the background to which was outlined. Following the Leader's comments that there appeared to be some misunderstanding in terms of what had been agreed at the meeting and clarification of her understanding of the recommendations, to satisfy the concerns raised, the Managing Director reported that the proposal to regularise and diarise meetings and clarification around delegation arrangements would be included in the Constitution Committee's recommendations and further considered at an additional meeting of the Constitution Committee.

Whilst expressing support for the amended recommendations, elected members debated and highlighted issues arising from the report during which clarification was provided in response to queries raised. In response to a query raised as to whether there had been any discussions at the meeting in relation to reinstatement of public questions, the Chair agreed that this issue be referred back to Constitution Committee for consideration.

1. The following recommendations of the Constitution Committee, as amended, were agreed by a show of hands:-

Local Joint Consultative Committee

- (i) **That the Local Joint Consultative Committee be regularised and diarised** and authority be granted to the Managing Director, in consultation with the **Chair of Finance and Policy Committee, Chair of LJCC** and Trade Union representative to determine the remit, frequency and membership of the Local Joint Consultative Committee.
- (ii) That this issue be deferred to the next meeting of Council pending further consideration by the Constitution Committee and the suggested additions to the minutes of the Constitution Committee held on 8 July 2024, as highlighted in bold, be referred to the next meeting of the Constitution Committee for consideration and amendment.

Personnel Sub-Committee

- (iii) That the following recommendations be deferred to the next meeting of Council pending further consideration by the Constitution Committee:-

APPENDIX 3

- (a) That the membership of the meeting be increased to 5 members and that the meeting be renamed an 'Appeals Committee.'
 - (b) That the membership should comprise 4 Elected Members plus 1 Independent Person and be politically balanced where possible.
 - (iv) Forward Plan – That the requirement to publish a forward plan be removed from the constitution and be replaced by an internal document that would be circulated to all members and directors.
 - (v) Grant Funding - That the following wording be added to each Policy Committee:-

“Determination of usage, and oversight of grant funding in relation to grants that fall within the policy committees remit, where required under the conditions of grant”
2. Public Questions - That consideration of the issues around the reinstatement of public questions be referred to the Constitution Committee for consideration.
3. That authority be delegated to the Director of Legal, Governance and Human Resources to make the necessary changes to the constitution arising from the agreed changes.

LOCAL JOINT CONSULTATIVE COMMITTEE

TERMS OF REFERENCE

APPROVAL – FULL COUNCIL OCTOBER 2024

1. TITLE

The Hartlepool Borough Council (HBC) and Staff Joint Committee will be called the “Local Joint Consultative Committee” (LJCC).

2. OBJECTIVE

The objective of the LJCC is to provide a means for tri-partite consultation between Elected Members, Officers and representatives of all employees of HBC to consider matters of common interest, generally further good relations, and, as the Committee is an advisory committee (rather than a decision-making body), make recommendations to the Finance and Policy Committee as the decision making body for employment related matters.

HBC has legal duties (inc. Information and Consultation of Employees Regulations 2004) to provide employees with information and the opportunity to consult on developments in its activities and economic situation with particular reference to employment prospects and any proposed changes in the employer / employee relationship.

Regular methods of information exchange, negotiation and consultation have been established through local agreements with the Hartlepool Joint Trade Union Committee (“HJTUC”). These collective agreements are incorporated into employment contracts and facilitate the following arrangements:

Internal

- **Single Table** Group – Meets Bi-monthly and is the sole body for negotiating and reaching agreement with the HJTUC
- **Departmental** – Quarterly informal consultation forums for HJTUC and department Directors;
- **HR / HJTUC** – Fortnightly informal meeting between HR and HJTUC to discuss workforce matters;
- **Managing Director / HJTUC Meeting** – Monthly informal meeting between Managing Director and Trade unions’

External

- Bi-annual Meeting of the North East Regional Employers' Organisation
- Bi-annual Meeting of the Employers' Side of the North East Provincial Council
- Bi-annual Meeting of the North East Provincial Council

The aim of the above is to ensure that employees are fully appraised of, and have an involvement in the development of relevant policies re HBC. Where and when necessary these matters to be considered by the Finance and Policy Committee.

The purpose of the LJCC is not to replicate or constrain the above forms of consultation but to provide considered proposals to Finance and Policy Committee with respect to the functions listed below at section 5 'Functions.'

3. REPRESENTATION

The LJCC shall comprise of:

Five Elected Member representatives to be appointed at the Annual Meeting of Council for the Municipal year. Such representatives must not be members of the Council's Finance and Policy or Appeals Committee. With the exception that either the Leader or Deputy Leader of the Council and the Leader of the largest opposition group may attend each meeting with full speaking (but not voting) rights.

Four HBC employee representatives appointed by the HJTUC

Four HBC officer representatives (from CMT/SMT) will attend the LJCC.

Both HBC and the HJTUC sides may also call upon the services of their full time professional/technical officers at any time, provided that both sides mutually agree.

If a member of the LJCC ceases to be an Elected Member or Officer of HBC, or a representative of HJTUC they shall thereupon cease to be a member of the LJCC; any vacancy shall be filled by either party providing a replacement nomination to the Councils Monitoring Officer at the earliest opportunity.

In the event of any representative of either side being unable to attend any meeting of the LJCC, that representative may nominate a substitute to attend.

4. CHAIR AND VICE-CHAIR

The Chair is to be an Elected Member and appointed at the Annual meeting of Council for the Municipal year. The Vice-Chair to be appointed from the HJTUC

APPENDIX 4

side with a nomination to be provided in advance of the Annual Meeting of Council.

The Chair of the meeting shall not have a casting vote. Meetings will be chaired in rotation by each of the three represented constituents of Chair (Elected Members) Vice-Chair (HJTUC) and HBC Officer representative. In the absence of the Chair, Vice-Chair or Officer representative the LJCC shall appoint a Chair from those present.

5. FUNCTIONS

- a) The functions of the LJCC shall be to establish regular methods of consultation between Elected Members, Officers and the HJTUC.
- b) The consultation remit / agenda will include:
 - Business Transformation / Finance
 - i) Council and Departmental Transformation reports
 - ii) Quarterly finance updates
 - Health Safety and Risk Policies and Procedures
 - Human Resources, Policies and Procedures
 - Any new policy or procedure
 - Any current policy or procedure review that is likely to have significant financial or operational implications

6. ADMINISTRATION OF THE LJCC

The administrative arrangements for meetings of the LJCC shall be carried out by Democratic Services section of HBC.

7. AGENDA

The matters to be discussed at any meeting of the LJCC shall be stated on the agenda for the meeting. Standing items shall include consideration of the minutes from the previous meeting and the declaration of any interests from members of the Committee.

Pre-agenda meetings will take place between Chair, Vice Chair and Officer representative to determine agenda items for the formal meeting.

Agenda items initiated for inclusion on the agenda of the next meeting shall be submitted in writing to Democratic Services at least ten working days before the date of the meeting. The agenda for the meeting shall be forwarded to members of the LJCC at least five working days prior to the meeting

8. MEETINGS

The LJCC shall be scheduled to meet within each Council meeting cycle.

Given the composition of the LJCC meetings shall be held at dates/times to maximise attendance.

The Chair, Vice-Chair or Managing Director may direct Democratic Services to call an extraordinary meeting of the LJCC at any time. Such meetings will be called within fourteen days of the receipt of a requisition supported by not less than one-half of the members of either side.

The matters to be discussed at any meeting of the LJCC shall be stated upon the notice summoning the meeting, provided that any other business may be considered if admitted by a majority vote of those present at such meeting.

9. PROCEDURE

The quorum of the LJCC shall be three representatives of each side.

No resolution shall be regarded as carried unless it has been approved by a majority of the members present on each side of the LJCC, and in the event of (a) of the LJCC being unable to arrive at an agreement, or (b) of HBC disagreeing with the recommendations of the LJCC, the matters in dispute shall be noted and where appropriate highlighted to the Finance and Policy Committee who are the decision making body for employment matters.

10. MINUTES

The minutes of the proceedings of any meeting of the LJCC shall be submitted to the following meeting of the Committee for confirmation. The minutes shall be agreed by the Chair, Vice-Chair and Officer representative prior to their submission. Any recommendations shall be subject to approval by Finance and Policy Committee.

APPEALS COMMITTEE

Hartlepool Borough Council is looking for an individual to be appointed as a non-statutory co-opted member of the 'Appeals Committee.'

The co-opted member will be required to give specialist input and provide an outside/independent view to assist Members of the Appeal's Committee in their deliberations.

The functions of the Appeals Committee are as follows:

1. Power to consider and determine:
 - Appeals against dismissal
 - Appeals arising out of Departmental staffing reviews and/or restructures
 - Grievances at the final internal stage
 - Home to School Transport Appeals, and;
2. Functions relating to local government pensions, etc. relating to the determination of individual cases excluding those relating to individual early retirement

SKILLS AND COMPETENCIES

Non-statutory co-opted members are not legally subject to the code of conduct or requirements on declarations but they are expected to observe the principles governing councillors' behaviour in carrying out their duties.

The co-opted member will have:

- a keen interest in employment related matters
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- leadership qualities, particularly in respect of exercising sound judgement.

The co-opted member will:

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have an awareness of employment law and the Council's employer/employee code of conduct and HR policy and procedures
- be a good communicator.

Desirable additional criteria are:

- working knowledge/experience of local government or other public service and/or of large complex organisations and awareness of and sensitivity to the political process.
- knowledge and understanding of Human Resources particularly in relation to the public sector.

You should demonstrate in your application how you meet the above criteria as this will assist any short-listing process.

Means of assessment will be by application form and by interview.

Eligibility for Appointment

A person cannot be appointed as an Independent Person if they are or were within a period of 5 years prior to the appointment:

- *a member, co-opted member or officer of the authority.*
- *A member, co-opted member or officer of a parish council in the Borough Council's area, or a relative or close friend of the above.*
- *Active member of a political party i.e. involved in campaigning*

ROLE OF INDEPENDENT PERSON –APPEALS COMMITTEE

ROLE DESCRIPTION

Responsible to: The Council

Liaison with: Monitoring Officer, Members of the Appeals Committee, Officers and Members of the Council.

- 1.To attend and participate in meetings of the Appeals committee to provide an independent view in relation to an investigated allegation
- 2.To attend training events organised and promoted by the Council.

EXTRACT HBC CONSTITUTION 2024

PUBLIC QUESTIONS TO FULL COUNCIL MEETINGS

1. INTRODUCTION

Members of the public are welcome to attend meetings of Full Council, and its Committees, except when the meetings are considering items classed as 'confidential' or 'exempt'. Those matters that may be considered as confidential or exempt are set out in the Access to Information Procedure Rules in the Council's Constitution. If you would like to attend a meeting, or would like further details of a meeting, you are advised to contact our Democratic Services Team (democratic.services@hartlepool.gov.uk or 01429 523568) to confirm details of the meeting.

2. FULL COUNCIL MEETINGS

The Council's Constitution states that during a period of 30 minutes, or a longer period at the discretion of the Chair, residents of Hartlepool may ask questions of Chairs of Committees at ordinary meetings of Full Council in accordance with the Council's Procedure Rules.

You can ask a question by completing a Public Question Time form attached to this guide (Appendix 1). The form must be delivered in writing or by electronic mail to the Managing Director no later than noon on the Thursday of the week before the meeting (or in the case of a meeting held otherwise than on a Thursday, on the expiry of the fifth clear working day before the meeting). Alternatively, if you would prefer to send your question by e-mail, send it to democratic.services@hartlepool.gov.uk, you must include the name and address of the questioner.

If the questioner is under 16 years of age, the notice must include the name, address and signature of the parent or guardian of the questioner.

At any one meeting no person may submit no more than 2 questions but a question may consist of a number of parts.

A question should fulfil the following criteria:-

- i) The question should be concise (both in length and number of parts), direct and should be about a matter that the Local Authority has a responsibility or which affects the Borough;
- ii) The question should not be the same as one asked at Full Council in the last six months (unless there has been a significant change in circumstances)

The Managing Director, in consultation with the Chair of the Council, may reject a question if it is considered to be

- defamatory, frivolous or offensive,
- seeks the disclosure of confidential or exempt information,
- is substantially the same as a question which has been put at a meeting of the Council in the past six months and since when there has been no change of circumstances justifying the resubmission of the question,
- is unreasonably excessive because of its length or its number of parts,

Copies of all questions will be circulated to all Elected Members and will be made available at the meeting.

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Chair to whom it was to be put, will be dealt with by way of a written answer.

Full Council meetings are usually held at 7.00 pm in the Council Chamber, Civic Centre, Victoria Road, Hartlepool. Dates of Council Meetings and any further information can be obtained from the Democratic Services Team, telephone 523568 or from the Council's website www.hartlepool.gov.uk.