



Shaftesbury Town Council
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To members of Shaftesbury Town Council's Human Resources Committee (HR), Councillors for HR; Chase (Chair), Brown (Vice-Chair), Cook, Loader, Proctor.

You are summoned to a meeting of the Human Resources Committee for the transaction of the business shown on the agenda below. To be held at 10.00am on **Monday 23 November 2020** [online with Teams.](#)

All other recipients for information only

Claire Commons CertHE PSLCC, Town Clerk and Responsible Finance Officer (RFO)
17th November 2020

Public Participation

Due to the current government coronavirus response, the Town Council will be meeting online. Members of the public are encouraged to submit their questions or comments under 'Public Participation' in advance of the meeting to the Chairman and these will be made available to all Councillors. Members of the public may also link in to observe the meeting using the details above. ([Local Government Act, 1972 s.100](#))

Online Meeting Arrangements

The Chairman will host the meeting, attendees will be muted and councillors invited to speak in turn at each agenda item in line with Standing Orders Rules of Debate, Councillors may raise their hand to indicate that they wish to speak at other times. ([The Local Authorities and Police and Crime Panels \(Coronavirus\) \(Flexibility of Local Authority and Police and Crime Panel Meetings\) \(England and Wales\) Regulations, 2020](#))

The 7 principles of public life

Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership

([Committee on Standards in Public Life, 1995](#))

Agenda

- | | |
|--|-----------|
| 1 APOLOGIES | 5 |
| To receive and consider for acceptance, apologies for absence (Local Government Act, 1972 s.85) | (1 min) |
| 2 DECLARATIONS OF INTEREST | 5 |
| To declare any interests relating to the business of the meeting and receive any dispensation requests from the Clerk. (Shaftesbury Town Council Code of Conduct, 2019) | (1 min) |
| 3 MINUTES | 7 |
| To confirm the minutes of the previous meeting of the Human Resources Committee. (Local Government Act, 1972 Sch 12) | (3 min) |
| 4 POLICIES REVIEW | 8 |
| To review four Human Resources related documents and policies (Local Government Act, 1972 s.111) | (15 min) |
| 5 STAFFING REVIEW | 10 |
| To consider commissioning an independent staffing review of the Town Council (Local Government Act, 1972 s.111) | (10 min) |

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| 6 | COMMITTEE TERMS OF REFERENCE | 12 |
| | To review the Committee’s Terms of Reference <i>(Local Government Act, 1972 s.111)</i> | (5 min) |
| 7 | CONFIDENTIAL SESSION | 21 |
| | To consider entering confidential session for consideration of staffing matters <i>(Public Bodies [Admission to meetings] Act, 1960)</i> | (1 min) |
| 8 | STAFFING BUDGET | 23 |
| | To consider the second draft of the staffing budget for 2021 – 2022 <i>(Local Government Act, 1972 s.112)</i> | (20 min) |
| 9 | STAFFING MATTERS | 24 |
| | To consider report from the Clerk on staffing matters <i>(Local Government Act, 1972 s.111)</i> | (15 min) |

(End)

Anticipated meeting end time 12:20pm

References

Committee on Standards in Public Life, 1995. *The seven principles of public life*. [Online]

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Local Government Act, 1972 s.100. *Admission of public and press to local authority committee meetings*. [Online].

Local Government Act, 1972 s.111. *Subsidiary powers of local authorities*. [Online].

Local Government Act, 1972 s.112. *Appointment of Staff*. [Online].

Local Government Act, 1972 s.85. *Vacation of office by failure to attend meetings*. [Online].

Local Government Act, 1972 Sch 12a. *Access to Information: Exempt Information*. [Online]

Available at: <https://www.legislation.gov.uk/ukpga/1972/70/schedule/12A>

Local Government Act, 1972 Sch 12. *Meetings and Proceedings of Local Authorities*. [Online].

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Shaftesbury Town Council Code of Conduct, 2019. *Code of Conduct*. [Online]

Available at: [https://www.shaftesbury-tc.gov.uk/images/STC Code of Conduct 2012.pdf](https://www.shaftesbury-tc.gov.uk/images/STC%20Code%20of%20Conduct%202012.pdf)

Shaftesbury Town Council HR Terms of Reference, 2019. *HR Terms of Reference*. [Online]

Available at: <https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2020/01/2019-07-23-HR-Adopted-Terms-of-Reference.pdf>

Shaftesbury Town Council Scheme of Delegation, 2020. *Scheme of Delegation*. [Online]

Available at: <https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2020/11/Scheme-of-Delegation-2020-11-03.pdf>

Tharmarajah, M., 2013. *Local Council's Explained*. 1st ed. London: NALC.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations, 2020 . [Online].

1 Apologies

To receive and consider for acceptance, apologies for absence (1 min)

[\(Local Government Act, 1972 s.85\)](#)

1.1 Background

- 1.1.1 The Council (including committees) should approve (or not) the reason for apologies given by absent councillors. If a council member has not attended a meeting of the council (or its committees) or has not tendered apologies which have been accepted by the council (or committee), for six consecutive months, they are disqualified.

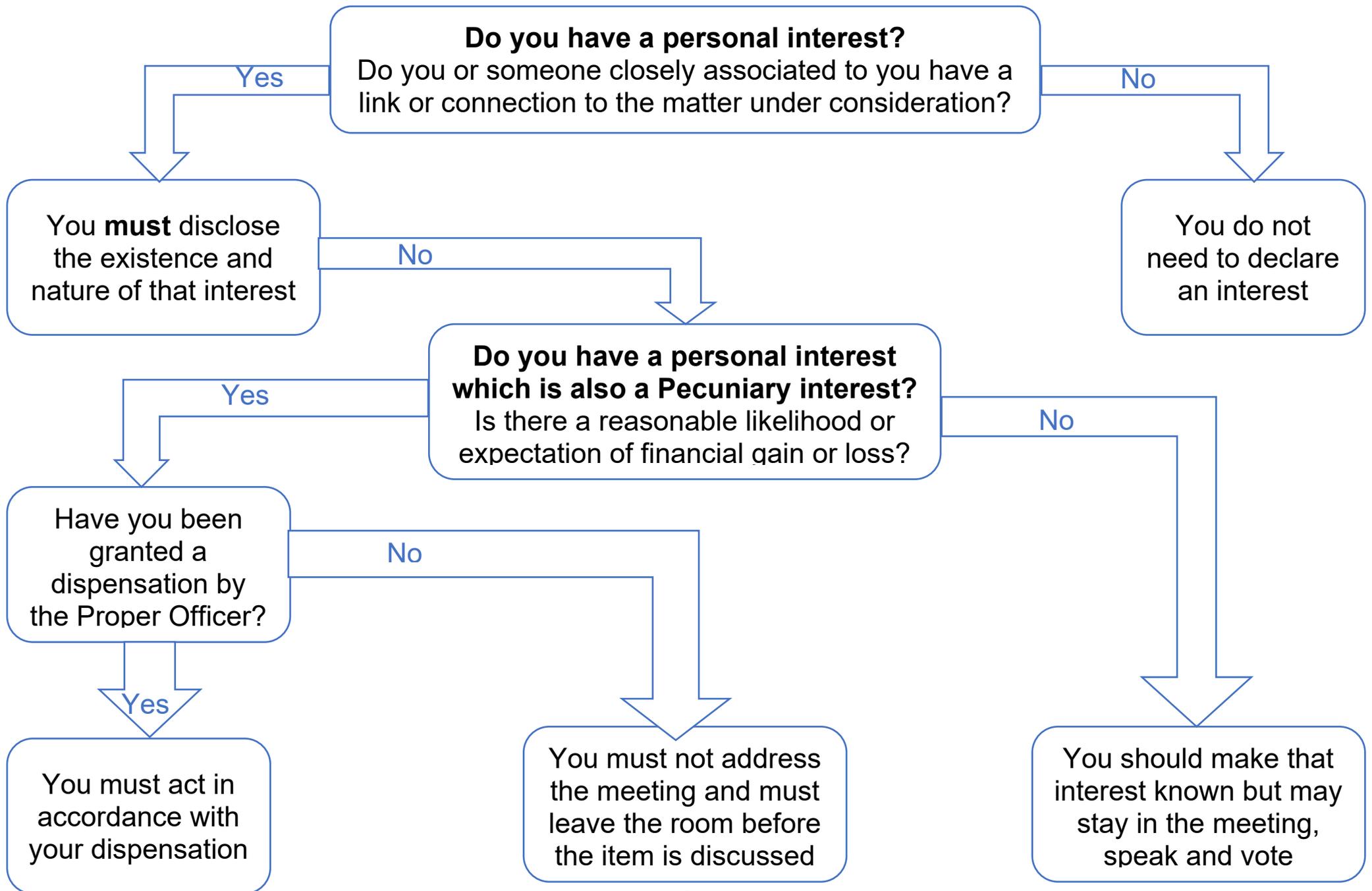
2 Declarations of Interest

To declare any interests relating to the business of the meeting and receive any dispensation requests from the Clerk. (1 min)

[\(Shaftesbury Town Council Code of Conduct, 2019\)](#)

2.1 Background

- 2.1.1 Members and Officers are reminded of their obligations to declare interests in accordance with the Code of Conduct 2019. The Clerk will report any dispensation requests received
- 2.1.2 Where a matter arises at a meeting which relates to a councillor's interest, the councillor has the responsibility of declaring that interest in accordance with the adopted code of conduct. (Shaftesbury Town Council Code of Conduct, 2019)



3 Minutes

To confirm the minutes of the previous meeting of the Human Resources Committee. (3 min)

[\(Local Government Act, 1972 Sch 12\)](#)

3.1 Background

- 3.1.1 When the meeting is approving the draft minutes of a previous meeting as an accurate record, the only issue for the meeting is whether the minutes accurately record the proceedings of the meeting and the resolutions made at them. It is irrelevant if the chairman or other councillors were not present at the meeting to which the draft minutes relate.
- 3.1.2 If it is necessary for the draft minutes of the previous meeting to be corrected because of an inaccuracy in them, then the amendments to the draft minutes must be approved by resolution.
(Tharmarajah, 2013, p. 154)

3.2 Minutes to be adopted

- 3.2.1 Minutes to be adopted are provided through the hyperlinks against each of the dates below. Members should read them in advance of the meeting and satisfy themselves that they are a true record of the decisions taken.
- 3.2.2 [21st September 2020](#)

4 Policies Review

To review four Human Resources related documents and policies

(15 min)

[\(Local Government Act, 1972 s.111\)](#)

4.1 Summary

4.1.1 It was resolved at the General Management meeting held the 20th of October to make a review of all Shaftesbury Town Council Policies to be discussed by the appropriate committee.

4.1.2 Human Resources related documents and policies include:

- Staff Handbook
- Absence Policy – draft policy no longer required as covered within Staff Handbook
- [Bullying and Harassment Policy](#) - Adopted policy relates to staff and councillors. Review required so it does not conflict with the Staff Handbook
- Code of Conduct for Employees – draft policy no longer required as covered within Staff Handbook

4.1.3 The Staff Handbook covers many of the previously separate policies of the Council that have been prepared either in draft form or adopted.

4.2 Scheme of Delegation

- 4.2.1 The Committee is delegated to review the policies in accordance with the resolution from General Management Committee. Full Council reserves the responsibility for matters of policy in general but has delegated to the Human Resources Committee to make amendments to all staffing related policies. (Shaftesbury Town Council Scheme of Delegation, 2020) (Shaftesbury Town Council HR Terms of Reference, 2019)

4.3 Legal Implications

- 4.3.1 The Council has the power to do anything that will facilitate the discharge of its duties. (Local Government Act, 1972 s.111)

4.4 Recommendation

- 4.4.1 That the Committee adopts the staff handbook, removing the draft absence and code of conduct policies as separate documents due to their inclusion within the handbook and delegates to the Town Clerk to make any amendments to the Handbook as may be required from time to time in consultation with the Human Resources external provider in consultation with the chair of Human Resources for issue to Staff members at each change. This document to be reviewed by the Committee annually.
- 4.4.2 That the Committee considers amendments to the Bullying and Harassment policy and recommends its adoption to Full Council.

4.5 Reason for Recommendation

- 4.5.1 To ensure all policies remain relevant and active documents in support of the work of the Council and the residents of Shaftesbury

(End) Report Author: Claire Commons, Town Clerk & RFO

5 Staffing Review

To consider commissioning an independent staffing review of the Town Council (10 min)

[\(Local Government Act, 1972 s.111\)](#)

5.1 Summary

5.1.1 The Council has an ambitious strategic plan and it's routine business has also grown over the past few years. The Committee is asked to consider an independent review of staffing, roles, responsibilities and salaries in reflection of this.

5.1.2 To ensure an independent and unbiased assessment is provided, it is recommended that an external provider is commissioned to carry out this work.

5.2 Scheme of Delegation

5.2.1 The Human Resources Committee is delegated to review the town council staffing structure and requirements. (Shaftesbury Town Council HR Terms of Reference, 2019)

5.3 Financial Implications

5.3.1 Costs are currently being sourced and will be made available as soon as they have been received.

5.4 Legal Implications

5.4.1 The Council has the power to do anything which is calculated to facilitate or is conducive to the discharge of any of its functions. (Local Government Act, 1972 s.111)

5.5 Recommendation

- 5.5.1 That the Committee engages an independent consultant to advise on the Council's staffing requirements and that the Town Clerk is authorised to take all such steps as she considers necessary to comply with this resolution.

5.6 Reason for Recommendation

- 5.6.1 To ensure that the Council is adequately resourced.

(End)

Report Author:

Claire Commons, Town Clerk & RFO

6 Committee Terms of Reference

To review the Committee's Terms of Reference

(5 min)

(Local Government Act, 1972 s.111)

6.1 Summary

- 6.1.1 The Council has resolved to refer the Terms of Reference to each committee for consideration and recommendation back to Full Council. (See minutes of Annual Meeting 29th September 2020)
- 6.1.2 The existing Terms of Reference are shown below
- 6.1.3 An alternative Terms of Reference for the Committee was proposed in February and may be considered as a replacement or to prepare a hybrid of both. Those can be viewed at <https://www.shaftesbury-tc.gov.uk/wp-content/uploads/2020/02/2020-02-18-FC-Agenda.pdf>

6.2 Scheme of Delegation

- 6.2.1 The Terms of Reference for each of the Council's Committees, Sub Committees, Advisory Committees and Joint Committees (as appropriate) shall be appended to the Scheme of Delegation and reviewed annually in their entirety.

6.3 Financial Implications

- 6.3.1 There are no financial implications arising from this report.

6.4 Legal Implications

- 6.4.1 The Council has the power to do anything which is calculated to facilitate, or is conducive to the discharge of any of its functions. (Local Government Act, 1972 s.111)

6.5 Recommendation

- 6.5.1 That the Committee reviews its existing terms of reference and recommends amendments and subsequent adoption to Full Council.

6.6 Reason for Recommendation

- 6.6.1 To provide accurate and appropriate terms of reference fitting with the work of the Council and clear delegation where appropriate from Council to Committee.

6.7 Existing Terms of Reference

HUMAN RESOURCES COMMITTEE

Delegation

1. Shaftesbury Town Council has agreed to adopt the Human Resources Committee Terms of Reference at its meeting held on [] and has recorded the decision under Minute FC[].
2. Shaftesbury Town Council will consider renewing these Terms of Reference at its Annual Meeting each year.

Procedures

1. The committee will operate within Shaftesbury Town Council's Standing Orders
2. At the first meeting of the Committee, if not already done at the Annual Meeting, it shall elect a chairman and vice-chairman for this Committee for the forthcoming year from amongst its members. The Chairman and Vice-Chairman may be re-elected.
3. The committee will submit its minutes of meetings for adoption at the next ordinary meeting of the Committee.
4. The Committee shall submit a draft budget and / or project considerations for the forthcoming financial year during September for inclusion in the budget setting process.
5. The Committee Services Officer will provide administrative support for the Committee.

Meetings

1. The Committee shall consist of FIVE Councillors.
2. The quorum of the Human Resources Committee will be THREE Members.
3. Three other Councillors will be available as reserve members of the committee for the remainder of this municipal year, those three Councillors, in order of who will be called first, will be;

1. Councillor Taylor
2. Councillor Proctor
3. Councillor Hall

4. The Committee shall meet as and when required in the Mayor's Parlour, Town Hall, High Street, Shaftesbury Dorset SP7 8LY at a time to be agreed by the Chair and the Town Clerk.

Terms of Reference

1. To advise the Council on all human resources matters relating to the Council and its staff team.
2. To consider the annual pay awards for all staff employed by the Council and make appropriate recommendations to the Council.
3. To consider all matters relating to the probationary periods of the Clerk. To ensure that the Clerk carries out a suitable probationary process for all other new employees.
4. To carry out the Town Clerk's staff appraisal and agree annual objectives.
5. To ensure that annual appraisals are carried out for all other staff, and to receive and note annual appraisals of all other staff employed by Shaftesbury Town Council.
6. To consider, advise and agree on relevant training requirements for staff and councillors within the agreed training budget of the Council.

7. To review the Town Council's staffing structure annually to enable the Council to continue to deliver high quality services.
8. To review staffing requirements and job descriptions and to revise as necessary.
9. Carry out any initial personnel investigations and request relevant supporting documents and evidence when appropriate
10. Liaise with Council's Human Resources consultants, where appropriate to obtain advice, guidance and information when required.
11. Recommend to Full Council the appointment of employees in accordance with agreed establishment including the appointment of the Town Clerk, the Responsible Finance Officer, and any officer of Senior Office grade and above.
12. Consider and make recommendations to Council in respect of terms and conditions of employment, grading, salaries and allowances for employees of the Council.
13. Power to terminate the employment of employees of the Council on disciplinary grounds subject to the terms and conditions of service of the employee including the Code of Conduct and Disciplinary Rules and Procedure applicable to those employees.

14. Power to terminate the employment of employees of the Council on Capability or Ill Health grounds, subject to following the appropriate process and obtaining (or attempting to obtain) the appropriate medical and HR advice.
15. Empowered to consider and act on behalf of, in the name and without further reference to the Council:-
- a. To consider and make recommendations to Council to make or amend terms and conditions of employment
 - b. To make amendments to all staffing related policies, including Disciplinary Rules and Procedures, Grievance Procedures, Absence procedures and performance management processes for all employees, including officers of all grades, of the Council, and to, where necessary, consult with trade unions, recognised by the Council, in regard to locally agreed terms and conditions, all within the provisions of Employment Protection statutes;
 - c. Discipline and, where appropriate, dismiss any of the Council's employees as described in (a) in accordance with the Disciplinary Rules and Procedures made under the provision of (a)
 - d. Dismiss any employees described in (a) on grounds of redundancy as provided by and in compliance with Employment Protection Statutes
16. Select from its membership a person or persons to represent Shaftesbury Town Council at appropriate meetings and public enquiries to represent Shaftesbury Town Council's previously agreed views on matters that are the direct responsibility of the Human Resources Sub-Committee.

Disciplinary and Grievance Appeals Panels

1. The Appeals Panel will be empowered to consider an appeal by any employee of the Council referred to it in accordance with the appropriate Disciplinary Rules and Procedures or Employee Grievance Procedure, on behalf of, in the name and without further reference back to the Council or a Committee of the Council, and to endorse, rescind or amend the original decision on disciplinary action as it sees fit.
2. The Appeals Panel will be made up of not less than THREE members of the Full Council whom have had no previous involvement in the case.
3. Members of the Disciplinary Appeals Committee will not normally be members of the Human Resources Committee, unless the circumstances of the case mean that other councillors are not able to fulfil this role. This may occur for example in the case of lengthy absence of other Councillors, or where other Councillors have been directly involved in the case. In these exceptional circumstances, it may be necessary to include members of the HR Committee that did not hear the previous stages.
4. Members of the Appeals panel will be decided by the whole Council, and the Council's decision will be final.

Adopted 23rd July 2019

6.8 Alternative Terms of Reference

THE HUMAN RESOURCES COMMITTEE

- a) Membership and Frequency of Meeting
 - i) 5 members of the Council who will meet as committee at least once per year or as required
 - ii) Members to be appointed by Full Council each year.
 - iii) Quorum 3
- b) Matters for consideration and determination: provided they have no impact on approved budgets:
 - i) Recommendations to Full Council concerning dismissal of Town Clerk
 - ii) Recommendation to Full Council concerning the dismissal of the RFO (where this role is separate from the Town Clerk)
 - iii) Final decision on staff structures and Consideration of staffing reviews
 - iv) Salaries & Conditions of service
 - v) Approval of employment policies, in accordance with STC's Policy1 Management Policy
 - vi) Matters related to grievance, disciplinary and capability matters for the Town Clerk and Business Manager, in accordance with the Council's Grievance Policy and the Council's Disciplinary & Appeals Policy
 - vii) Appraisal of the Town Clerk
 - viii) Consideration of appeal against dismissal by Town Clerk or Business Manager, in accordance with the Council's policies
 - ix) Any matter requiring additional or new budget provision outside that previously agreed by the Council in respect of the above work areas shall be referred to the Finance and Governance committee for final consideration and determination

- x) Any matter may be referred by the Committee to the Full Council or the Finance and Governance Committee for information or final approval
- xi) Any other matter which may be delegated to it by the Full Council from time to time

Report Author:

Claire Commons, Town Clerk & RFO

7 Confidential Session

To consider entering confidential session for consideration of staffing matters (1 min)

(Public Bodies [Admission to meetings] Act, 1960)

7.1 Summary

7.1.1 A meeting of a council must be open to the public and the press. They can be excluded only by a resolution if publicity would prejudice the public interest by reason of the confidential nature of the business or for some other reason stated in the resolution and arising out of the business to be transacted. The power to exclude is not exercisable generally but only for a particular occasion. (Public Bodies [Admission to meetings] Act, 1960). These rules apply equally to committees of the council. (Local Government Act, 1972 s.100)

7.2 Legal Implications

7.2.1 Information relating to any individual, information which is likely to reveal the identity of an individual and information relating to the financial or business affairs of any particular person are exempt from public disclosure. (Local Government Act, 1972 Sch 12a)

7.3 Risk

7.3.1 There is a risk that the ICO would likely regard it as a serious criminal data breach if personal information as referred to in the confidential report was shared with anyone outside the HR Committee and any secondary disclosure by members of the HR Committee would be regarded as a breach of the code of conduct.

7.4 Recommendation

- 7.4.1 That under legislation (Public Bodies (Admission to Meetings Act, 1960 s1), the public and press should be excluded from the remaining agenda items by reason of the likely disclosure of exempt information relating to any individual..

7.5 Reason for Recommendation

- 7.5.1 To protect the Council against the unlawful disclosure of confidential information.

(End)

Report Author:

Claire Commons, Town Clerk and RFO

8 Staffing Budget

To consider the second draft of the staffing budget for 2021 – 2022

(20 min)

[\(Local Government Act, 1972 s.112\)](#)

8.1 Summary

8.1.1 The Committee will be provided with a confidential staffing budget report for recommendation to Council.

8.2 Recommendation

8.2.1 That the staffing budget is confirmed appropriate for the Council's business needs for the year 2021-2022 and recommended to Full Council.

8.3 Reason for Recommendation

8.3.1 To ensure adequate staffing resources for the coming financial and municipal year.

(End)

Report Author:

Claire Commons, Town Clerk & RFO

9 Staffing Matters

To consider report from the Clerk on staffing matters

(15 min)

[\(Local Government Act, 1972 s.111\)](#)

9.1 Summary

9.1.1 The Committee will be given an overview of staffing matters including but not limited to training, annual leave, covid-19 implications and appraisals.

9.2 Recommendation

9.2.1 To receive and note the report and resolve any matters arising.

9.3 Reason for Recommendation

9.3.1 To provide the committee with an overview of staff management.

(End)

Report Author:

Claire Commons, Town Clerk & RFO