

Joint staff committee procedure rules

Purpose of the committee

1. South Oxfordshire and Vale of White Horse district councils have appointed this committee to undertake those non-executive functions relating to the employment of officers in the shared management structure.
2. The terms of reference for this committee are to:
 - establish the framework and procedure for recruitment and appointment of the chief executive, head of paid service, monitoring officer, chief finance officer and heads of service;
 - determine the terms and conditions of service to apply to the chief executive;
 - act as the appointment panel for interviewing for the chief executive, head of paid service, monitoring officer, chief finance officer and heads of service posts, to appoint heads of service and in the case of the chief executive, head of paid service, monitoring officer and chief finance officer to make recommendations on appointments to each council;
 - consider any proposed redundancy dismissals of the chief executive, head of paid service, monitoring officer or chief finance officer, and to make recommendations on redundancy dismissals to each council;
 - consider any proposed redundancy dismissals of heads of service other than the monitoring officer and chief finance officer, and to make recommendations to the head of paid service;
 - determine any proposed efficiency retirement of the chief executive and head of paid service, subject to proposals for enhanced benefits being determined by the Joint Audit and Governance Committee; and
 - consider any proposed efficiency retirements of heads of service and to make recommendations to the head of paid service, subject to proposals for enhanced benefits being determined by the Joint Audit and Governance Committee;
 - approve the sign off of any probationary period for the chief executive and head of paid service;
 - undertake development and performance reviews for the chief executive and head of paid service (based on the objectives and targets for the chief executive and head of paid service set by the leaders);
 - appoint panels to suspend the chief executive and to take disciplinary action against and to make recommendations to the employing Council on matters relating to the dismissal of the chief executive, head of paid service, monitoring officer and chief finance officer in accordance with the procedures set out in the officer employment procedure rules;
 - appoint panels to determine appeals against disciplinary action against the chief executive, head of paid service, monitoring officer, chief finance officer and heads of service, in accordance with the procedures set out in the officer employment procedure rules.

Membership

3. The committee will comprise:

- South Oxfordshire District Council – Leader and two councillors (politically balanced unless otherwise agreed by Council with no-one voting against).
 - Vale of White Horse District Council – Leader and two councillors (politically balanced unless otherwise agreed by Council with no-one voting against).
4. The leader may be substituted by another Cabinet member. Other members of the committee may be substituted by any other member of the council (Cabinet or non-Cabinet and from any political group). The chairman or the vice-chairman of Council shall not act as chairman or vice-chairman of the committee.

Appointment of sub-committees

INVESTIGATION AND DISCIPLINARY SUB-COMMITTEES

5. The committee may appoint on an ad hoc basis, and agree procedures, for an investigation and disciplinary sub-committee with powers to:
- (a) consider disciplinary and capability matters relating to the chief executive, head of paid service, monitoring officer or chief finance officer;
 - (b) consider grievances relating to the chief executive and head of paid service;
 - (c) suspend the chief executive and head of paid service pending an investigation;
 - (d) appoint an independent investigator to investigate allegations of misconduct or capability relating to the chief executive, head of paid service, monitoring officer or chief finance officer;
 - (e) appoint an independent investigator to investigate grievances relating to the chief executive and head of paid service.
6. Each sub-committee will be politically balanced and comprise three members of the joint staff committee (two members from the employing council, including at least one member of the cabinet, and one from the non-employing council).

APPEALS SUB-COMMITTEES

7. The committee may appoint on an ad hoc basis, and agree procedures for, an appeals sub-committee to consider appeals against any decisions made by the investigation and disciplinary sub-committee to take disciplinary action against the chief executive, head of paid service, monitoring officer or chief finance officer, with the exception of a decision to recommend Council to dismiss the chief executive, head of paid service, monitoring officer or chief finance officer.
8. Each sub-committee will be politically balanced and will comprise three members of the joint staff committee (two members from the employing council, including at least one member of the cabinet, and one from the non-employing council). No councillor who was a member of the investigation and disciplinary sub-committee making the decision which is the subject of the appeal may be a member of the appeals sub-committee.

Time and place of meetings

9. The time and place of meetings will be notified in the agenda for each meeting.

Notice of and agenda for meetings

10. Meetings of this committee will be arranged as required.
11. The head of legal and democratic services will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic services will publish the agenda on the council's website and make it available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available.

Chairman of meetings

12. The chairman (or vice-chairman in their absence), appointed by the committee each year, will preside over meetings and lead and guide the work of the committee.

Quorum

13. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chairman counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next meeting.
14. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chairman.

Duration of meetings

15. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, votes for the meeting to continue for a further period to complete the business on the agenda.

Meeting procedure

16. The committee shall consider the following business:
 - (a) To receive any apologies and notifications of substitutes;
 - (b) Declarations of disclosable pecuniary interests and other interests;
 - (c) Minutes of the previous meeting; and
 - (d) The business otherwise set out on the agenda for the meeting.

Public participation

17. An application to speak must be made in writing or by email to democratic services democratic.services@southandvale.gov.uk by 5.00 pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.
18. The public may address a committee meeting by asking a question, making a statement or presenting a petition and may speak for up to three minutes each. Every question, statement or petition must relate to an agenda item for that meeting. Public questions, statements or petitions will only be accepted at a special meeting of the committee if they relate to the item due to be discussed at that meeting.
19. The public address session will be limited to 15 minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.
20. Questions or statements will be considered by the meeting in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chairman may group these together.
21. The chairman of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

Voting

MAJORITY

22. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

CHAIRMAN'S CASTING VOTE

23. If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote. If the chairman does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

SHOW OF HANDS

24. Unless a recorded vote is requested under rule 25, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

RECORDED VOTE

25. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

Minutes

26. The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

Record of attendance

27. All councillors present must sign the attendance list provided at the meeting.

Exclusion of the public

28. The public and press may only be excluded from attending a committee meeting for the consideration of confidential or exempt business or under rules 34 and 35 (disturbance by the public).

Councillors' conduct

29. If more than one councillor speaks, the chairman will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

CHAIRMAN SPEAKING

30. When the chairman speaks during a debate, any councillor speaking at the time must stop.

COUNCILLOR NOT TO BE HEARD FURTHER

31. If a councillor persistently disregards the ruling of the chairman by behaving improperly or offensively or deliberately obstructs business, the chairman may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

COUNCILLOR TO LEAVE THE MEETING

32. If the councillor continues to behave improperly after such a motion is carried, the chairman may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

GENERAL DISTURBANCE

33. If there is a general disturbance making orderly business impossible, the chairman may adjourn the meeting for as long as he/she thinks necessary.

Disturbance by the public

REMOVAL OF A MEMBER OF THE PUBLIC

34. If a member of the public interrupts the meeting, the chairman will invite the person to stop. If they continue to interrupt, the chairman will order their removal from the meeting room.

CLEARANCE OF PART OF THE MEETING ROOM

35. If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared and if necessary adjourn the meeting for as long as he/she thinks necessary.

Attendance by other district councillors at meetings

36. With the agreement of the committee, any councillor may attend a meeting of the committee. With the consent of the chairman he/she may speak, but not vote, on any item on the agenda for the meeting.