

PART 10 – AREA FORUMS, TASK GROUPS AND OTHER COMMITTEES

10.1 Area Forums / Area Committees

10.1.1 The Council has endorsed the principle of introducing some form of area based approach (such as area forums or committees) if the right model for Torfaen can be found.

10.2 Task Groups

10.2.1 Task Groups can be established by the Council, the Cabinet, an Overview and Scrutiny Committee and the Democratic Services Committee. A Task Group is a group of people joined temporarily to accomplish some task such as gathering information, identifying options and the like but a Task Group will not undertake any function for or on behalf of the Council or the Cabinet or provide advice to the Council or its committees or to the Executive on the discharge of their respective functions. Any proposal to establish a Task Group must be based on the following principles:

- Task Groups would be Member led but could be Member/Officer Groups and could involve representatives from other agencies;
- The Task Groups could operate on a 'task and finish' or 'standing' basis.

10.2.2 Task Groups are informal in their operation and fall outside Access to Information requirements. Each will report back to their parent body as that parent body decides is appropriate.

10.3 Appointments Committee

10.3.1 The Appointments Committee is made up of 11 Members, 10 of whom are appointed by Council. It must include at least one Member of the Executive but must not comprise a majority of the Executive. It will elect its chair at the beginning of each meeting.

10.3.2 The eleventh Member of the Committee will be the Executive Member who holds the portfolio most relevant to the appointment being made. Where more than one Executive Member holds the portfolio the Leader will decide which Executive Member will sit on the committee. If the appointment being made is not relevant to any Executive Member Portfolio, then the Committee will consist of the 10 Members appointed by Council.

10.3.3 The Appointments Committee discharges the function of the Council relating to the appointment of certain officers of the Council as set out in the terms of reference in paragraph 10.3.4

10.3.4 The Terms of Reference of the Appointments Committee are:

- To Appoint the Deputy Chief Executive and Strategic Directors responsible for Neighbourhoods, Social Care and Housing and Education;
- To agree any material change to the statement of the duties of the above posts and the required qualifications or qualities to be sought in the person appointed;
- To interview applicants for the above posts;
- To be involved in all stages of the selection process for the above Officers as considered necessary or desirable by the Chief Executive.

10.3.5 The table below summarises the appointment process for employees within the Council.

CATEGORY OF EMPLOYEE/ROLE	PROCESS
Chief Executive, S151 Role, Monitoring Officer Role, Head of Democratic Services role and any other statutory roles assigned to appropriate posts	Appointment by Full Council Short listing Decision taken by the Chief Executive# and Head of Human Resources and Pensions in consultation with the Leader and the Executive Member* for appropriate service plus Executive Member* for Resources and Corporate Governance.
Deputy Chief Executive and Strategic Directors responsible for Neighbourhoods, Social Care and Housing and Education	Appointment by Appointments Committee. Short listing: Decision taken by Chief Executive/Deputy Chief Executive and Head of Human Resources and Pensions in consultation with the Executive Member* for appropriate service plus Executive Member* for Resources and Corporate Governance.
All other Officers	Appointment in accordance with the process determined by the Head of Paid Service

In the circumstances of the appointment of the Chief Executive an approved external consultant would be employed to advise on short listing.

* It is anticipated that consultation with Executive Members will take place following interviews or meetings that the Executive Members have attended.

Statutory Provisions:-

Section 101 and Part VA of the Local Government Act 1972

10.4 Investigations Committee

10.4.1 Where it appears to the Council that an allegation of misconduct which may lead to disciplinary action has been made against

- The Chief Executive
- The Monitoring Officer
- The Chief Financial Officer
- Head of Democratic Services

("the relevant officer") the Council must appoint an Investigation Committee to consider the alleged misconduct.

10.4.2 No disciplinary action (other than action to which 10.5.3 applies) in respect of the Chief Executive (unless the Chief Executive is also a Council Manager of the Authority), its Monitoring Officer, its Head of Democratic Services or its Chief Financial Officer may be taken by the Council or by a Committee, a sub Committee, a Joint Committee on which the authority is represented or any other person acting on behalf of the authority other than in accordance with the recommendation in the report made by a designated independent person under Regulation 9 of the Local Authorities (Standing Order) (Wales) Regulations 2006 (investigation of alleged misconduct).

10.4.3 The action to which this paragraph applies is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; provided such suspension is on full pay and terminates no later than the expiry of two months beginning on the day on which the suspension takes effect.

10.4.4 The Investigation Committee must ;

10.4.4.1 Consist of a minimum of three members of the Council.

10.4.4.2 Be politically balanced in accordance with Section 15 of the Local Government and Housing Act 1989 and must within one month of its appointment consider the allegation of misconduct and decide whether it should be further investigated.

10.4.5 For the purpose of considering the allegation of misconduct the Investigation Committee;

10.4.5.1 May make such enquiries of the relevant officer or any other person it considers appropriate;

10.4.5.2 May request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and

10.4.5.3 May receive written or oral representations from the relevant officer or any other person it considers appropriate.

10.4.6 Where it appears to the Investigation Committee that an allegation of misconduct by the relevant officer should be further investigated, it must appoint a person (“the designated independent person”).

10.4.7 The designated independent person who is appointed

10.4.7.1 Must be such a person as may be agreed between the Council and the relevant officer within one month of the date on which the requirement to appoint the designated independent person arose; or

10.4.7.2 Where there is no such agreement must be such a person as is nominated for the purpose by the National Assembly for Wales.

10.4.8 The designated independent person

10.4.8.1 May direct

- (i) That the Council terminate any suspension of the relevant officer
- (ii) That any suspension is to continue after the expiry of the period referred to in paragraph 10.4.3 above
- (iii) That the terms on which any such suspension has taken place are to be varied in accordance with the directions; or
- (iv) That no steps (whether by the Council or any Committee, sub Committee or officer acting on behalf of the Council) by way of disciplinary action or further disciplinary action against the relevant officer other than steps taken in the presence or with the agreement of the designated independent person are to be taken before a report is made under 10.4.8.3 below.

10.4.8.2 May inspect any documents relating to the conduct of the relevant officer which are in the possession of the Council or which the Council has power to authorise designated independent person to inspect;

10.4.8.3 Must make a report to the Council

- (i) Stating an opinion as to whether (and if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officers;
- (ii) Recommending any disciplinary action which appears appropriate for the relevant authority to take against the relevant officer; and

10.4.8.4 Must no later than the time at which the report is made under 10.4.8.3 send a copy of the report to the relevant officer.

10.4.8.5 Subject to 10.4.10, the relevant officer and relevant Council must after consulting the designated independent person attempt to agree a timetable within which the designated independent person is to undertake the investigation.

10.4.9 Where there is no agreement under 10.4.8.5 the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.

10.4.10 The Council must consider the report prepared by the independent person under 10.4.8.3 above within one month of receipt of that report.

10.4.11 A relevant authority must pay a reasonable remuneration to a designated independent person appointed by the Investigation Committee and any costs incurred by or in connection with the discharge of functions under this regulation.

10.4.12 These rules do not apply in the case of a Head of Paid Service who is also the Council Manager.

10.5 Democratic Services Committee

10.5.1 The Democratic Services Committee (The Committee) was established by Council on 26 June 2012 as required by the Local Government (Wales) Measure 2011 (“the Measure”)

10.5.2 Its remit is to:

- Exercise the function under Section 8(1)(a) of the Measure (Designation of Head of Democratic Services)
- Review the adequacy of provision by the Authority of staff, accommodation and other resources to discharge democratic services functions;
- Make reports and recommendations to the Authority in relation to such provision;
- Drive the Member Support and Development process for the Council, including ensuring the Council builds on its successes in line with the Wales Charter for Member Support and Development;
- Take overall responsibility for deciding what should be regarded as reasonable training and development opportunities for councillors, keeping the Member Development Strategy updated and ensuring its delivery;
- Act as a sounding board for issues affecting elected Members, including members annual reports, personal development reviews for councillors, role descriptions for councillors and other appropriate matters;

- Develop policies on other matters relating to the role of the Elected Member; and
- Identify potential Member support/development needs and solutions.

10.5.3 Each member of the Committee must be a member of the Authority. No more than one of the members of the Committee can be a member of the Cabinet. The Leader cannot be a member

10.5.4 The rules of political balance shall apply

10.5.5 The chair of the Committee is to be appointed by Council. The chair must not be a member of the Cabinet

10.5.6 The Committee may appoint one or more sub-committees and may arrange for the discharge of any of its functions by such a sub-committee. The chair of the sub-committee is to be appointed by the Democratic Services Committee

10.5.7 All members of the Committee or of a sub-committee may vote on any question that falls to be decided by the Committee. The Committee or sub-committee may:

- Require members and officers of the Authority to attend before it to answer questions and
- May invite other persons to attend meetings of the Committee.

10.5.8 The Committee must meet once in every calendar year. It must also meet if Council resolves that the Committee should meet or at least one third of the members of the Committee requisition a meeting by one or more notices in writing given to the person who chairs the Committee. The chair of the Committee has a duty to secure that meetings are held as required above.

10.6 Members Constitution Working Party

10.6.1 The Members Constitution Working Party was established by Council on 13 November 2007. It is not a formal committee and is therefore not subject to the usual access to information, political balance and other rules relating to committees.

10.6.2 Its remit is:

- To act as a consultative body for Council for changes that are recommended to the Constitution by way of update, clarity or to give effect to new legislation or regulations.
- To consider any other matter of a constitutional nature or which has constitutional effect that the Council refers to it; and
- To include making recommendations to Council on the number, size and remit of Committees, task groups and other bodies.

10.6.3 Its membership is set at a minimum of four and a maximum of seven

Statutory Provisions:

Section 101 and Part VA of the Local Government Act 1972

End of Part Ten