

SPECIAL COMMITTEE

MONDAY, 19 MARCH 2012

PRESENT:- Councillors Roderick Bluh (Chair), Garry Perkins (Vice-Chair), Jim Grant, Brian Mattock, Andy Harrison (Deputy), Russell Holland (Deputy) and Robert Wright (Deputy).

Councillor Des Moffatt attended the meeting in respect of Minute 31.

Apologies for absence were received from Councillors Mark Dempsey, David Renard and Stan Pajak.

24. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting.

25. Minutes

Resolved – That the minutes of the meeting held on 16th January 2012 be confirmed and signed as a correct record.

26. Public Question Time

No public questions were asked under Standing Order 28.

27. Exempt Items - Exclusion of Press and Public.

Resolved – That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in Agenda Item No. 9 of the Notice of the Meeting on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information concerned. (Minute 31 refers.)

28. Appointments to Outside Bodies: Highworth Recreation Centre Board.

The Director of Housing, Leisure, Libraries and Culture reported on the establishment of a new management board to oversee the operation of the Highworth Recreation Centre. The Board would comprise three Council representatives, two Highworth Town Council representatives and one representative of the Highworth Recreation Trust. In order for the Board to commence operation as soon as possible there was a requirement for the appointment of three Council representatives to serve on the Board.

Resolved – That Councillors Junab Ali, John Short, and Keith Williams be appointed to serve as representatives of the Council on the Board of the Highworth Recreation Centre for the remainder of the Municipal Year 2011/12.

29. Adjustment to Stronger Together Organisational Structure

The Leader of the Council and the Chief Executive submitted a joint report concerning proposed changes to the Council's Stronger Together Tier 2 Management Structure and detailing appointments to it, following the recommendations made in respect of Tier 2 appointments by the Council's Appointments Sub Committee on 24th October 2011.

The Head of Human Resources advised of proposed changes to the Tier 2 structure and the reasons why these had been necessary. She circulated a revised Appendix 1 to the joint report setting out the Council's Stronger Together Tier 2 Management Structure.

Councillor Bob Wright referred to the financial implications of the Council restructuring and believed that greater transparency regarding the pay structure and costs of Stronger Together and its management tiers would be welcomed by both Councillors and the public. The Chair confirmed that the Council was on target to achieve £1.2m of savings in Council management costs by April 2013. He was happy to discuss with the Head of Human Resources how more transparency could be provided on the pay structure associated with the Tier 1 and 2 Management Structure.

Resolved – That the Special Committee, on behalf of the Council:-

- (a) Approves the changes to the Council's Stronger Together Tier 2 Management Structure, as referred to in paragraphs 2.5 to 2.10 of the joint report, and agrees that this revised structure, as set out in the revised Appendix 1 to the joint report (as circulated at the meeting), be implemented by 1st April 2012 or on such date as may be determined by the Chief Executive.
- (b) Notes and endorses the appointments made by the Council's Chief Officers Appointments Sub-Committee on 24th October 2011.
- (c) Authorises the Director of Law and Democratic Services to amend the Council's Constitution accordingly.
- (d) Authorises the Chief Executive to finalise all outstanding terms and conditions that remain to be resolved, including titles and salaries, in consultation with the Leader of the Council to enable the revised structure to be implemented by 1st April 2012.

30. Chief Executive - Changes to Terms and Conditions of Employment

The Leader of the Council and the Head of Human Resources submitted a joint report concerning proposed changes to the terms and conditions of employment of the Council's existing Chief Executive.

The Chair referred to his discussions with the Chief Executive regarding his terms and conditions and the reasons why he believed the proposals put forward were in the best interests of the Council. With the consent of the meeting, he revised a recommendation within the joint report, and advised that the reference in recommendation (3) to "either party" should in fact say "the Council".

Councillor Andy Harrison referred to the potential financial implications for the Council of extending the Chief Executive's notice period, and his concern that in certain circumstances such an extension would not be in the best interests of the Council. The Chair commented on the timescale likely to be associated with the

recruitment of a new chief executive and expressed his belief that the proposal under consideration with regard to the notice period would not disadvantage the Council.

Resolved – That the Special Committee, on behalf of the Council:-

- (a) Notes the Chief Executive's wish to receive a further voluntary reduction in annual salary of 3%, to £161,003, with effect from 1st April 2012;
- (b) Agrees that the notice period for the Chief Executive, by either party, be extended from three months to six months and that the Chief Executive's terms and conditions be amended accordingly;
- (c) Notes that, if notice is given by the Council, then the Chief Executive's salary will revert to the substantive contractual rate of £178,475, with immediate effect from the date that notice is given and that any redundancy payment (if applicable) will be based on the substantive salary.

(Councillor Andy Harrison requested that his vote against the above decisions be recorded.)

31. Redundancy Severance

The Leader of the Council and the Chief Executive submitted a joint report concerning the redundancy severance arrangements for Employee No. 1437459.

The Head of Human Resources explained that, as a result of the Council's adoption of the Stronger Together Management Structure, Employee No. 1437459's existing job has been deleted from the establishment, and that not having been appointed to a role in the new structure and no suitable alternative roles being available within the organisation Employee No. 1437459 was now redundant.

The Director of Law and Democratic Services and the Head of Human Resources explained the reasons why, in view of the circumstances of this case, including the seniority of the post involved and the potential for legal challenge in relation to any redundancy situation, it was considered appropriate that a Compromise Agreement should be entered into.

In response to Members' questions, the Director of Law and Democratic Services and the Head of Human Resources provided clarification on the circumstances of the case, the nationally agreed terms and conditions applying to senior officer contracts, and the financial implications associated with the proposed redundancy severance arrangements in this case and in previous similar cases in which the Council has been involved..

Resolved – That the Special Committee on behalf of the Council –

- (a) Approve the redundancy severance arrangements for Employee No. 1437459.
- (b) Authorise the Director of Law and Democratic Services to conclude a compromise agreement between the Council and Employee No. 1437459, based on a final day of service of no later than 20th April 2012, and as set out in the joint report, unless otherwise agreed in consultation with the Leader of the Council and the Chief Executive.