

Swindon Borough Council

Special Committee

Monday, 10 December 2012

Function Room, Civic Offices (Anticipated meeting room)

At 4.30 p.m.

Conservative Councillors

Roderick Bluh (Chair)
David Renard (Vice-Chair)
Fionuala Foley
Garry Perkins
Brian Mattock

Deputies: *All other Cabinet Members*

Labour Councillors

Mark Dempsey
Jim Grant
Des Moffatt

Deputies: *All other Labour Shadow Cabinet Members*

Liberal Democrat Councillors

Stan Pajak
David Wood (Deputy)

Deputies: *All other Liberal Democrat Members*

(Copies to all other Members of the Council – For Information)

Committee Officer: Ian Willcox (Telephone: 01793 463601)
email: iwillcox@swindon.gov.uk

Swindon Borough Council can be contacted at the Civic Offices, Euclid Street, Swindon, SN1 2JH (Telephone 01793 445500)

AGENDA

PART 1 (PUBLIC ITEMS)

1. Apologies for Absence.

2. Declarations of Interest.

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

3. Minutes. (Pages 1 - 4)

To receive the minutes of the meeting held on 19th March 2012.

4. Exempt Items - Exclusion of Press and Public.

Certain items are expected to include the consideration of exempt information and the Standards Committee is, therefore, recommended to resolve "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 the items listed below, on the grounds that they involve the likely disclosure of exempt

information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information".

<u>Item No.</u>	<u>Paragraph No.</u>
8	1 and 2

5. Public Question Time.

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

6. Adjustment to the Organisational Structure. (CE) (Pages 5 - 22)

7. Appointments to Committees and Other Bodies. DLDS (Pages 23 - 26)

PART 2 (TO BE CONSIDERED WITHOUT THE PRESS AND PUBLIC PRESENT)

8. Redundancy Severance. (CE) (Pages 27 - 30)

Date of Despatch: 30 November 2012

Key:

Officers:

- CE - Chief Executive
- DLDS - Director of Law and Democratic Services

Public Question Time - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

Access Arrangements – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

Special Committee - Terms of Reference

The Special Committee shall have delegated to it the power to act for the Council on the advice of the Chief Executive on any policy decision or any particular matter that is urgent and necessary in the best interests of the Council.

The quorum of the Committee shall be three.

Deputy Members may be appointed at the Annual or any meeting of the Council.

Minutes of any proceedings of this Committee shall be submitted to the Council.

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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.

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Adjustment to the Organisational Structure

Special Committee

Date: 10 December 2012

Author: Leader of the Council and the Chief Executive
 Wards: All
 Locality Affected: None
 Parishes Affected: None

1. Purpose and Reasons

- 1.1 To seek Special Committee's endorsement, on behalf of the Council, to changes to the Tier 1 and Tier 2 structure, following the recent restructuring consultation processes.
- 1.2 The Council or its Special Committee is required to approve changes to the Council's Management Structure, which is set out in Part 7 of the Council's Constitution.

2. Recommendations

The Committee is recommended to:

- 2.1 Approve the changes to the Tier 1 and Tier 2 structure as set out in the report
- 2.2 Authorise the Chief Executive to implement the revised structure by 1 April 2013, or such earlier date as he may determine.
- 2.3 Authorise the Director of Law and Democratic Services to amend the Council's Constitution accordingly.

3. Detail

- 3.1 As part of this reduction in management costs we are proposing to reduce our Board Director posts by one. It is proposed to delete the post of Board Director Transformation and Strategic Projects.
- 3.2 As a result of the deletion of the post of Board Director Transformation and Strategic Projects, Tier 2 posts that previously reporting into this role, along with their teams, will align to remaining Board Member posts as shown below:

Job Title	New Reporting Line	Additional Information
Director of Law & Democratic Services	Board Director Commissioning (DCS/DASS)	Continued reporting line directly to the Chief Executive on Monitoring Officer matters

Further information on the subject of this report can be obtained from Nicola Houwayek, 07824 550456, nhouwayek@swindon.gov.uk.

Adjustment to the Organisational Structure

Special Committee

Date: 10 December 2012

Head of People & Change	Board Director Resources (previously Board Director Finance, Revenues, Benefits and Property)	Function to be renamed People & Development
Head of Strategy & Innovation	Board Director Commissioning (DCS/DASS)	Function to be renamed Strategy & Research
Head of Core Process, Information & Technology	Post Deleted	
Transforming Technology & Information Lead	Board Director Resources	Previously a Tier 3 post reporting into the Head of Core Process, Information & Technology. To be renamed Head of ICT Strategy.

- 3.3 Recognising the increasing accountability of the current post of Board Director Finance, Revenues, Benefits and Property, it is proposed that this post be renamed Board Director Resources.
- 3.4 In addition to the above changes, it is proposed that the Head of Corporate Finance role be formally expanded to include responsibility for change leadership in support of the Commissioning and Resources areas and that this post also undertakes the functional leadership and staff responsibility for the financial disciplines associated with reshaping the Council's financial resources (General Fund). This role will be renamed Change Leader and Head of Finance. The Board Director Resources would retain the statutory s151 duties for the Council's overall finances and direct responsibility for staff supporting the Housing Revenue Account, Capital, Schools and the more technical aspects of Finance.
- 3.5 The existing Stronger Together Programme Director post will provide the same change leadership support as outlined in Para 3.4 to Delivery and Localities and will retain the functional responsibility for the Stronger Together Programme Direction. This role will be renamed, Change Leader and Programme Director Stronger Together.
- 3.6 The posts of Change Leader and Head of Finance, and Change Leader and Programme Director Stronger Together, will be jointly responsible for directing organisation-wide change programmes and will therefore report to the Chief Executive for this new aspect of their roles. Reporting lines for the other elements of their roles will be unaffected.

Further information on the subject of this report can be obtained from Nicola Houwayek, 07824 550456, nhouwayek@swindon.gov.uk.

Adjustment to the Organisational Structure

Special Committee

Date: 10 December 2012

- 3.7 All the above changes have been formally consulted on with staff.
- 3.8 The current structure chart is shown at Appendix 1. The final proposed structure chart is shown at Appendix 2

4. Alternative Options

- 4.1 The Council could determine not to change its management structure. However, it is believed the proposal in the report is the most appropriate to enable the on-going delivery of Stronger Together and the Council's aims under One Swindon as well as providing necessary savings from management posts.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The reshaping of the enabling functions as a whole will contribute around £330k to the 2013-14 Budget savings. Within this, the reshaping of the Tier 1 and Tier 2 structure contributes £210k. These savings have been reflected in the Draft Budget proposals to be considered by Cabinet on 12th December 2012.

Legal and Human Rights Implications

- 5.2 The proposals are in accordance with the relevant statutory provisions and the relevant Council policies.
- 5.3 Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with convention rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.4 This report has no other specific implications.

Links to One Swindon, Strategic Objectives, Plans and Policies

- 5.5 There are specific links to One Swindon and to emerging Plans and Policies associated with Stronger Together.

Diversity Impact Assessment

- 5.6 Diversity Impact Assessments (DIA) were undertaken as part of the formal staff consultation process. No adverse impact was identified.

Risk Management

- 5.7 There are no significant identified risks.

Further information on the subject of this report can be obtained from Nicola Houwayek, 07824 550456, nhouwayek@swindon.gov.uk.

Adjustment to the Organisational Structure

Special Committee

Date: 10 December 2012

6. Consultees

- 6.1 The Board Director Finance, Revenues, Benefits and Property (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 – Current Structure Charts
8.2 Appendix 2 – Proposed Structure Charts

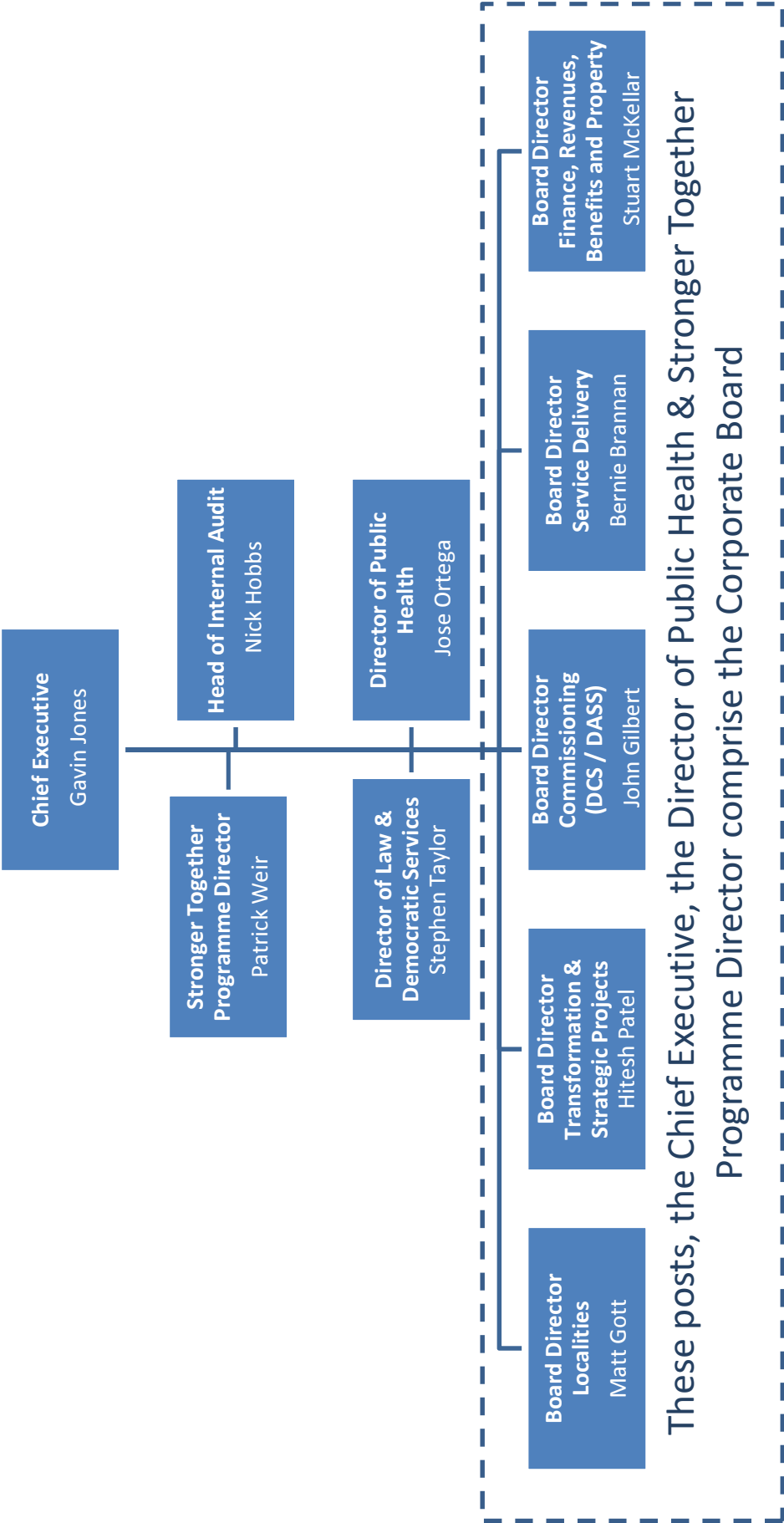
Confirmed Organisation Structure

Next Phase Stronger Together Consultation

Updated: 16/04/2012

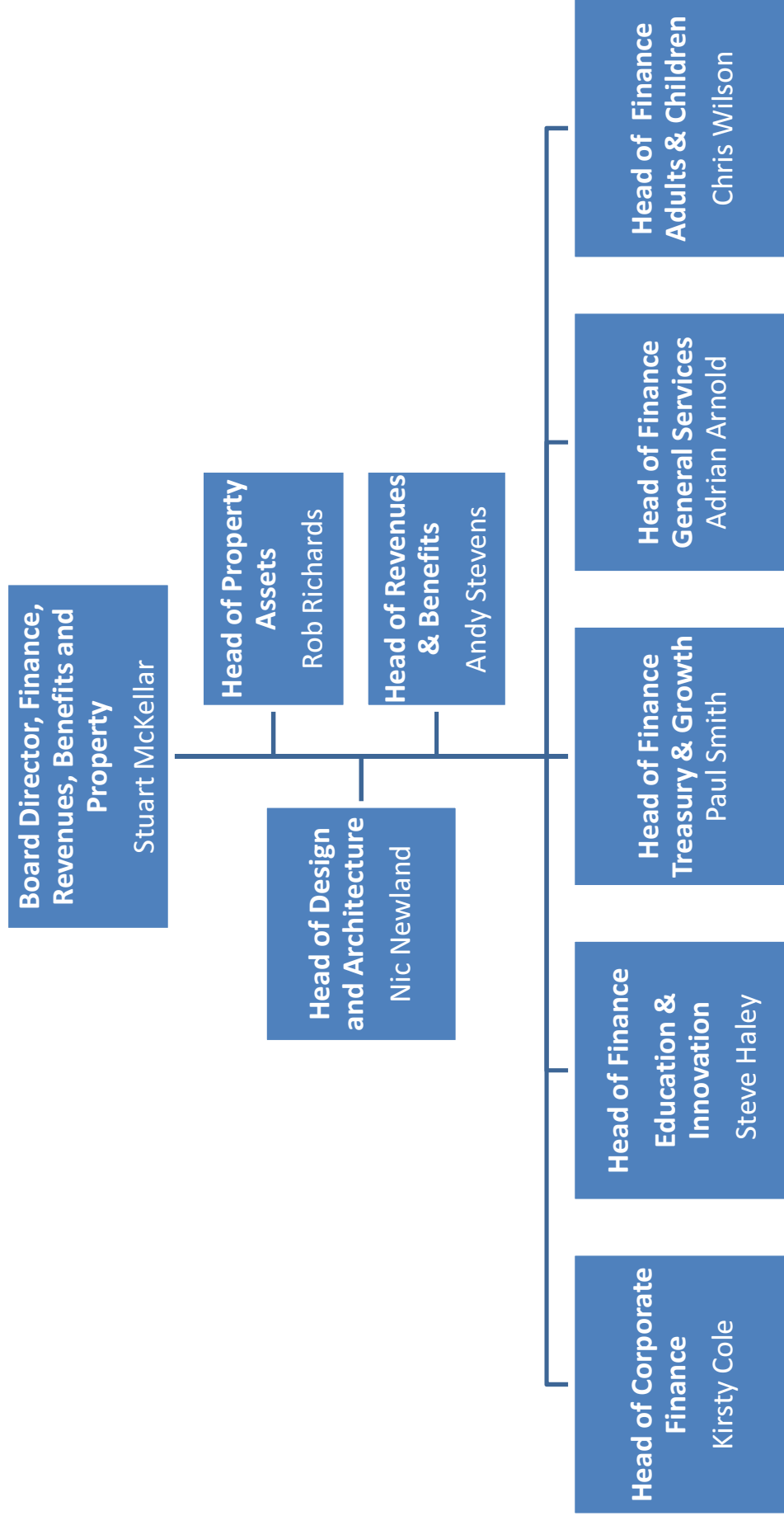
Stronger Together

Tier 1 & Corporate Board

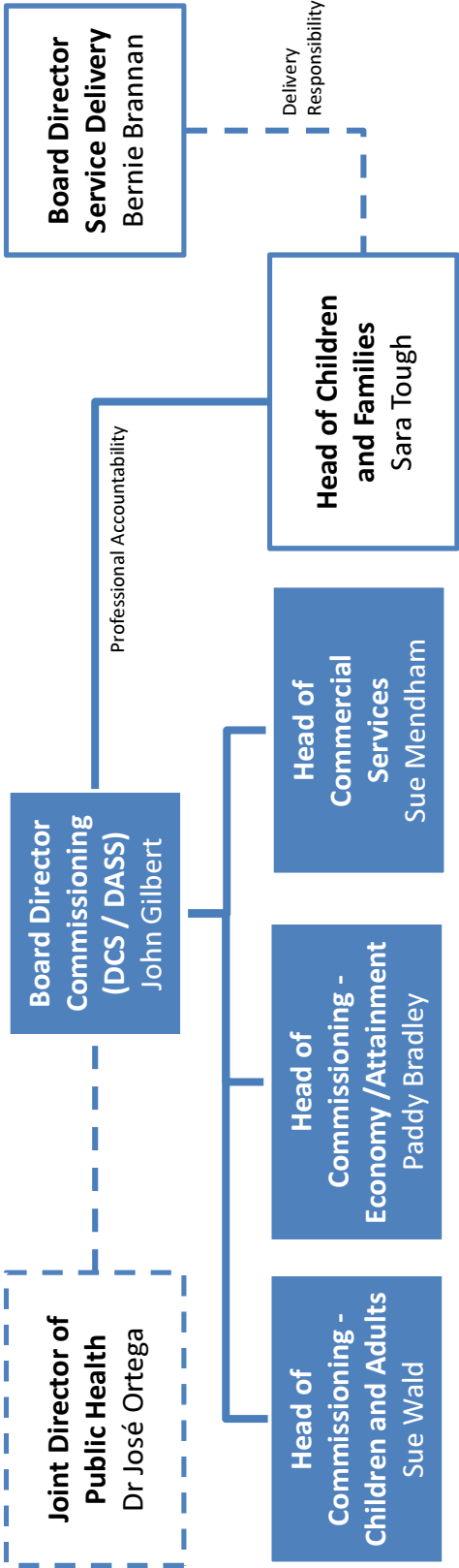


- The Director of Law and Democratic services reports to the Board Director – Transformation and Strategic Projects but has a dotted line link to the Chief Executive in his Monitoring Officer role.
- The Director of Public Health reports to the Chief Executive but has a dotted line link to the Board Director Commissioning.

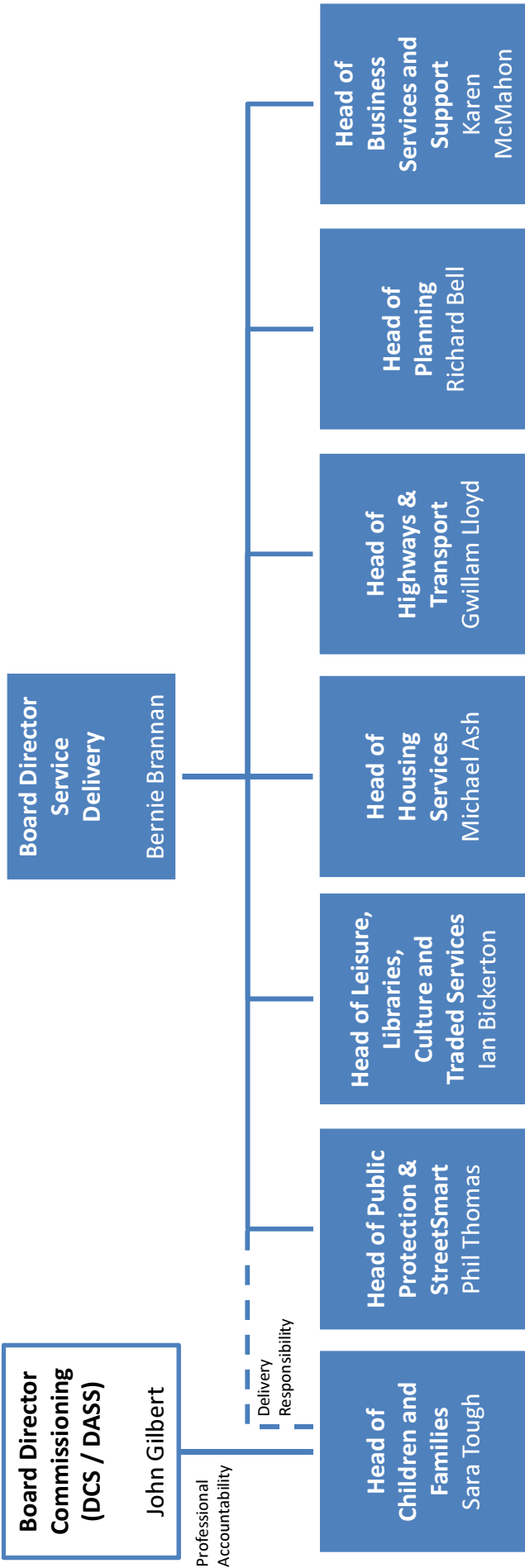
Finance, Revenues and Benefits, Property



Commissioning

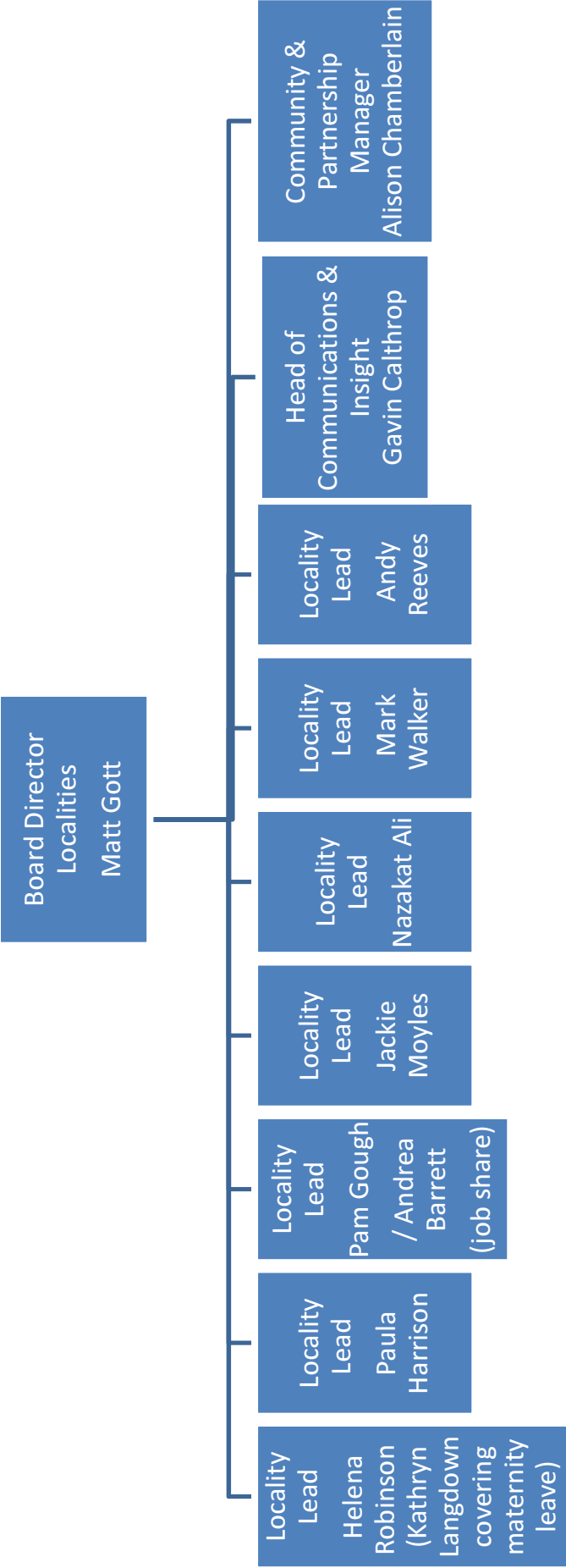


- Key
- - - Dotted line: Delivery Responsibility
 - Solid line: Professional Accountability

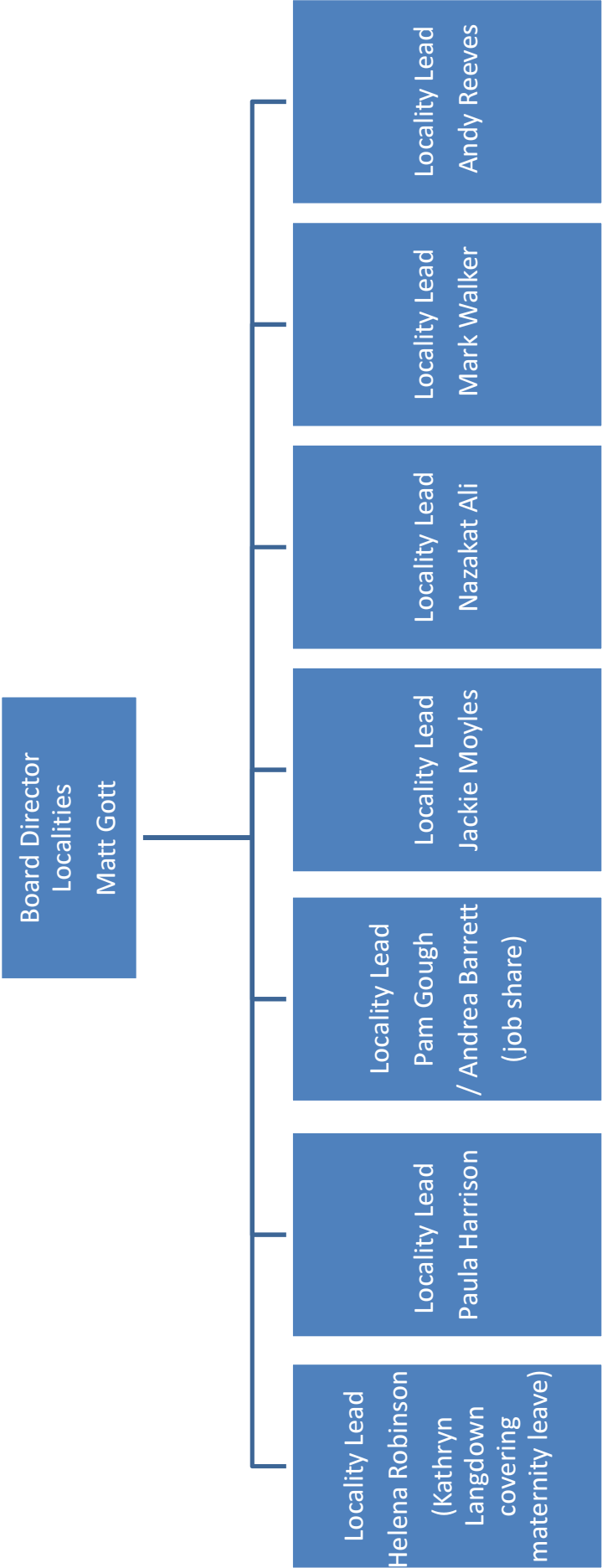


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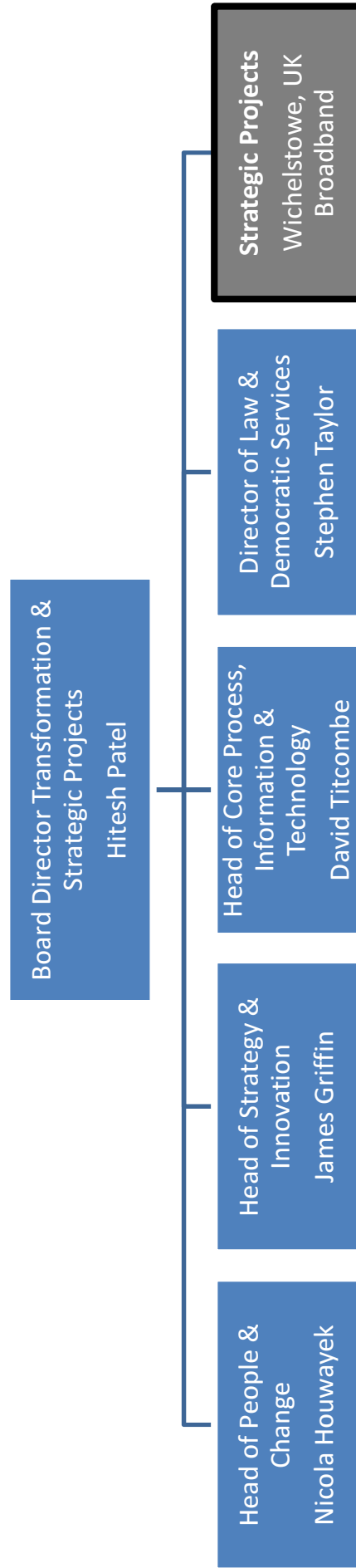
Confirmed Localities Structure



Confirmed Localities Structure



Confirmed Transformation and Strategic Projects

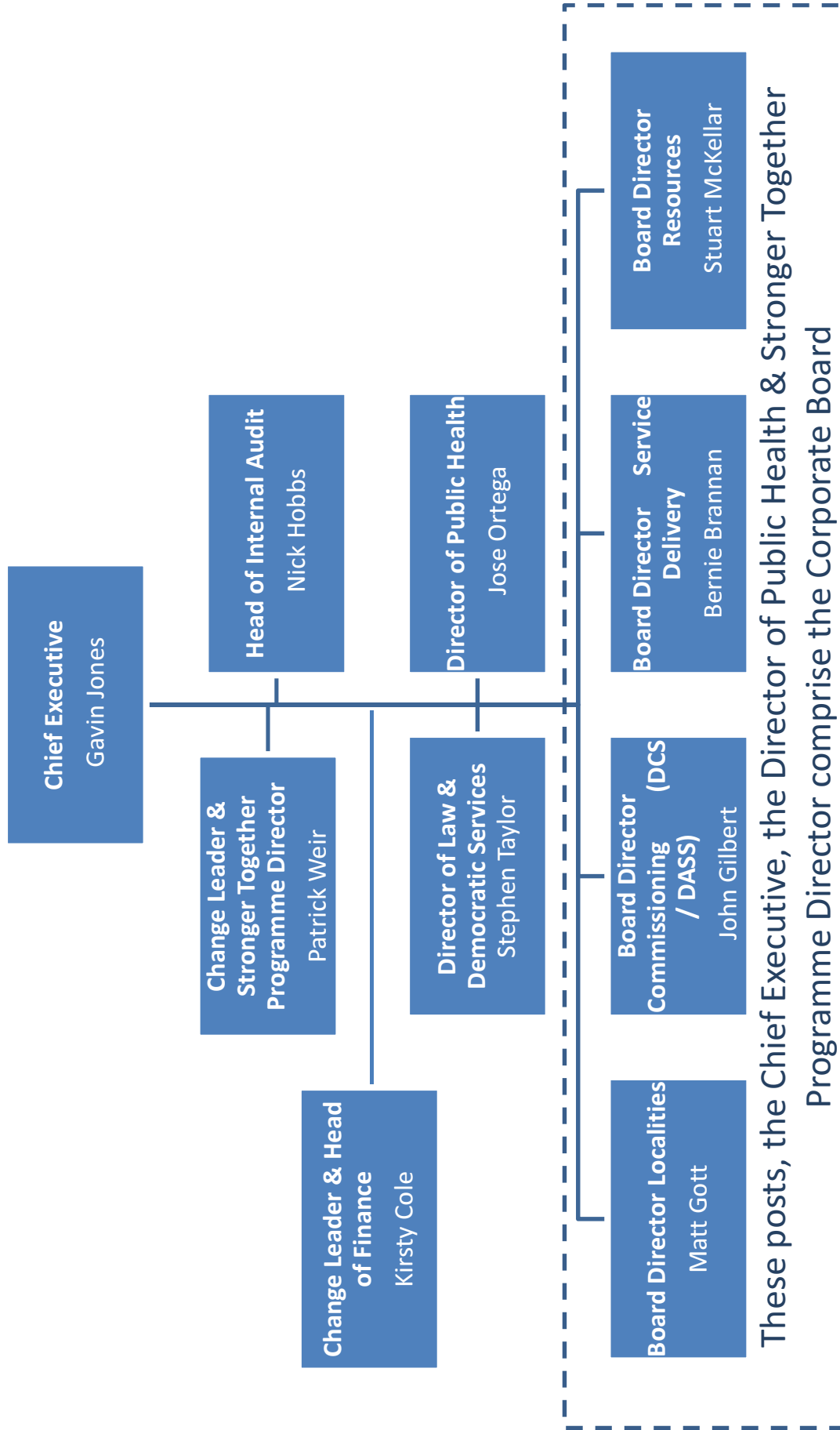


Proposed Organisation Structure

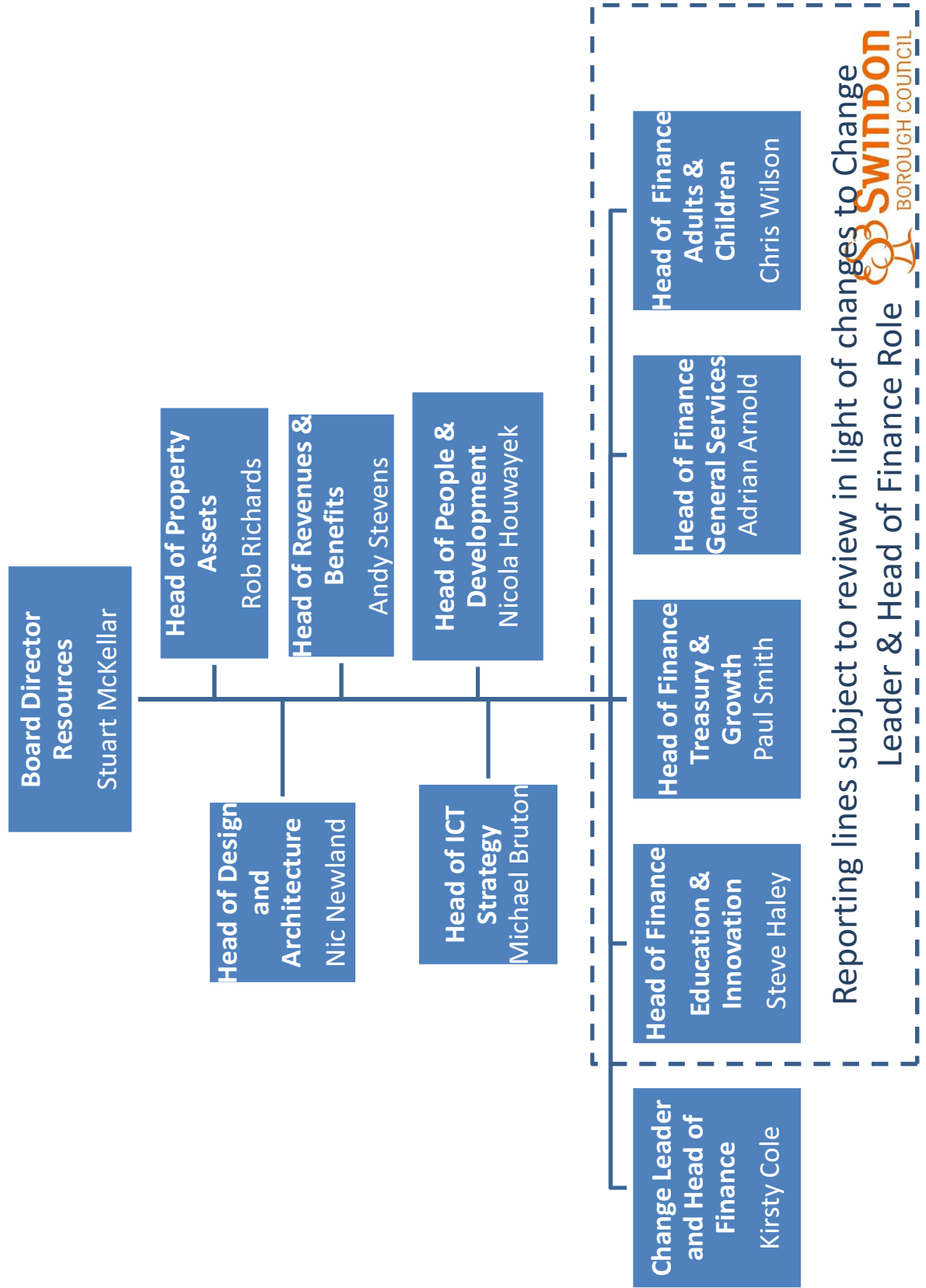
To be implemented by:

1/04/2013

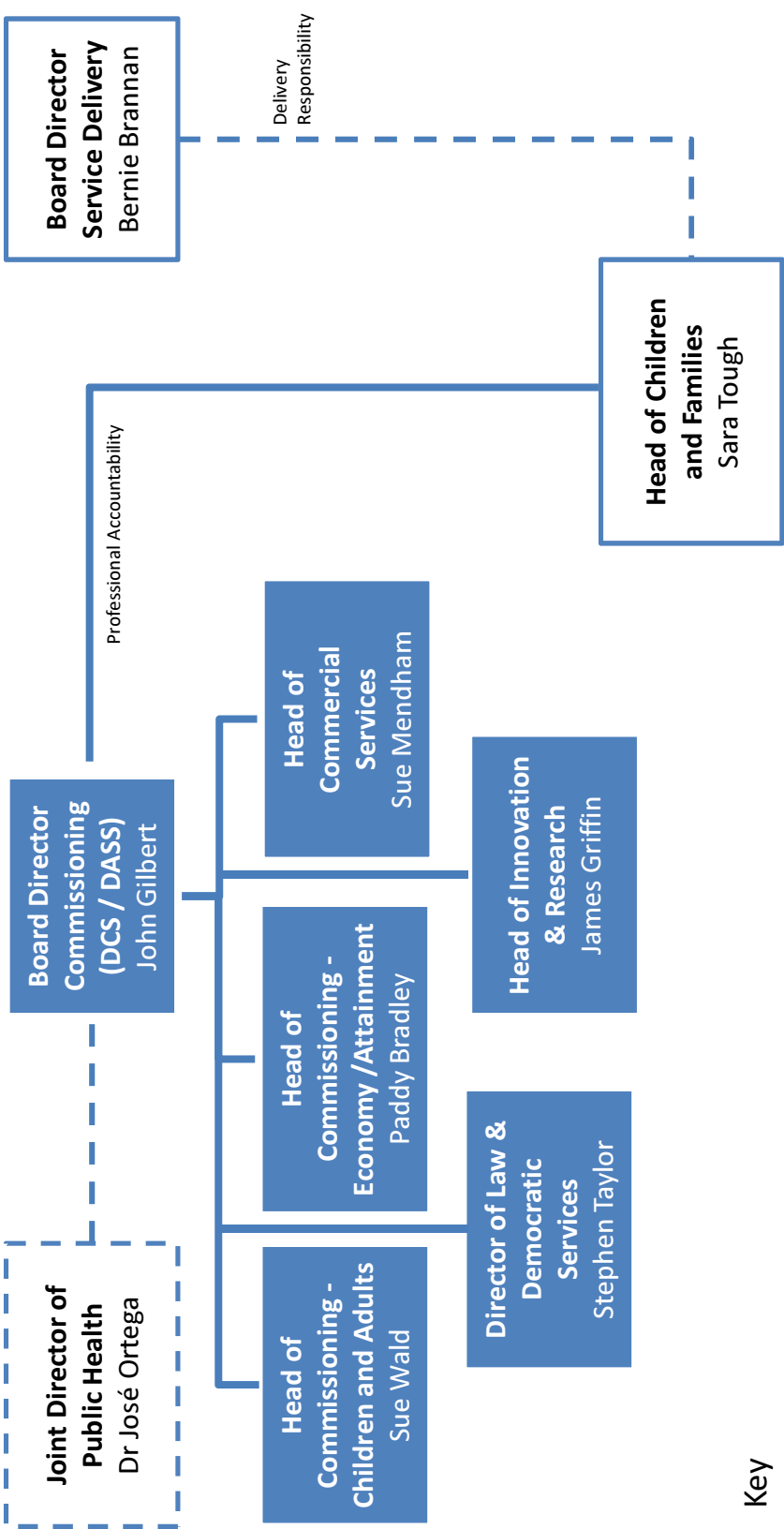
Stronger Together



- The Director of Law and Democratic services reports to the Board Director Commissioning (DCS/DASS) and to the Chief Executive in his Monitoring Officer role.
- The Director of Public Health reports to the Chief Executive but has a dotted line link to the Board Director Commissioning.
- The Change Leader and Head of Corporate Finance reports to the Board Director Resources and to the Chief Executive on the Change aspects of their role.

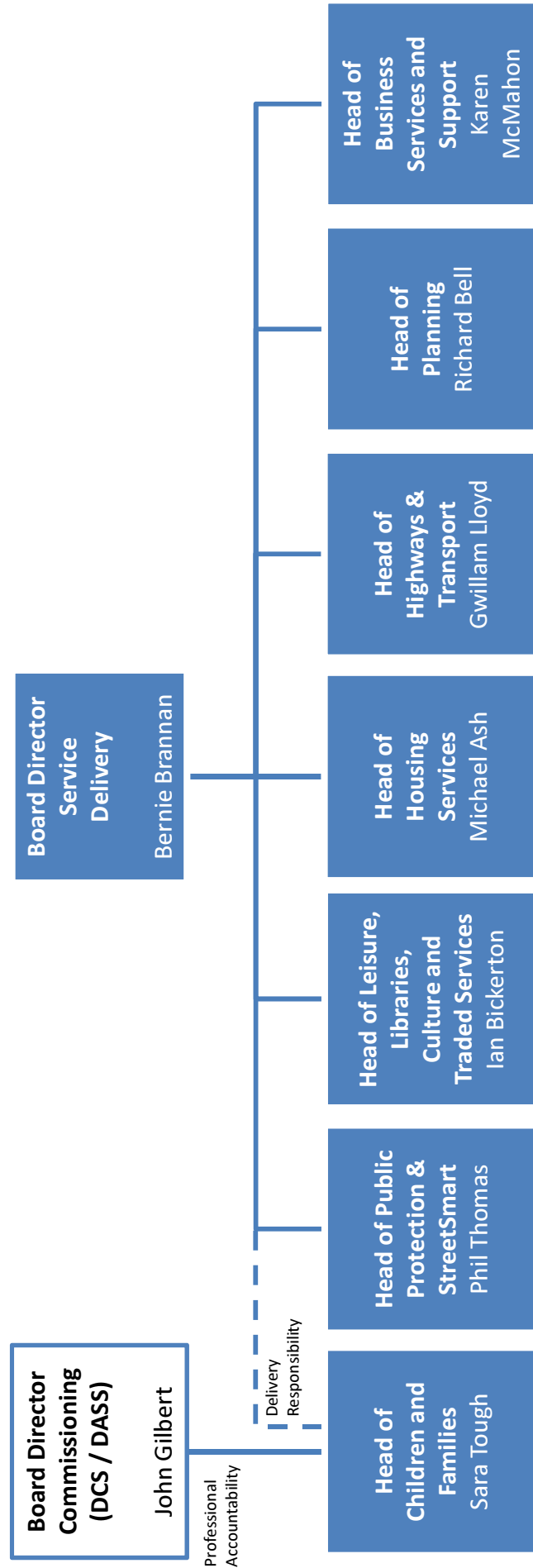


NB: Following the DCS Test of Assurance during the implementation of the Stronger Together model of working, it may be necessary to undertake further re-alignment to ensure that synergies and appropriate linkages are made to ensure capacity and line of sight for the DCS is maintained’.



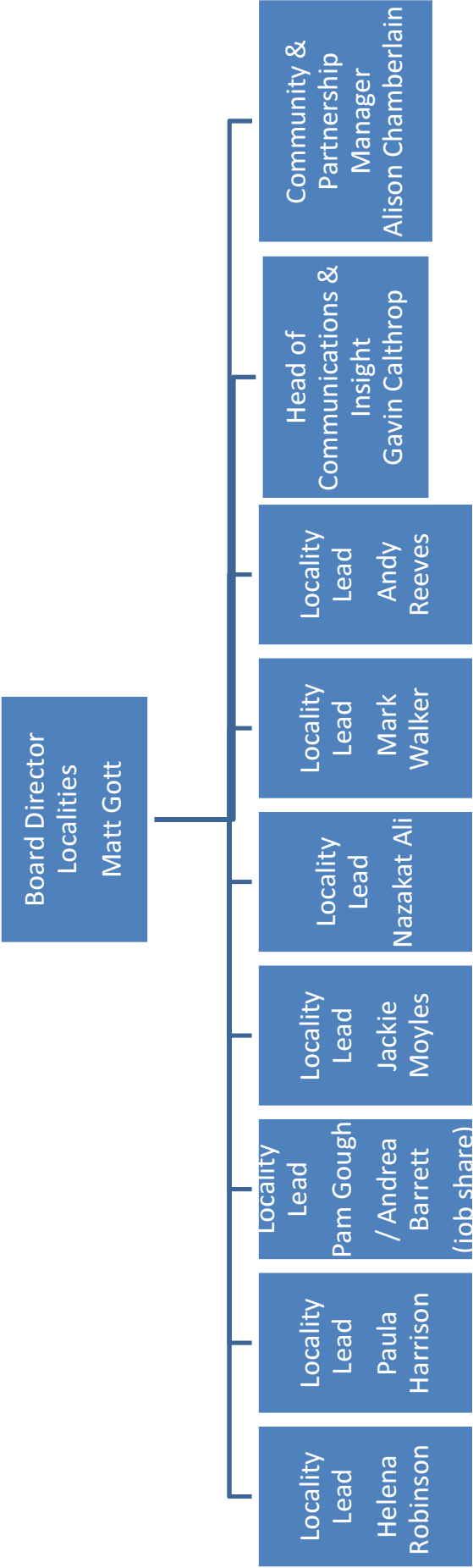
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Service Delivery



- Key
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 - Solid line: Professional Accountability

Confirmed Localities Structure



Appointment to Committees and Other Bodies

Special Committee

Date: 10th December 2012

Author:	Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To make changes to the Council's Committee Membership to fill vacancies on Committees and Other Bodies following the sad death of Councillor Doreen Dart, and the election of Councillor Steve Weisinger in the subsequent by-election in the Blunsdon and Highworth Ward.
- 1.2 It is anticipated that nominations to fill the vacancies created will be tabled at the meeting.

2. Recommendations

The Committee is recommended to:

- 2.1 To approve nominations to fill the vacancies set out in paragraphs 3.4 to 3.6 of the report.

3. Detail

- 3.1 Councillor Steve Weisinger was elected as a Councillor at the by-election in the Blunsdon and Highworth Ward held on Thursday 15th November 2012.
- 3.2 Following the by-election result there was no change to the overall political balance of the Council and therefore there has been no need to undertake a review of the Council's political balance arrangements which remain the same as those in May 2012.
- 3.3 For the purpose of this report vacancies have been broken down into three groups. The first group comprises vacancies within the gift of the Conservative Group. The second group comprises vacancies to which any group can make nominations. The third group comprises vacant Chair and Vice-Chair positions to which any group is entitled to make nominations.
- 3.4 The following bodies have vacancies to which the Conservative Group will table nominations:

Appeals Committee
Children and Young Peoples Overview and Scrutiny Committee
Children's Trust Board
Corporate Parenting Advisory Board

Further information on the subject of this report can be obtained from Shaun Banks, Direct Dial Telephone Number (01793 463606), sbanks@swindon.gov.uk.

Appointment to Committees and Other Bodies

Special Committee

Date: 10th December 2012

Footpaths and Rights of Way Committee
Joint Safety Committee
Joint Strategic Planning Working Party
Licensing Committee
Local Development Plans Working Party
Planning Committee
School Admissions Forum
SACRE
Standards Committee (Deputy)

- 3.5 The following Bodies have vacancies to which any political group may make nominations. Should there be more than one nomination to fill a vacancy the Director of Law and Democratic Services will call each nominee in alphabetical order and the person receiving the most votes shall be appointed.

Cricklade Country Way Partnership
Cotswold Water Park Joint Committee
Equalities Advisory Forum
Local Government Association Rural Commission
Swindon Dance Board (two vacancies)
Swindon/Ocotol Link
Town Twinning Network

- 3.6 The following appointments can either be made by Council or the Committees concerned, and any political group may make nominations to fill these vacancies.

Chair of Footpaths and Rights of Way Committee
Vice-Chair of the Planning Committee

- 3.7 Councillor Doreen Dart was also Chair or Vice-Chair of the following bodies. However, these bodies appoint their Chair and Vice-Chair and so it is not proposed that any action be undertaken by Special Committee in this regard.

Corporate Parenting Advisory Board (Chair)
Equalities Advisory Forum (Vice-Chair)
Local Development Plans Working Party (Chair)
Town Twinning (Chair)

4. Alternative Options

No alternative option is proposed.

Appointment to Committees and Other Bodies

Special Committee

Date: 10th December 2012

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no financial implications to this report. Councillor Steve Weisinger is entitled to receive a pro-rata Councillor Basic Allowance but this and other costs, such as Special Responsibility Allowances for Licensing Committee Membership and any relevant Chair's Allowance will be met from existing budgets.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report which is required to be submitted to Special Committee, on behalf of Council, to ensure compliance with the Council's political balance provisions set out in the Local Government Act 1989.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no Staffing, Sustainability, Health, Rural or Crime and Disorder implications for consideration.

Links to One Swindon, Strategic Objectives, Plans and Policies

- 5.4 The delivery of effective, accountable and transparent decision making by the Council directly links to its overall policy and objectives.

Diversity Impact Assessment

- 5.5 A Diversity Impact Assessment is not required.

Risk Management

- 5.6 A Risk Management Assessment is not required.

6. Consultees

- 6.1 The Board Director Finance, Revenues, Benefits and Property (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 Council Constitution 2012/13

8. Appendices

- 8.1 None.

Further information on the subject of this report can be obtained from Shaun Banks, Direct Dial Telephone Number (01793 463606), sbanks@swindon.gov.uk.

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Agenda Item 8

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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