

SPECIAL COMMITTEE

TUESDAY, 5 NOVEMBER 2013

PRESENT:- Councillors David Renard (Chair), Mark Dempsey, Fionuala Foley, Jim Grant, Garry Perkins, Brian Mattock (Vice-Chair), Des Moffatt, Mike Bawden and Ann Richards (Deputy).

An apology for absence was received from Councillor Stan Pajak.

12. Declarations of Interest

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

13. Minutes

Resolved –That the minutes of the meeting held on 6th August 2013 be confirmed and signed as a correct record.

14. Public Question Time

No public questions were asked under Standing Order 28.

15. Chief Officers - Changes to Terms and Conditions of Employment

The Leader of the Council and the Head of People and Development submitted a joint report concerning proposed changes in the terms and conditions of employment for existing Chief Officers. (Minute 12, 2012/13 refers.)

The Chief Executive introduced the report and explained that it attempted to resolve any ambiguity that might arise when a Chief Officer left the Council's employment. It also sought to resolve the outstanding issue of the performance related pay element within the contracts of existing chief officers where it was recognised that this was no longer realistic or affordable given the current financial constraints facing the Council.

The Head of People and Development referred to the terms and conditions that applied to Chief Officers only and circulated a revised Appendix 1, setting out a proposed matrix approach to determine the level of severance payments made to existing Chief Officers. She explained the rationale behind each element of the proposed matrix and how it would be applied.

The Chief Executive confirmed that these arrangements, if approved, would only apply to existing Chief Officers and that a further report would be submitted to the Special Committee, following discussions with political group leaders, on the proposed terms and conditions to be applied for new Chief Officer appointments. He emphasised the importance of ensuring that the Council could recruit the Chief Officers it needed to meet the challenges it faced and deliver the Council's strategic priorities.

Councillor Mike Bawden asked for clarification on the maximum payment that would be available to an existing Chief Officer under the proposed matrix arrangements. The Head of People and Development confirmed this would be nine months plus the notice period. The Director of Law and Democratic Services advised that the statutory maximum under existing terms and conditions was twenty-four months. He also confirmed that the proposals did not take into account any payments that might arise out of negotiations regarding any required compromise agreement with an employee leaving the Council.

Councillor Des Moffatt referred to his wish to see equity across the Council in terms of how those leaving the Council's employment were treated.

The Chair and Committee members expressed their appreciation for the action taken by Chief Officers in voluntarily foregoing the performance related pay element of their contracts.

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

(a) Approves the buy-out of the performance related pay element for existing Chief Officers by offering an increased contractual minimum employer notice period from three to six months, with the notice required by the employee remaining at three months.

(b) Agrees the implementation of a matrix approach to determine the level of severance payments made to existing Chief Officers, as set out in the revised Appendix 1 to the joint report (tabled at the meeting).

(c) Requests the Head of People and Development to undertake a separate review of terms and conditions for new Chief Officers in order that the Council's offer allows it to be competitive in the recruitment market, whilst taking account of the wider financial context that it is working in, recognising that it would be no more generous than that for existing Chief Officers, and that the outcome of this review will be submitted to the Special Committee, following discussions with political group leaders.

(d) That the changes set out in (a) and (b) above become effective from 11th November 2013.

(e) Notes that the maximum level of potential Chief Officer Severance payment for an existing Chief Officer leaving the Council's employment will be nine months and that any addition to this will be the subject of a report to the Special Committee, following discussions with political group leaders.

(f) Requests the Chief Executive and the Head of People and Development submit a report to a future meeting of the Special Committee on the terms and conditions and approach adopted to determine severance payments for staff below Chief Officer level when leaving the Council's employment.