

Swindon Borough Council

Special Committee

Monday, 19 March 2012

Committee Room 5, Civic Offices (Anticipated meeting room)

At 4.30 p.m.

Conservative Councillors

Roderick Bluh (Chair)

Garry Perkins (Vice-Chair)

Brian Mattock

David Renard

Deputies: *All other
Cabinet Members*

Labour Councillors

Mark Dempsey

Jim Grant

Deputies: *All other
Labour Shadow Cabinet
Members*

Liberal Democrat Councillors

Stan Pajak

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 - 2)

To receive the minutes of the meeting held on 16th January 2012.

4. 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.

5. Exempt Items - Exclusion of Press and Public.

Certain items are expected to include the consideration of exempt information and the Special 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>
9	1 and 2

- 6. Appointments to Outside Bodies: Highway Recreation Centre Board. (Oral)**
(DHL-H)
To consider the appointment of three Council representatives / Councillors to serve on the Board of the Highworth Recreation Centre.
- 7. Adjustment to Stronger Together Organisational Structure. (CE)**
(Pages 3 - 14)
- 8. Chief Executive - Changes to Terms and Conditions of Employment.**
(GDBT) (Pages 15 - 18)

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

- 9. Redundancy Severance. (DLDS-B) (Pages 19 - 24)**

Date of Despatch: 13 March 2012

Key:

Officers:

- CE - Chief Executive
- DF - Director of Finance
- GDBT - Group Director, Business Transformation / Head of HR
- DLDS-B - Director of Law and Democratic Services
- DHL-H - Director of Housing, Leisure Libraries and Culture

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, 16 JANUARY 2012

PRESENT:- Councillors Roderick Bluh (Chair), Garry Perkins (Vice-Chair), Mark Dempsey, Jim Grant, David Renard, Andy Harrison (Deputy) and Colin Lovell (Deputy).

Apologies for absence were received from Councillors Brian Mattock and Stan Pajak.

Councillors Junab Ali and Doreen Dart attended the meeting in respect of Minute 22.

18. Declarations of Interest

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

19. Minutes

Resolved – That the minutes of the meeting held on 31st October 2011 be confirmed and signed as a correct record.

20. Public Question Time

No public questions were asked under Standing Order 28.

21. 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. 7 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 22 refers.)

22. Cotswold Water Park Joint Committee

The Cabinet Member for Council Transformation, Transport and Strategic Planning and the Director of Planning and Transport submitted a joint report concerning a proposal by the local authority signatories to the Cotswold Water Park Partnership Agreement (1994) that the Cotswold Water Park Joint Committee be disbanded with effect from 31st March 2012 with the agreement of all the constituent local authorities. Swindon Council was not a signatory to the agreement but was represented on the Joint Committee. The joint report also addressed the issue of the Council's continued contribution in support of the development of the Cotswold Water Park.

The Chair expressed concern that the joint report did not sufficiently clarify how any Council financial contribution to the Cotswold Water Park would be used and to which body it would be made. It was also not clear what the role would be for

the proposed Member appointed to represent the Council in respect of Cotswold Water Park issues and on which body they would serve. He suggested that the report should be referred to the Cabinet to enable these issues to be clarified and in order that more information could be provided on the benefits to this Council of its continued involvement with the development of the Cotswold Water Park and on what its involvement had achieved to date.

Councillor Junab Ali referred to recent publicity regarding the governance of the Cotswold Water Park and the imprisonment of the former Chief Executive of the Cotswold Water Park Society for fraud.

Councillor Doreen Dart, who represented the Council on the Cotswold Water Park Joint Committee, commented on the background to the report and referred to the benefits to the Council and local residents of involvement in the shaping of the development of the Cotswold Water Park, particularly as minerals extraction and the expansion of the Cotswold Water Park came closer to the Borough boundary and to the parishes of Castle Eaton, Hannington and Highworth.

Resolved – That an updated version of the joint report on the Cotswold Water Park Joint Committee be submitted to the Cabinet meeting on 15th February 2012 for consideration, and this report seek to clarify (a) how any Council contribution to the Cotswold Water Park would be used and to which body it would be made, and (b) the role to be undertaken by the proposed Member appointed to represent the Council in respect of Cotswold Water Park issues and on which body, if any, they would serve, and, in addition, the report provide further information on the benefits to this Council of its continued involvement with the development of the Cotswold Water Park, and on what its involvement had achieved to date.

23. Request for Early Release of Pension Entitlement

The Chief Executive submitted a report concerning a request received from a former Council employee for the early release of pension entitlement.

The Chair, the Director of Law and Democratic Services and the Head of HR commented on the background to the request and the circumstances of the individual concerned. Reference was also made to the provisions within Regulation 30 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, and, in particular, to the financial implications for the Council of giving consent to the early release of pension entitlement in this case.

Resolved – That the Special Committee, on behalf of the Council, and having given consideration to the circumstances surrounding the request for the early release of pension entitlement as referred to in the report, and the financial implications for the Council and the cost to Council Tax Payers of granting such a request, determines that the request be not approved.

Adjustment to Stronger Together Organisational Structure

Special Committee

Date: 19th March 2012

Author: Leader of the Council and Chief Executive

Parish / Wards Affected: All

Purpose

- To seek Special Committee's endorsement, on behalf of the Council, to changes to the Stronger Together Tier 2 structure and appointments to it, following the recommendations made in respect of Tier 2 appointments by the Appointments Sub Committee on 24 October 2011.

Recommendations

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

- (1) Approves the changes to the Stronger Together Tier 2 structure as referred to in paragraphs 2.5 to 2.10 of the report. The revised structure to be implemented by 1 April 2012 or such date as may be determined by the Chief Executive.
- (2) Notes and endorses the appointments made by Chief Officers Appointments Sub-Committee on 24 October 2011.
- (3) Authorises the Director of Law and Democratic Services to amend the Council's Constitution accordingly.
- (4) Authorise the Chief Executive to finalise all outstanding terms and conditions that remain to be resolved, including salaries, in consultation with the Leader of the Council.

1. Reasons

- 1.1. 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. Detail

- 2.1. The full proposal for the Council to work in a significantly different way, supported by a new organisational model (Stronger Together) was considered and approved by the Council on 21st July 2011.
- 2.2. As part of that approval, Council agreed:

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

Adjustment to Stronger Together Organisational Structure

Special Committee

Date: 19th March 2012

- The organisational model detailed in the joint report, that would enable an ongoing reduction of £1.2m in management costs by April 2013;
 - Authority for the Chief Executive to restructure the organisation on the basis of the principles set out in the joint report, with implementation to commence following the appointment to Tier 1 posts, with a view to the new management structure being fully operational by 1st April 2012.
- 2.3. Following interviews for the Tier 1 posts, the Chief Officers Appointments Sub-Committee met on 29th September 2011 to appoint to the new Tier 1 structure. Members of the Sub-Committee were Councillors Roderick Bluh (Chair), Garry Perkins, David Renard, Fionuala Foley, Jim Grant and Des Moffatt.
- 2.4. Changes to the Structure and appointments to the revised structure were agreed by Special Committee on 31st October 2011. Please see the final structure chart for Tier 1 at Appendix 1.
- 2.5. Following the appointments to Tier 1, the posts at Tier 2 were advertised within the organisation. Applicants were shortlisted and interviews took place throughout October.
- 2.6. The Chief Officers Appointments Sub-Committee met on 24th October 2011 to appoint to the new Tier 2 structure.
- 2.7. Following the meeting of the Appointments Sub-Committee of 24th October and the tragic death of one of the appointees, Mr Roger Byrne, the following changes are proposed to be made to the Tier 2 structure and appointments to it:
- The post of Service Delivery Lead for Leisure, Libraries and Culture to be deleted;
 - The post of Lead Commissioner, I Like Where I Live to be deleted;
 - A new post, combining the responsibilities of the two roles above, of Head of Leisure, Libraries, Culture and Traded Services to be created; and
 - Mr Ian Bickerton, the successful candidate for the post of Lead Commissioner, I Like Where I Live, to be appointed to the new post of Head of Leisure, Libraries, Culture and Traded Services.
- 2.8. There is no specific statutory or constitutional requirement to advertise jobs that will be appointed exclusively from amongst existing officers of the Council and it was agreed not to advertise the new role of Head of Leisure, Libraries, Culture and Traded Services. It is felt that the skills and experience required for this role have been demonstrated by Mr Bickerton
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Further information on the subject of this report can be obtained from *Nicola Houwayek* on 07824 550456 or Email nhouwayek@swindon.gov.uk.

Adjustment to Stronger Together Organisational Structure

Special Committee

Date: 19th March 2012

through the selection process for the original role at Tier 2 and that no other candidates had demonstrated the skills and experience required.

- 2.9. All staff have been informed of the proposed structure and no formal complaint or representation has been made to the Council from anyone stating that they would have applied for the post if advertised.
- 2.10. The Special Committee is asked to note that some job titles have been revised, to ensure consistency across the organisation at Tier 2. These changes have had no impact on the accountabilities for the roles.
- 2.11. The Special Committee is asked to endorse the proposed revised Tier 2 structure as set out in Appendix 1 and to authorise the Chief Executive to finalise all outstanding terms and conditions that remain to be resolved, including salaries, in consultation with the Leader of the Council to enable implementation of the new structure by 1st April 2012 or such date as he may determine.

3. Alternative Options

- 3.1. The Council could determine not to change its Management Structure and to seek to appoint by way of a further recruitment exercise to the original structure approved by the Council in July 2011. However, it is believed the proposal in the report is the most appropriate to enable the delivery of Stronger Together and the Council's aims under One Swindon.

Risk Management

Financial Implications

- By combining two Tier 2 roles into one, savings in the region of £50,000 have been made. These savings have contributed to the £1.2m savings in management costs, which we have committed to achieve by April 2013.

Legal / Human Rights Implications

- Legal and 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.

Other Implications

- Equality and diversity implications have been considered in the development of this report. The Stronger Together report to Council on 21st July 2011 confirmed that diversity impact assessments will be carried out for the different work streams that will make up the programme of change.

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

Adjustment to Stronger Together Organisational Structure

Special Committee

Date: 19th March 2012

Links to Corporate Plans and Policies

- These proposals directly contribute to the Corporate Plan theme – Transforming the Organisation.

Consultees

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

Background Papers and Appendices

- Appendix 1 – Agreed Tier 1 Structure and Proposed Tier 2 Management Structure.

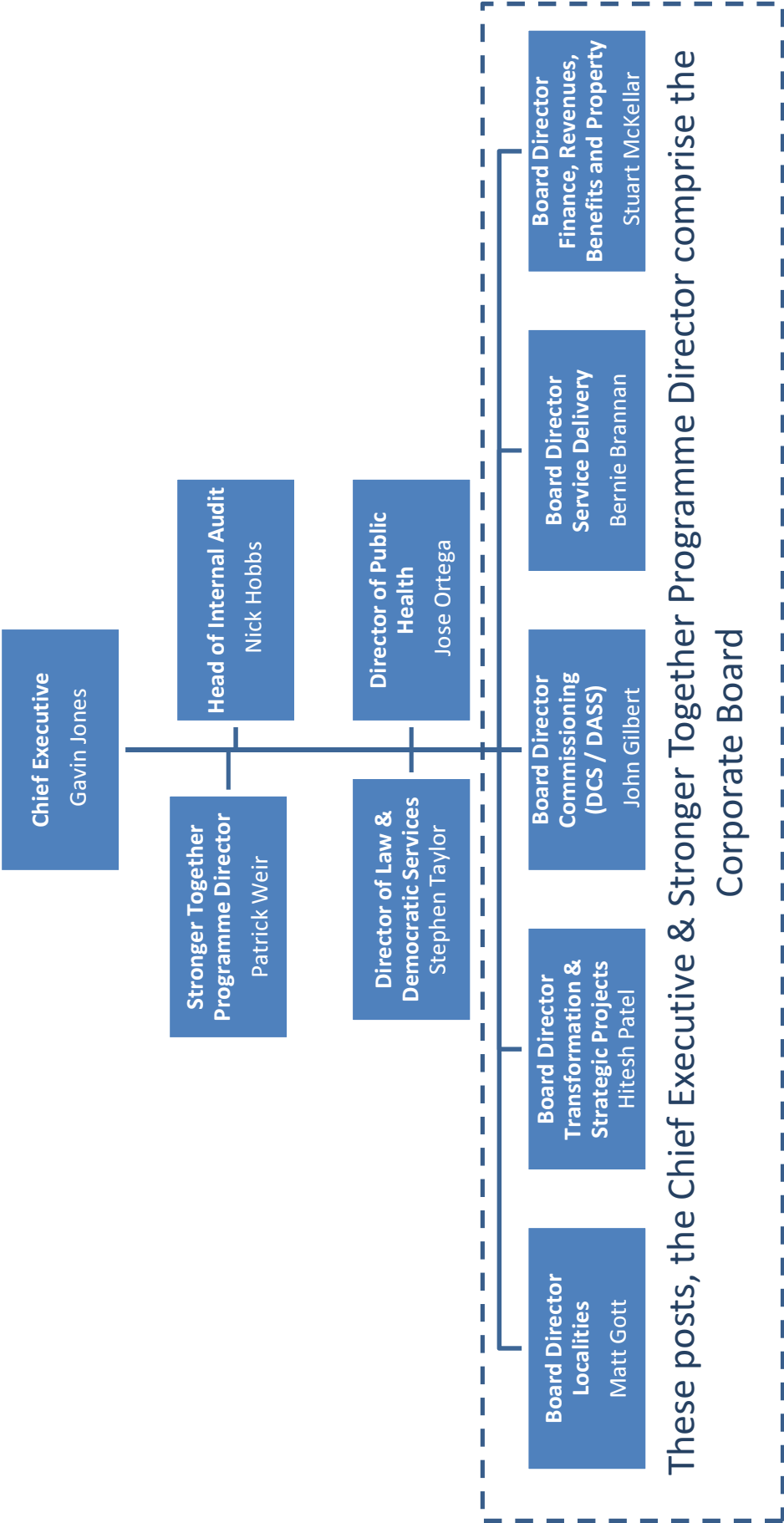
Organisation Structure

Stronger Together

Updated: 08/02/2012

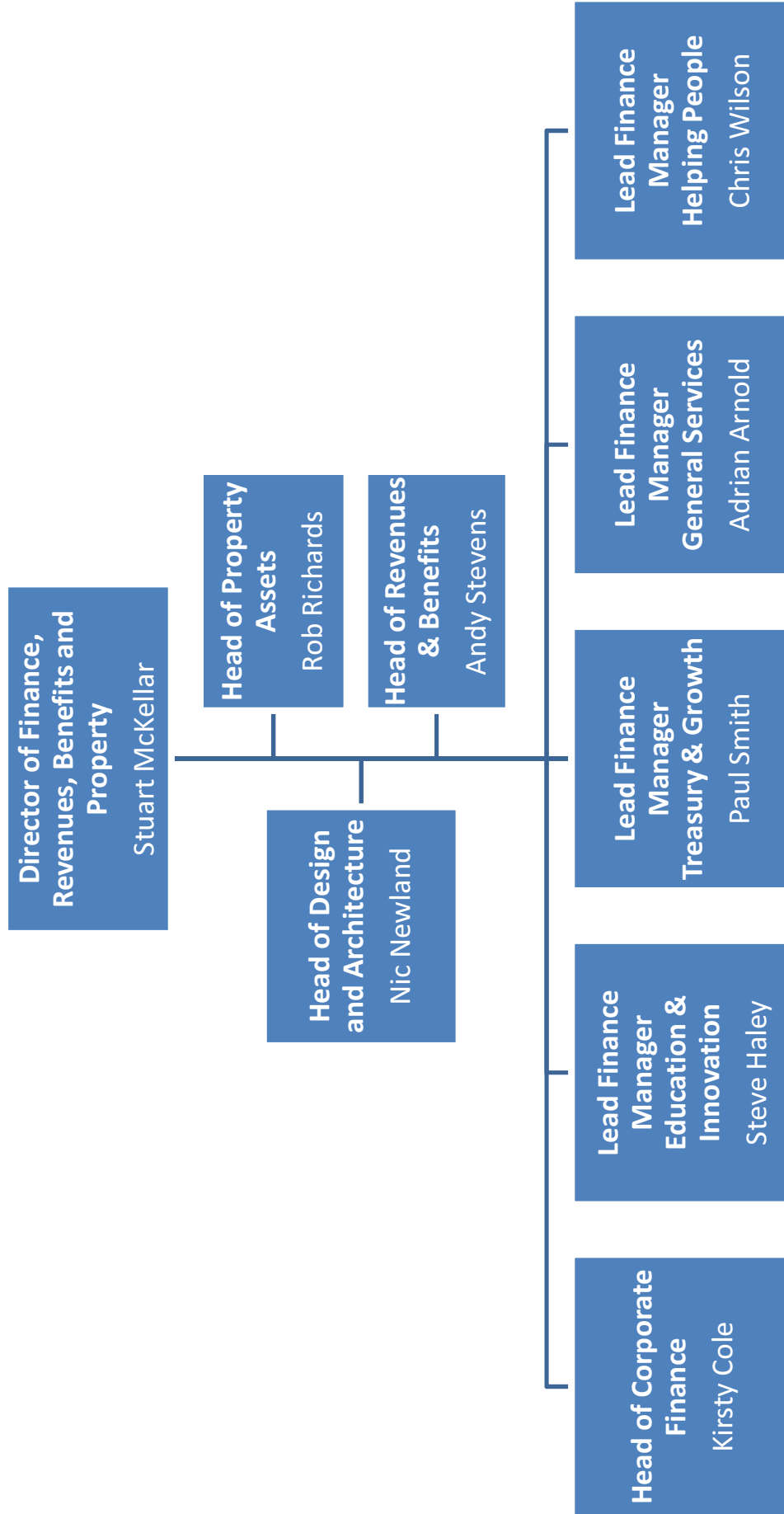
Stronger Together

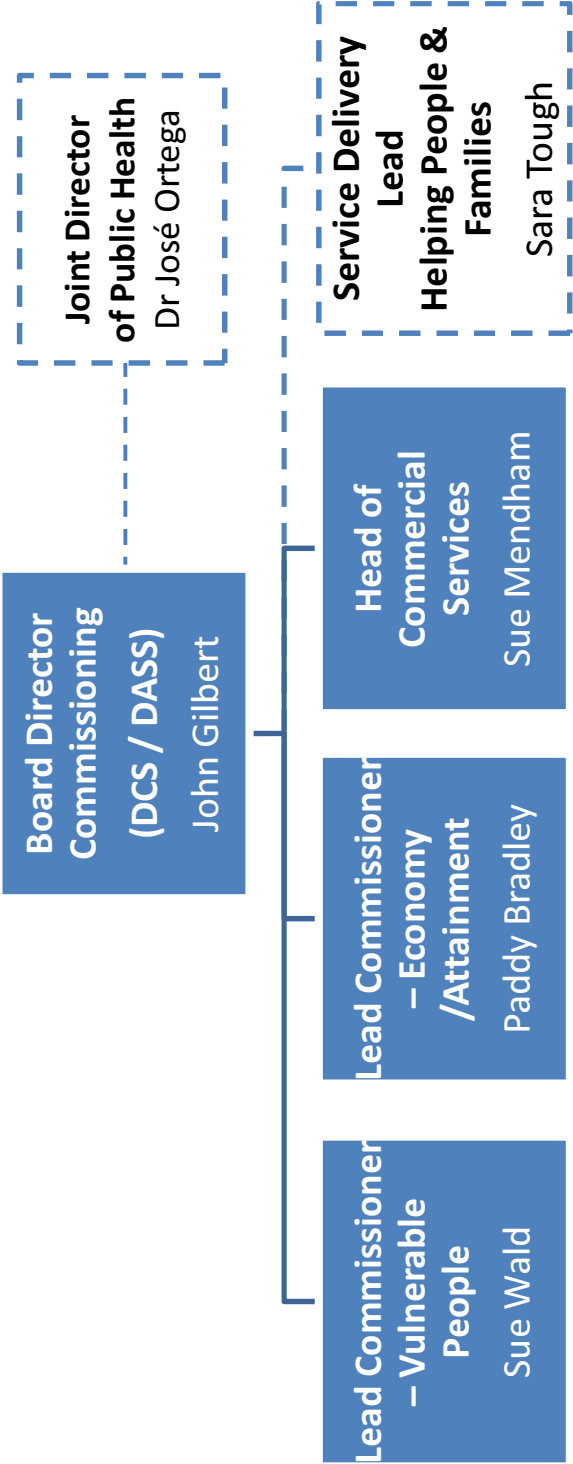
Tier 1 & Corporate Board



- 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 Board Director Commissioning but has a dotted line link to the Chief Executive.

Finance, Revenues and Benefits, Property



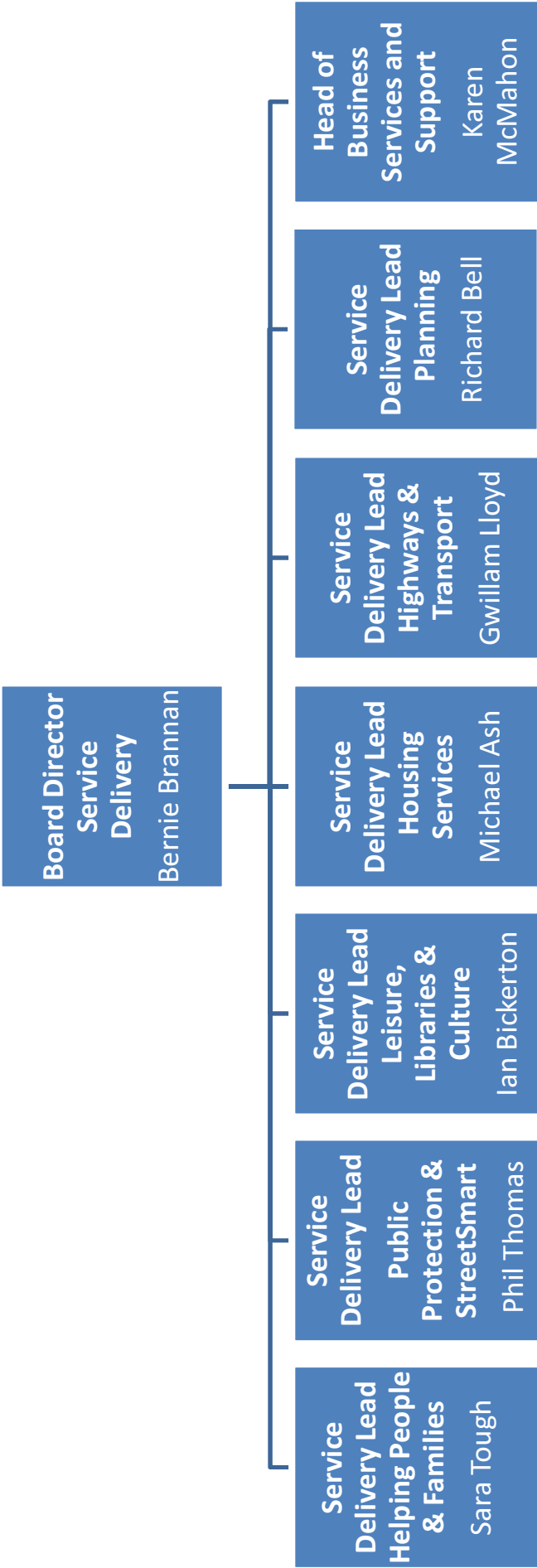


Key

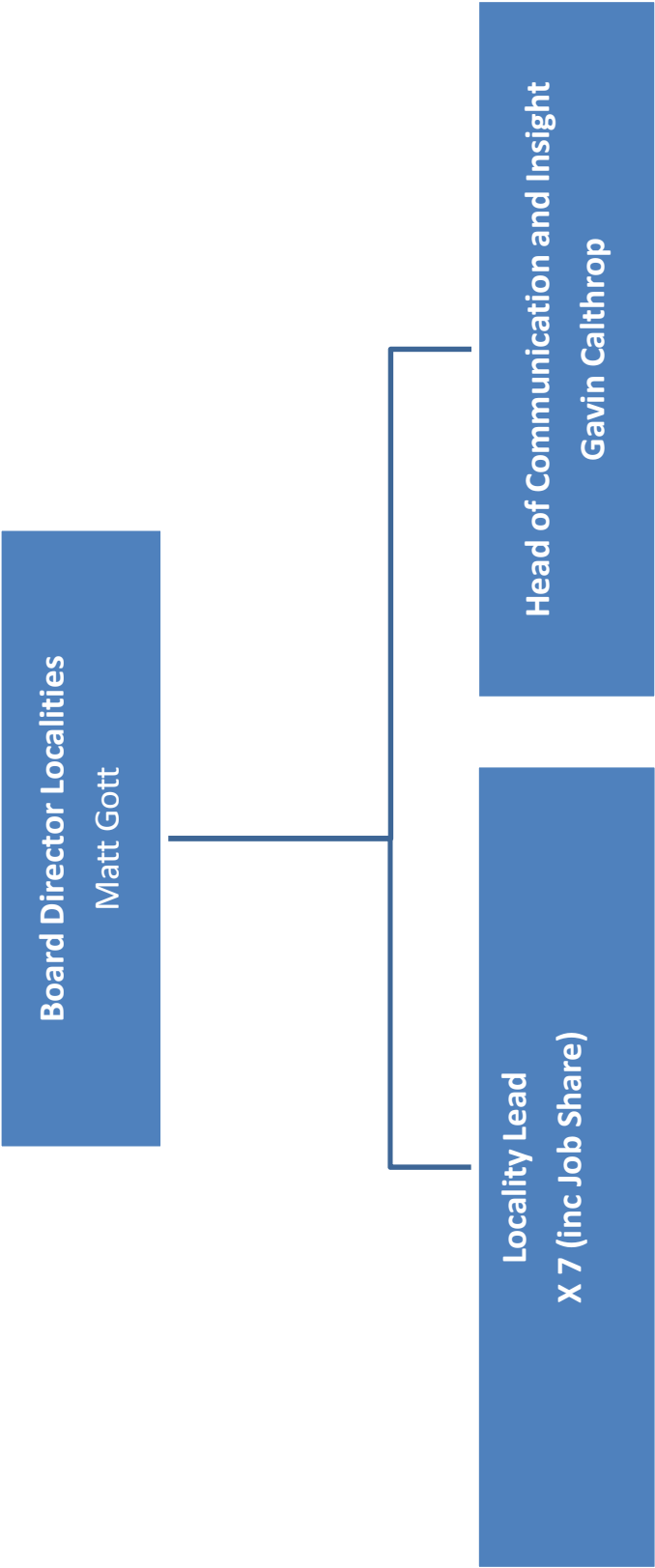
Dotted Line to
Professional Lead



Service Delivery



Confirmed Localities & Communications Structure



Key

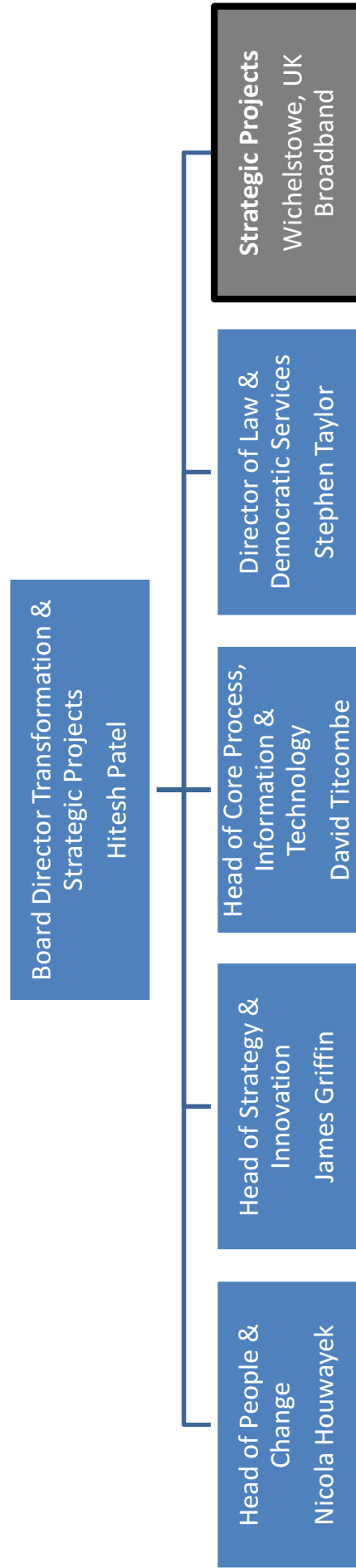


New Post



Unchanged Post

Confirmed Transformation and Strategic Projects



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Chief Executive – Changes to Terms & Conditions of Employment

Special Committee

Date: 19 March 2012

Author: Leader of the Council and Head of Human Resources

Parish / Wards Affected: All

Purpose

- To seek Special Committee's endorsement, on behalf of the Council, to changes in the terms and conditions of employment for the existing Chief Executive

Recommendations

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

- (1) Notes that the Chief Executive wishes to receive a further voluntary reduction in annual salary of 3%, to £161,003, with effect from 1 April 2012;
- (2) Agrees that the notice period for the Chief Executive, by either party, be extended from 3 months to 6 months and that the Chief Executive's terms and conditions be amended accordingly;
- (3) Notes that, if notice is given by either party, 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.

1. Reasons

- 1.1. Changes to the Chief Executive's terms and conditions of employment are a member decision as the Head of Human Resources does not hold such specific delegated powers, under the Council's Scheme of Delegation.

2. Detail

- 2.1 The Chief Executive's current substantive annual contractual salary is £178,475.
- 2.2 With effect from 1 September 2010 the Chief Executive took a voluntary reduction in salary to £165,982 in the light of the economic circumstances of the time. It was agreed between the Chief Executive and the Leader of the Council that this arrangement would be reviewed in March 2012.
- 2.3 In addition to the temporary reduction in salary, the Chief Executive, along with other Directors of the Council, has also chosen not to take any

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

Chief Executive – Changes to Terms & Conditions of Employment

Special Committee

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performance related bonus for the years 2009/10, 2010/11. It is not envisaged that any performance bonus will be taken for 2011/12. This bonus is worth up to 15% of gross salary to the Chief Executive and Group Directors, and 10% to Directors.

- 2.4 On this basis, so far as the Chief Executive's pay is concerned, taking into account the reduction in salary and waiver of the bonus, the Council has already accrued a net benefit in the region of £80,000 - £90,000 (based on 3 years non-payment of bonus and one year of voluntary reduction in salary).
- 2.5 The Chief Executive is now proposing a further voluntary reduction in salary to £161,003, to be implemented with effect from 1 April 2012 because he considers this level more appropriate in the light of the continuing economic circumstances. This decision clearly offers a benefit to the Council, in that against the substantive salary of £178,457 it offers a saving of £17,457 per annum in salary costs plus the additional savings in pension benefits and NI contributions (approximately 25% of salary costs, c £4,364 pa).
- 2.6 In considering this matter, the period of notice has also been reviewed. The Local Government Chief Officers handbook states that notice periods for Chief Officers will normally be 3 months but it also gives local authorities discretion for notice periods for a Chief Officer to be changed by mutual agreement. There is a benefit to the Council to have a longer notice period from the Chief Executive, particularly during a period of signification change, as it will allow greater stability to the Council to allow for a proper handover.
- 2.7 Accordingly, it is proposed that a variation to the Chief Executive's terms and conditions of employment is made, in that the notice period by either party be increased from 3 months to 6 months. It should also be noted that should notice to terminate the contract be given by either party, that the substantive rate of salary (£178,475) would be reinstated immediately for the notice period and that any redundancy payment, if applicable, would be based on the substantive rate of pay. The additional cost of this will be around £62,000, significantly less than the net benefit already accrued.
- 2.8 The District Auditor has been made aware of the proposed changes and has confirmed that this is a matter for the Council to determine.

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

Chief Executive – Changes to Terms & Conditions of Employment

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3. Alternative Options

- 3.1. That the voluntary reduction in salary is not supported by the other changes to terms and conditions of employment.

Risk Management

Financial Implications

- Based on a full year, the additional voluntary reduction in salary will offer savings to the council of approx. £21,821 pa (including on-costs of approx. 25%) against the substantive salary of £178,457. In addition, net savings in the region of £80,000 - £90,000 have already accrued in relation to the current voluntary reduction in salary and non-payment of the performance bonus, more than offsetting the additional cost of the extended notice period at around £62,000.

Legal / Human Rights Implications

- Legal and 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.

Other Implications

- Equality and diversity implications have been considered in the development of this report.

Consultees

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

Background Papers and Appendices

- None

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

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Agenda Item 9

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

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