

Democratic Services

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Date: 8 January 2015

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To: All Members of the Re-Structuring Implementation Committee

Councillor John Bull
Councillor Paul Crossley
Councillor Dave Laming
Councillor Tim Warren

Chief Executive and other appropriate officers
Press and Public

Dear Member

Re-Structuring Implementation Committee: Thursday, 15th January, 2015

You are invited to attend a meeting of the **Re-Structuring Implementation Committee**, to be held on **Thursday, 15th January, 2015** at **3.00 pm** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

Yours sincerely

David Taylor
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact David Taylor who is available by telephoning Bath 01225 394414 or by calling at the Guildhall Bath (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting David Taylor as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting David Taylor as above.

Appendices to reports are available for inspection as follows:-

Public Access points – Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

4. Recording at Meetings:-

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

- 5. Attendance Register:** Members should sign the Register which will be circulated at the meeting.

6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

7. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**Re-Structuring Implementation Committee - Thursday, 15th January, 2015
at 3.00pm in the Council Chamber - Guildhall, Bath**

A G E N D A

1. APOLOGIES FOR ABSENCE

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6.

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

4. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

5. MINUTES OF PREVIOUS MEETING - 11TH NOVEMBER 2013 (Pages 7 - 10)

To approve as a correct record the Minutes of the previous meeting held on 11th November 2013

6. QUESTIONS AND STATEMENTS

7. SENIOR MANAGEMENT RESTRUCTURING (Pages 11 - 26)

The Committee Administrator for this meeting is David Taylor who can be contacted on 01225-394414

DRAFT MINUTES PENDING CONFIRMATION AT THE NEXT MEETING

BATH AND NORTH EAST SOMERSET

RE-STRUCTURING IMPLEMENTATION COMMITTEE

Monday, 11th November, 2013

Present:- Councillor Paul Crossley in the Chair
Councillors John Bull, Bryan Chalker and Tim Warren

1 APOLOGIES FOR ABSENCE

There were no apologies for absence

2 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the procedure

3 DECLARATIONS OF INTEREST

There was none

4 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Divisional Director - Legal and Democratic Services stated that another individual case of redundancy compensation had arisen which would require a decision by the Committee. The Chair agreed that this be taken as Urgent Business in Exempt Session at the end of the meeting.

5 MINUTES OF PREVIOUS MEETING

The Minutes of the previous meeting held on Tuesday 4th December 2012 were approved as a correct record and signed by the Chair

6 QUESTIONS AND STATEMENTS

There was none

7 FUTURE COUNCIL - IMPLEMENTATION PROPOSALS

Referring to the Minutes of the meeting held on 25th July 2012, the Committee considered the report of the Head of Human Resources which (1) dealt with recommendations for the approval of new senior management arrangements in respect of the Resources, Place and People portfolios in accordance with the Committee's Terms of Reference; and (2) asked the Committee to determine arrangements for the approval of severance payments to senior staff in the light of guidance from the Secretary of State for Communities and Local Government.

The Head of Human Resources tabled an update on the financial implications (which is attached as an Appendix to these Minutes). He also verbally updated Appendix 3, deleting reference to “Highways project delivery” in the portfolio of the Divisional Director – Project, and in Appendix 4 varying the post title of Divisional Director – Planning in the proposed new “Place” structure.

After discussion, the Members considered that the recommendations in paragraphs 2.1 – 2.4 were acceptable.

The Divisional Director - Legal and Democratic Services reported on the reasoning for the recommendation in paragraph 2.5. Members questioned whether severance packages with a total cost in excess of £100,000 should be a decision for full Council rather than the Restructuring Implementation Committee. The Chief Executive and Divisional Director - Legal and Democratic Services advised that this would be considered by Council in February when the Pay Policy was reviewed. In the meantime, there were 2 individual cases which needed to be considered. Such consideration was clearly within the Committee’s remit pending that review.

Members agreed to consider these before full Council is given the options of whether future decisions should be for the Committee or the Council in February 2014.

RESOLVED

- (1) To note the current position in respect of the Resources Services as outlined in paragraphs 5.6 and 5.7 of the report and approve the draft senior management structure, as set out in Appendix 3 to the report, for implementation;
- (2) To approve the organisational arrangements including senior management structure in the People and Communities Department, as outlined in paragraphs 5.11 – 5.13 and Appendix 5 to the report, including arrangements reflecting the transfer of the Public Health function from the NHS on 1st April 2013;
- (3) To note the current position in respect of Place Services, as outlined in paragraphs 5.8 and 5.10 and approve the draft senior management structure, as set out in Appendix 4 to the report, for implementation, subject to the outcome of the formal consultation process;
- (4) To delegate to the Chief Executive, in consultation with the Spokespersons of the Committee, authority to take any action necessary or appropriate in respect of the structures approved to enable the implementation of the proposals; and
- (5) To agree that the following be adopted as interim practice by the Council pending the next formal review of its Pay Policy in February 2014:
 - (i) Any proposed severance package with a total cost to the Council in excess of £100,000 be referred to the Restructuring Implementation Committee until a decision is made by Council to refer such cases either to (a) the Restructuring Implementation Committee; or (b) the full Council (in Exempt Session) for consideration; and

- (ii) In determining the threshold, the component elements of the package would include any proposals in respect of salary to be paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances as appropriate.

8 EXCLUSION OF THE PUBLIC

RESOLVED that, having been satisfied that the public interest would be better served by not disclosing relevant information and, in accordance with the provisions of Section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12 A of the Act as amended.

9 REDUNDANCY COMPENSATION - INDIVIDUAL CASE (1)

The Committee considered an updated exempt report by the Head of Human Resources which sought agreement to a dismissal by reason of redundancy.

The Divisional Director - Legal and Democratic Services provided amended wording to the recommendation.

Members discussed the issues. It was stated that the matter had been discussed on an informal basis with relevant Cabinet Members.

RESOLVED that the proposal be approved subject to further clarification concerning the business case and the consequential additional savings and the Chief Executive be given delegated authority to take all necessary steps to implement the proposals set out in the report.

10 PROPOSED REDUNDANCY - INDIVIDUAL CASE (2)

The Head of Human Resources reported on a further individual case for proposed redundancy. He identified the costs and benefit to the Council of the proposal.

Members discussed the proposal and the circumstances giving rise to it.

RESOLVED that the proposal be approved and the Chief Executive be given delegated authority to take all necessary steps to implement the proposals.

The meeting ended at 2.45 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council		
MEETING:	Re-structuring Implementation Committee	AGENDA ITEM NUMBER
DATE:	15 JANUARY 2015	
TITLE:	Senior Management Restructuring <ul style="list-style-type: none">- Legal & Democratic Services- Senior Severance Payments	
WARD:	ALL	
AN OPEN PUBLIC ITEM WITH APPENDICES LIKELY TO BE TAKEN IN EXEMPT SESSION		
List of attachments to this report:		
Appendix 1: Re-structuring Implementation Committee - terms of reference		
Appendix 2: Current & proposed organisational structures – Legal & Democratic Services		
Appendix 3: Exemptions 1 and 2 in Schedule 12A of the Local Government Act 1972 applied		
Appendix 4: Exemptions 1 and 2 in Schedule 12A of the Local Government Act 1972 applied		

1. THE ISSUE

- 1.1 The Council has agreed an organisational model and senior management structure to support the delivery of its organisational vision and priorities. A Re-structuring Implementation Committee (with terms of reference as set out in Appendix 1) has been established to oversee its implementation.
- 1.2 In accordance with the committee's terms of reference, this report deals specifically with recommendations for change within the Legal & Democratic Services Division including the reallocation of work currently falling within the remit of that portfolio to the Resources Directorate.
- 1.4 In the addition the committee is asked to consider a severance payment to a senior member of staff in the light of guidance from the Secretary of State for Communities and Local Government and the decision of Council on 18 February 2014.

2. RECOMMENDATIONS

The Committee is recommended to

- 2.1 Approve the organisational arrangements including the senior management structure (as outlined in paragraph 5.10 – 5.13 and Appendix 2 of this report) and associated arrangements for the retirement of the Divisional Director – Legal & Democratic Service as set out in Appendix 3 [Exemptions 1 and 2 in Schedule 12A of the Local Government Act 1972 applied] and the establishment of a new post of Head of Legal & Democratic Services from 1 June 2015 as part of the Chief Executive's Office.
- 2.2 Agree to recommend to Council, in due course, that the person appointed to the post of Head of Legal and Democratic Services is appointed additionally its Monitoring Officer.

- 2.2 Consider and comment upon the individual case set out in Appendix 4 [Exemptions 1 and 2 in Schedule 12A of the Local Government Act 1972 applied] within the Place Directorate.

3. FINANCIAL IMPLICATIONS

- 3.1 The financial implications of management restructuring can be separated generally into four areas:
- One-off costs associated with any external recruitment
 - One off costs of any potential severance. Such costs depend on the individual's service and salary.
 - On-going costs which might arise from the grading of new post/or roles to reflect additional duties and responsibilities. These may be fully or partially offset by a net reduction of posts in the structure.
- 3.2 The Council's approved Medium Term Service and Resource Plan identifies total savings of £1.498m over the three year period 2013- 2016 arising from reductions in the Council's management structure assumed in the original 'Future Council' report. It has previously been confirmed to the committee that it was anticipated that these savings would be met.
- 3.3 As part of the 2013/2014 Budget, the Council approved the provision of an Earmarked – Restructuring Reserve to meet severance costs associated with service restructuring and savings requirements. Any such costs arising from the management restructuring will be a legitimate charge against this reserve.
- 3.4 No specific savings are identified in the structural proposals in the report outlined at this stage. It is anticipated, however, that efficiencies will follow from the reshaping and realignments proposed. Re-grading of the new post of Head of Legal & Democratic Service is anticipated to bring a small saving.

4. CORPORATE PRIORITIES

- 4.1 The Council's corporate priorities are derived from the vision for the area. Clearly in the light of the financial position in the country and policy initiatives of central government, certain aspects of the strategy and vision have become more important - in particular, the issues of growth, the recession and localism in the immediate to and medium term.
- 4.2 The Council's organisational model is targeted to allow the Council the maximum opportunity to deliver on the vision in this environment and underpinned by concepts and principles originally set out in the 'Future Council' report of November 2010. It is recognised that given the scale of financial uncertainty there will be changes in terms of when and how priorities are delivered.
- 4.3 The Council's role will be changing and, as an organisation with a strategic commissioning responsibility, it will need to be very clear on the overall needs and opportunities in the area and for enabling/encouraging the appropriate outcomes. There will be a need for the Council to continue to prioritise the vulnerable and ensure there is an emphasis on disadvantaged communities.

5. THE REPORT

Background

- 5.1 The senior management structure consists of three senior posts taking primary responsibility for the following areas:

- People
- Places
- Resources

Each has a collective responsibility for the corporate management of the Council alongside the Chief Executive/Head of Paid Service.

- 5.2 The Chief Executive with Strategic Directors continues to review and refine operating structures in line with the 'Future Council' principles that underpin the organisational model. This includes known and anticipated financial challenges and an underlying commitment to bring together services to ensure greater integration in delivering improved planning and customer services consistent with a 'One Council' approach.
- 5.3 The Chief Executive retained line management responsibility for Improvement & Performance and Legal & Democratic Services Divisions under the outline principles agreed for the 'Future Council' but with a recognition that this needed to be kept under review in the light of other proposals. It was also acknowledged that the reshaping of 'Support Services' would be on a phased basis taking account of all internal and external factors.
- 5.4 In 2011, the decision was taken to transfer the Improvement & Performance Division to the Resources Directorate. The Legal & Democratic Services Division has, though, remained within the Chief Executive's portfolio to enable the new Chief Executive to consider the future positioning of the services offered within the division in the context of Council needs. As part of this, an independent review of the Legal Service was commissioned in 2013. Additionally, there has been on-going review work of certain support functions that take place in Legal & Democratic Services, Strategy & Performance and the former Policy & Improvement Teams.
- 5.5 The Legal & Democratic Services Division is currently comprised of the following teams:
- Legal Services
 - Democratic Services
 - Policy Development and Scrutiny
 - Electoral Services
 - Registration & Celebratory Services
- 5.6 These teams deliver a range of both direct 'customer facing services' such as Registration & Celebratory Services and more traditional 'support services' including Democratic & Members Services. The Divisional Director also holds the statutory appointment of Monitoring Officer for the Council.
- 5.7 It is considered that improved service delivery and efficiency together with some financial savings can be best achieved by integrating some of the work of the

current division within existing Directorates. This will create synergy, reduce duplication and give services greater resilience.

- 5.8 My responsibilities as Head of Paid Service under Section 4 of the Local Government and Housing Act 1989 require me to prepare a report on my proposals where a change is considered necessary to the manner in which the discharge by the authority of its functions is co-ordinated and the number and grades of staff required by the Council for the discharge of its functions. I have carefully considered the proposed arrangements that are set out in this report and consider that they assist in enabling the Council to fulfil its vision of acting as and being seen as 'One Council.'
- 5.9 Implementation arrangements need to take account of the Council's procedures for dealing with the Human Resource Implications of Organisational Change and the Council's Standing Orders relating to senior appointments. The Council's statutory obligations can be met by the application of these Change Procedures.

Specific proposals for change

- 5.10 The specific variations to the current organisational model and senior management arrangements are set out in Appendix 2 namely that:
- 5.10.1 Registration & Celebratory Services should be organisationally located alongside the Customer Services functions that make up part of the Resources Directorate;
 - 5.10.2 The Policy Development & Scrutiny Team should be co-located within the Strategy & Performance Division of the Resources Directorate;
 - 5.10.3 The Chief Executive should establish a Democratic & Legal Service as part of her office comprising Council ,Committee and Member support, an in-house Legal Team and Electoral Services;
 - 5.10.4 A new post of Head of Legal & Democratic Services be established following the retirement of the current Divisional Director with that postholder carrying out the statutory Monitoring Officer role.
- 5.11 The current senior management grading structure was agreed by the Council on the basis of advice and recommendation from the Hay Group. They also undertook independent assessment on the Council's behalf to determine at what point in the structure individual posts should be placed. This methodology is consistent with the Council overall approach to pay and grading and the use of an objective job evaluation methodology gives protection in respect of potential Equal Value claims.
- 5.12 Following evaluation, Hay has recommended that the new post of Head of Legal & Democratic Services should be graded at senior management Band 5 (currently £ £81,003 - £86,469). In line with guidance issued by the Department of Communities and Local Government under section 40 of the Local Government Act, it is intended that this proposed change to senior management

pay will be recommended to Council as part of the next annual Pay Policy statement. The Hay Group is of the opinion that there are no other grading implications arising immediately from the proposals outlined in paragraph 5.10 above.

- 5.13 It is not envisaged that any staff redundancy will arise directly from these proposals. Arrangements relating to the retirement of the current Divisional Director – Legal and Democratic Services are set out in an Exempt Appendix (3) to this report. The Head of Legal & Democratic Services, when appointed, will need to address the staffing structures necessary for improved service delivery and efficiency. The Strategic Director – Resources and his Divisional Directors will need to assess the impact of assimilating services within the organisational structures of his directorate.

The Committee is recommended to

- (1) Approve the organisational arrangements including the senior management structure (as outlined in paragraph 5.10 – 5.13 and Appendix 2 of this report) and associated arrangements for the retirement of the Divisional Director – Legal & Democratic Service as set out in Appendix 3 [Exemptions 1 and 2 in Schedule 12A of the Local Government Act 1972 applied] and the establishment of a new post of Head of Legal & Democratic Services from 1 June 2015 as part of the Chief Executive's Office.**
- (2) Agree to recommend to Council, in due course, that the person appointed to the post of Head of Legal and Democratic Services is appointed additionally its Monitoring Officer.**

6. SEVERANCE PAYMENTS TO SENIOR LOCAL GOVERNMENT STAFF

- 6.1 In 2013 the Secretary of State for Local Government and Communities, published Supplementary Guidance [under section 40 of the Localism Act 2011] on the content and application of senior pay statements. Specifically, this Supplementary Guidance addresses the issue of severance payments to senior local government staff. Local authorities must have regard to the guidance in the exercise of their functions under the pay accountability provisions of the Act.
- 6.2 The guidance suggests that there should be greater scrutiny of large severance packages beyond a particular threshold are approved for staff leaving the organisation. The Secretary of State considers that £100,000 is the right level for that threshold to be set. In presenting information authorities should set out clearly the components of relevant severance packages. These components may include salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances paid.
- 6.3 The Council resolved at its meeting on 18 February 2014 resolved that
- ‘Proposed severance packages in excess of £100,000 (this threshold includes [but not limited to] any proposals in respect of salary to be paid in lieu, redundancy compensation, pension entitlements and holiday pay as appropriate) are referred to the Restructuring Implementation Committee for consideration.’

- 6.4 Accordingly the committee is asked to consider the individual case set out in Appendix 4 to this report [Exemptions 1 and 2 in Schedule 12A of the Local Government Act 1972 applied].

The Committee is recommended to

(1) Consider and comment upon the individual case set out in Appendix 4 [Exemptions 1 and 2 in Schedule 12A of the Local Government Act 1972 applied] within the Place Directorate.

7. RISK MANAGEMENT

- 7.1 Risks associated with the proposed re-modelling form part of the associated consultation and evaluation processes. Adherence to the policy and procedures set out in paragraph 9 will ensure compliance with the Council's statutory obligations.

8. EQUALITIES

- 8.1 The organisational model of the Council enables a particular focus on the needs of individuals and communities enabling the development of ways to meet those needs more appropriately within the resources available.

9. CONSULTATION

The Section 151 Officer and Head of Human Resources have been consulted in the preparation of this report and their views have been incorporated in the text.

The Chief Executive has sought independent legal advice that has covered both employment and governance aspects. This was necessary since the report refers to matters having an impact on matters in which the Monitoring Officer's and his deputies have a direct interest.

Strategic Directors have contributed as appropriate to the preparation of this report and their views incorporated.

All restructuring proposals and their implementation are the subject of formal consultation with relevant trade unions and staff as appropriate.

Contact persons	<ul style="list-style-type: none">▪ Jo Farrar, Chief Executive – 01225 477000▪ William Harding, Head of Human Resources – 01225 477203
Background papers	<ul style="list-style-type: none">▪ The Future Council – Council, 16 November 2010▪ Future Council – Implementation proposals – Restructuring Implementation Committee, 25 July 2011▪ Future Council – Implementation proposals, Restructuring Implementation Committee, 11 November 2013▪ Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011 - Supplementary Guidance - February 2013

Please contact the report author(s) if you need to access this report in an alternative format

RE-STRUCTURING IMPLEMENTATION COMMITTEE

The Committee's Span of Responsibility

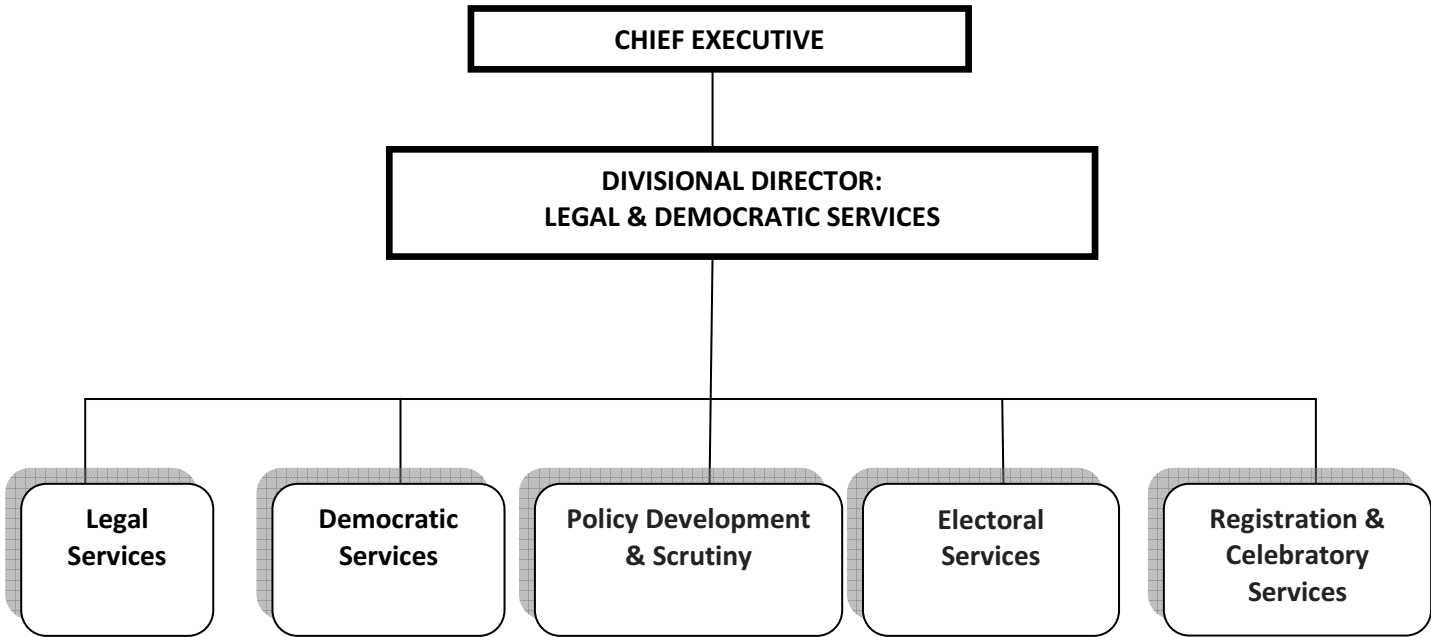
- To determine all necessary arrangements for implementing the indicative senior management structure.
- To decide on numbers of 1st and 2nd Tier officers and the span of work responsibility allocations for those officers.
- To determine appointments to or dismissal from the posts of Director and other JNC Officers reporting to the Chief Executive, or Head of Paid Service, subject to there being no objection to the appointment / dismissal being lodged by the Leader of the Council.
- To recommend to the Council the appointment or dismissal of the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer.

Membership

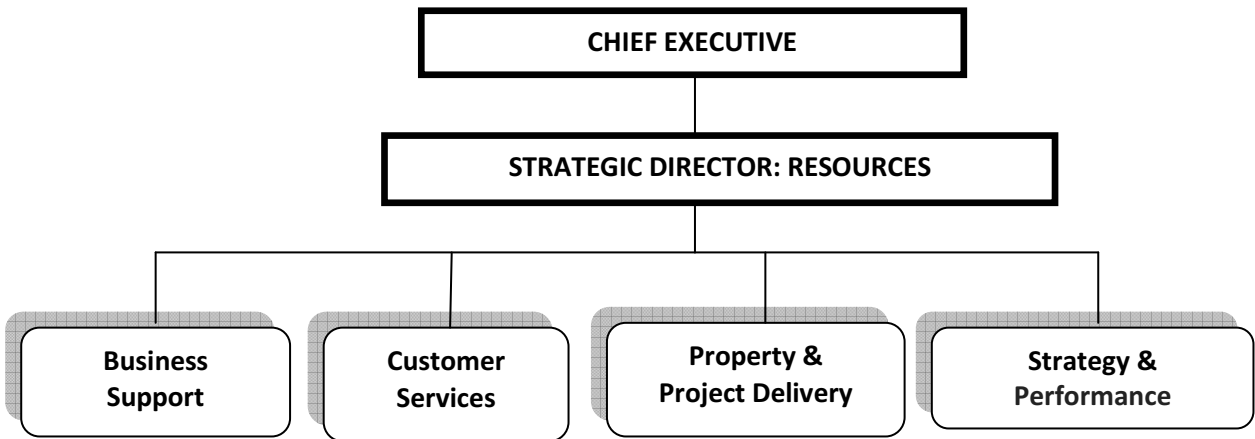
The Committee shall comprise 4 Members in the political proportion 1 Conservative Member, 1 Liberal Democrat Member, 1 Labour Member, 1 Independent Member.

CURRENT STRUCTURES

Legal & Democratic Services Division

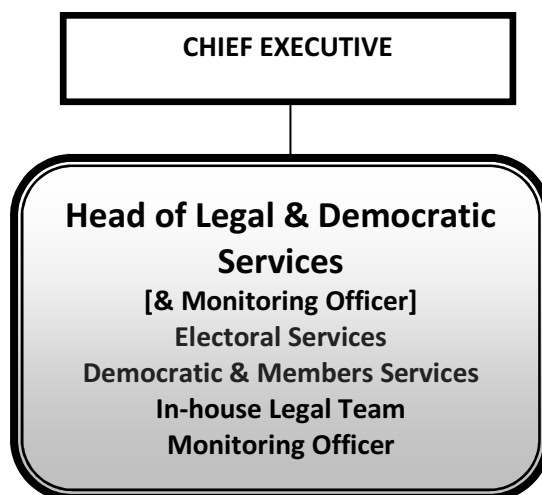


RESOURCES DIRECTORATE

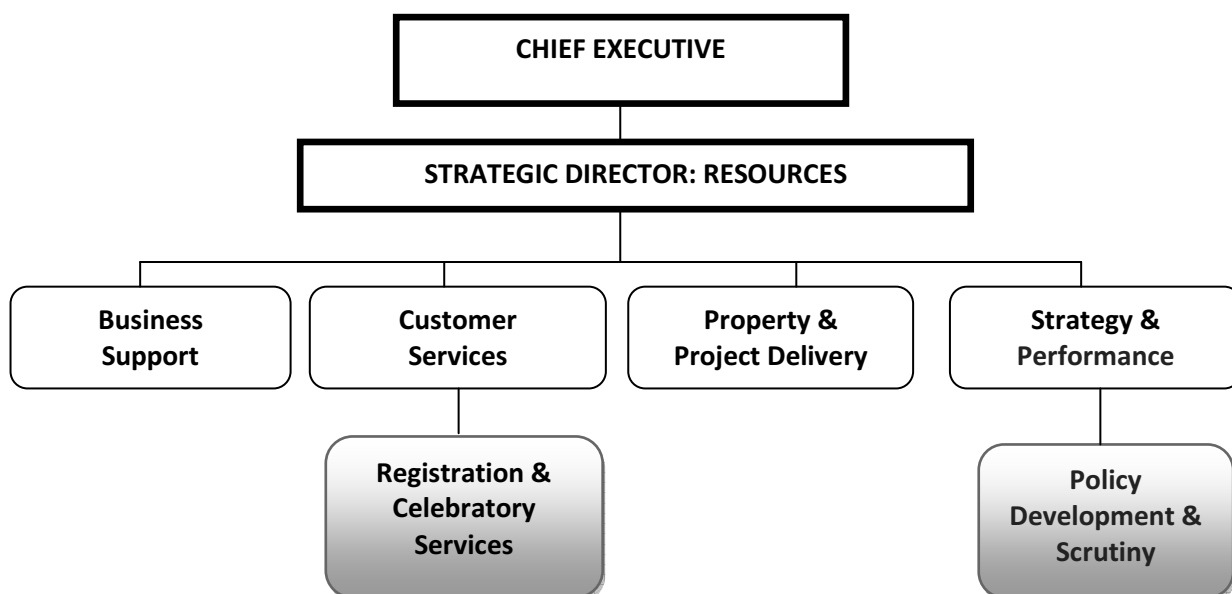


PROPOSED NEW STRUCTURES

a) Chief Executive's Office



b) Resources Directorate



**Exemptions 1 and 2 in Schedule 12A of the Local Government Act 1972
applied**

**Exemptions 1 and 2 in Schedule 12A of the Local Government Act 1972
applied**

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 100/15

Meeting / Decision: Restructuring Implementation Committee

Date: 15th January 2015

Author: William Harding

Report Title: Restructuring Implementation Committee

Exempt Appendix Title:

**APPENDIX 3 - SEVERANCE PAYMENTS TO SENIOR OFFICERS –
PLACE DIRECTORATE**

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the sub-Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in the amount of severance payments made.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council affecting their lives and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s identified within the appendix could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand, and that the report be discussed in exempt session and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

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

Document is Restricted

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