

Restructuring Implementation Committee

Date: Thursday, 17th May, 2018

Time: 2.00 pm

Venue: Registrar's meeting room, Guildhall

Councillor Sarah Bevan
Councillor Robin Moss
Councillor Dine Romero
Councillor Tim Warren

Chief Executive and other appropriate officers
Press and Public



Jo Morrison

Democratic Services

Lewis House, Manvers Street, Bath, BA1 1JG

Telephone: 01225 394358

Web-site - <http://www.bathnes.gov.uk>

E-mail: Democratic_Services@bathnes.gov.uk

NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the **Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **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 The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **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. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

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

6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

Restructuring Implementation Committee - Thursday, 17th May, 2018

at 2.00 pm in the Registrar's meeting room, Guildhall

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 - 19TH APRIL 2018 (Pages 5 - 8)

To be confirmed as a correct record and signed by the Chair.

6. QUESTIONS AND STATEMENTS

7. EXCLUSION OF THE PUBLIC

The Committee if it wishes may pass the following resolution;

that, having been satisfied that the public interest test 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 Paragraphs 1 and 2 of Part 1 of Scheduled 12A of the Act as amended.

8. FLEXIBLE RETIREMENT PROPOSAL (Pages 9 - 18)

This report seeks the Committee's agreement to the proposed flexible retirement of a

Divisional Director to avoid the need for a compulsory redundancy, and the consequential proposed strain on funds payment.

The Committee Administrator for this meeting is Jo Morrison who can be contacted on 01225 394358.

BATH AND NORTH EAST SOMERSET

RESTRUCTURING IMPLEMENTATION COMMITTEE

Thursday, 19th April, 2018

Present:- Councillors Sarah Bevan, Dine Romero and Karen Warrington (in place of Tim Warren)

Also in attendance:

53 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the emergency evacuation procedure as set out on the agenda.

54 DECLARATIONS OF INTEREST

There were no declarations of interest.

55 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business.

56 MINUTES OF PREVIOUS MEETING - 5TH MARCH 2018

On a motion from Councillor Karen Warrington, seconded by Councillor Sarah Bevan, it was

RESOLVED that the minutes of the 5th March 2018 be approved as a correct record and signed by the Chair.

57 QUESTIONS AND STATEMENTS

There were no items from the public.

58 EXCLUSION OF THE PUBLIC

On a motion from Councillor Karen Warrington, seconded by Councillor Sarah Bevan, it was

RESOLVED that, having been satisfied that the public interest test 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 Paragraphs 1 and 2 of Part 1 of Scheduled 12A of the Act as amended.

59 REDUNDANCY PROPOSAL

The Committee considered a report seeking their agreement to the proposed dismissal by reason of redundancy in the seven cases presented and the consequential proposed severance payments.

On a motion from Councillor Karen Warrington, seconded by Councillor Sarah Bevan it was

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

The meeting ended at 10.40 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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

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Bath & North East Somerset Council		
MEETING:	Restructuring Implementation Committee	AGENDA ITEM NUMBER
DATE:	17 th May 2018	
TITLE:	Flexible retirement proposal	
WARD:	ALL	
REPORT OF CHIEF EXECUTIVE		

1 THE ISSUE

- 1.1 To seek the Committee's agreement to the proposed flexible retirement to avoid the need for a compulsory redundancy of a Divisional Director and the consequential proposed strain on funds payment.

2 RECOMMENDATION

- 2.1 That the proposal presented is approved and the Chief Executive be given delegated authority to take all steps necessary to implement it.

3 FINANCIAL IMPLICATIONS

- 3.1 The Council is faced with unprecedented financial pressures, with a budget gap of £28.7m to be met over the next two years. This is part of a continuing programme of cost reduction and restructures which have been taking place on an ongoing basis to realise savings.
- 3.2 The financial implication of the particular case is set out in the exempt appendix provided for the Committee.
- 3.3 The costs will be met from flexible capital receipts.

4 THE REPORT

- 4.1 Proposals have been developed to realign and reduce the senior management structure to ensure that council priorities can be delivered in an effective and affordable way. Where staff have been displaced as a result, the Council's Organisational Change procedures have been applied. As a general principle, these procedures seek to avoid redundancy. However, given the scale and type of change, this is not always possible.
- 4.2 Under existing policy (applicable to all Council staff), in the circumstances of redundancy, a compensatory payment based upon an agreed formula is made. In addition, as the dismissal is by reason of redundancy the officer (if a member of the Local Government Pension Scheme (LGPS) satisfying the relevant Pension Regulations) would be entitled to the immediate payment of accrued benefits in the LGPS (i.e. lump sum and annual pension). The

Council as a Scheme Employer would be required to make an immediate one-off payment to the Avon Pension Fund to cover the cost of early release of benefit.

4.2 In February 2013, the Secretary of State for Local Government and Communities, published Supplementary Guidance [under section 40 of the Localism Act 2011] on the issue of severance payments to 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.

4.3 The Council in considering this guidance resolved, recognising the need for openness and accountability alongside legal obligations in respect of the handling of personal data, business efficiency etc that:

- (1) any proposed flexible retirement package in excess of £100,000 be referred to the Restructuring Implementation Committee for consideration
- (2) 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.

4.4 The Committee is asked to consider the proposal set out in the Exempt Appendix to this report. It needs to be satisfied that the operational advantages and benefits to the efficient exercise of the Council's functions are such that payment of the amount proposed is appropriate and in the overall interest of the Council.

5 EQUALITIES AND RISK MANAGEMENT

5.1 The Organisational Change Policy and associated procedures, for which the Redundancy Payments Scheme forms part, was the subject of full Risk Assessment at the time they were adopted by the Council. The proposal takes account of equalities issues and complies with the requirements of the LGPS regulations.

6 CONSULTATION

6.1 The budget savings targets are the subject of ongoing consultation with the relevant trades unions who are aware of redundancy considerations.

7 ADVICE SOUGHT

7.1 The Chief Executive, Council's Monitoring Officer and Acting Divisional Director-Business Support (in Section 151 Officer role) have had the opportunity to input to this report and have cleared it for circulation.

Contact person	Ashley Ayre, Chief Executive (Tel: 01225 477400)
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: 768/18

Meeting / Decision: Restructuring Implementation Committee

Date: Thursday 17th May 2018

Author: Ashley Ayre

Report Title: Flexible retirement proposal

Exempt Appendix 1: Full Report

Exempt Appendix 2: Flexible Retirement Proposal Form

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 Exempt Appendices 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 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 appendix 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.

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 any individual/s identified 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, 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.

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