

Restructuring Implementation Committee

Date: Friday 4th August 2023

Time: 2.30 pm

Venue: The School room - Guildhall, Bath

Councillor Kevin Guy
Councillor Robin Moss
Councillor Shaun Hughes
Councillor Joanna Wright
Councillor Tim Warren CBE

Chief Executive and other appropriate officers
Press and Public



NOTES:

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

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

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. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

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.

Advance notice is required not less than two full working days before the meeting.

Further details of the scheme can be found at:

<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>

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Restructuring Implementation Committee - Friday 4th August 2023

at 2.30 pm in the School room - 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 5.

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.

(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 4.4 Appendix 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 - 7TH FEBRUARY 2023 (Pages 7 - 8)

6. QUESTIONS AND STATEMENTS

7. EXCLUSION OF THE PUBLIC

The Committee is invited to 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. CONFIDENTIAL EMPLOYMENT MATTER (Pages 9 - 10)

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

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BATH AND NORTH EAST SOMERSET

RESTRUCTURING IMPLEMENTATION COMMITTEE

Tuesday, 7th February, 2023

Present:- Councillors Kevin Guy, Karen Walker and Robin Moss

Also in attendance: Director of People & Policy, Chief Executive, Democratic Services Manager

25 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Vic Pritchard.

26 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Manager read out the evacuation procedure.

27 DECLARATIONS OF INTEREST

There were none.

28 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

29 MINUTES OF PREVIOUS MEETINGS - 1ST JULY 2021 & 8TH JULY 2021

On a motion from Councillor Kevin Guy, and duly seconded, the minutes of 1st and 8th July 2021 were approved as a correct record.

30 QUESTIONS AND STATEMENTS

There were none.

31 NEW JNC DISCIPLINARY PROCEDURE FOR RELEVANT OFFICERS

The Director of People & Policy introduced the report which had been cleared by the Chief Executive, Monitoring Officer and Section 151 Officer, and explained what Members were being asked to approve. It was noted that a copy of the Chief Executive's handbook had been circulated for information to the Committee Members.

Councillor Moss asked if there was any potential conflict of interest that the Chief Executive was present at the meeting, to which the Director explained that there was not. This report was about agreeing the new procedure, process and decision making and not about any Relevant Officer.

Councillor Kevin Guy enquired whether this was being adopted by all Local Authorities nationally, to which the Director replied that it was, at the recommendation of the national Joint Negotiating Committee (JNC).

Committee members clarified elements of the process with the Director.

On a motion from Councillor Kevin Guy, and duly seconded, it was

RESOLVED unanimously

1. That the Disciplinary Procedure for Relevant Officers is approved;
2. That the necessary constitutional and scheme of delegation changes are recommended to Council for approval; and
3. That the Director of People & Policy is given delegated authority to take all steps necessary to implement this.

The meeting ended at 9.52 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-1452706

Meeting / Decision: Restructuring Implementation Committee
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Date: 03 August 2023

Author: Cherry Bennett

<p>Exempt Report Title: Confidential Employment Matter Exempt Appendices: The 4 Appendices are each exempt</p>

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:

- | |
|---|
| <ol style="list-style-type: none"> 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 and 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 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 Head of Legal and Democratic Services.

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 decisions relating to employment.

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 report and appendices 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)