

Restructuring Implementation Committee

Date: Tuesday 9th January 2024

Time: 3.30 pm

Venue: Kaposvar room, Guildhall

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.

The Council will broadcast the images and sounds 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.

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 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>

Jo Morrison

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Restructuring Implementation Committee - Tuesday, 9th January, 2024

at 3.30 pm in the Kaposvar 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 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 - 6TH DECEMBER 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 for the Act as amended.

8. REDUNDANCY PROPOSAL (Pages 9 - 18)

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

Wednesday, 6th December, 2023

Present:- Councillors Kevin Guy, Shaun Hughes and Joanna Wright

Also in attendance:

47 EMERGENCY EVACUATION PROCEDURE

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

48 DECLARATIONS OF INTEREST

There were no declarations of interest.

49 URGENT BUSINESS

There were no items of urgent business.

50 MINUTES OF PREVIOUS MEETING - 9TH OCTOBER 2023

On a motion from Councillor Joanna Wright, seconded by Councillor Shaun Hughes, it was

RESOLVED that the minutes of 9th October 2023 be confirmed as a correct record and signed by the Chair.

51 QUESTIONS AND STATEMENTS

There were none.

52 EXCLUSION OF THE PUBLIC

On a motion from Councillor Kevin Guy, seconded by Councillor Joanna Wright, 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 for the Act as amended.

53 EXECUTIVE DIRECTORS CONFIRMATORY APPOINTMENTS

Following the confirmatory interviews, it was

RESOLVED

That, as there were no objections to confirming the appointments, it was unanimously agreed that the Chief Executive be given delegated authority, on behalf of the Restructuring Implementation Committee to confirm the appointments to the posts of Executive Director – Chief Operating Officer, Executive Director of Sustainable Communities and Executive Director of Resources (S151).

The meeting ended at 4.23 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING:	Restructuring Implementation Committee
MEETING DATE:	9th January 2024
TITLE:	Redundancy proposal
WARD:	All
LIKELY TO BE TAKEN IN EXEMPT SESSION	
<p>List of attachments to this report: Appendix 1 – Confidential Report</p> <p>Appendix 1 is exempt due to confidential personal information being disclosed, under Schedule 12A of The Local Government Act 1972</p>	

1 THE ISSUE

1.1 To seek the Committee’s agreement to the proposed dismissal by reason of redundancy in the case presented and the consequential proposed severance payment.

2 RECOMMENDATION

Resources Implementation Committee is asked to;

2.1 Approve the proposal presented and the Chief Executive be given delegated authority to take all steps necessary to implement it.

3 THE REPORT

3.1 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 compulsory redundancy. However, given the scale and type of change, this is not always possible.

3.2 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.

- 3.3 The Committee is asked to consider the proposals 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.

4 STATUTORY CONSIDERATIONS

- 4.1 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.

- 4.2 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 severance 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.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The financial implications are outlined in the Exempt Appendix.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance. 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.

7 EQUALITIES

The proposal takes account of equalities issues and complies with the requirements of the LGPS regulations.

8 CLIMATE CHANGE

- 8.1 The Corporate Strategy establishes the climate and ecological emergency as a core policy driver for the Council. The implementation of a revised senior management structure will allow a refocus of service priorities to ensure they are

aligned to improving the climate and to help the Council achieve carbon neutrality by 2030.

9 OTHER OPTIONS CONSIDERED

9.1 None

10 CONSULTATION

10.1 The Chief Executive, Council's Monitoring Officer and Executive Director of Resources (in Section 151 Officer role) have had the opportunity to input to this report and have cleared it for circulation.

Contact person	<i>Will Godfrey, Chief Executive (Tel: 01225 477203)</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA- 1657440
Meeting / Decision: Resources Implementation Committee
Date: 9 th January 2024
Author: Jo Griffin
Report Title: Redundancy proposal
Exempt Appendix: Exempt Appendix 1 - Confidential Report

The Appendix 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 Appendix 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 of the Report and it's Appendix:

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 2018 (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 employee dismissals.

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 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 Appendix 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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