

Restructuring Implementation Committee

Date: Wednesday 24th April 2024

Time: 3.30 pm

Venue: Kaposvar Room - Guildhall, Bath

Councillor Kevin Guy
Councillor Robin Moss (apologies received)
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 - Wednesday 24th April 2024

at 3.30 pm in the Kaposvar 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 - 9TH JANUARY 2024 (Pages 7 - 10)

For approval of the public and exempt minutes.

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 11 - 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

Tuesday 9th January 2024

Present:- Councillors Kevin Guy, Robin Moss, Shaun Hughes, Joanna Wright and Tim Warren CBE

54 EMERGENCY EVACUATION PROCEDURE

55 DECLARATIONS OF INTEREST

There were no declarations of interest made.

56 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business.

57 MINUTES OF PREVIOUS MEETING - 6TH DECEMBER 2023

On a motion from Councillor Kevin Guy, seconded by Councillor Shaun Hughes, it was

RESOLVED that the minutes of 6th December 2023 were confirmed as a correct record and signed by the Chair.

58 QUESTIONS AND STATEMENTS

There were no items from the public.

59 EXCLUSION OF THE PUBLIC

On a motion from Councillor Kevin Guy, seconded by Councillor Robin Moss, 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 Schedule 12A for the Act as amended.

60 REDUNDANCY PROPOSAL

The Chief Executive outlined the proposal and provided some background and context for it. He responded to questions from Councillors.

On a motion from Councillor Kevin Guy, seconded by Councillor Robin Moss, it was unanimously

RESOLVED to approve the proposal presented and give delegated authority to the Chief Executive to take all steps necessary to implement it.

The meeting ended at 4.02 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council		
MEETING:	Restructuring Implementation Committee	AGENDA ITEM NUMBER
DATE:	24th April 2024	
TITLE:	Redundancy proposal	
WARD:	ALL	
REPORT OF CHIEF EXECUTIVE		

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 redundancy payment.

2 RECOMMENDATION

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

3 FINANCIAL IMPLICATIONS

3.1 The Council has now published the budget for 2024/25. This highlights that to balance the revenue budget for 2024/25, £16.4m of Income and Savings are required. For next year, this includes staffing savings, delivered through the Being Our Best programme, of £2.5m for 2024/25 and £2m for 2025/26.

3.2 The prime objective of this programme is to deliver changes that make us more effective in the long term (structurally and culturally), and not about cutting jobs to save money.

3.3 The financial implications of the particular case is set out in the exempt appendix provided for the Committee.

3.4 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 affective 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 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.

4.4 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.

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 Executive Director 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</i>
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: LGA-1812358
Meeting / Decision: Resources Implementation Committee
Date: 24 th April 2024
Author: Will Godfrey
Report Title: Redundancy proposal
Exempt Appendix: 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)

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