



Contact Officer:

John Armstrong,
Democratic Services and Elections Manager
Tel: 01483 444102

31 January 2022

Dear Councillor

Your attendance is requested at a meeting of the **EMPLOYMENT COMMITTEE** to be held in Meeting Room 6 - Hurtmore, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **TUESDAY 8 FEBRUARY 2022** at 11.00 am.

Yours faithfully

Tom Horwood
Joint Chief Executive

MEMBERS OF THE COMMITTEE

Councillor Joss Bigmore (Chairman)
Councillor Julia McShane
Councillor Paul Spooner

Authorised Substitute Members:

Councillor Tim Anderson
Councillor Christopher Barrass
Councillor David Bilbé
Councillor Graham Eyre
Councillor Jan Harwood

Councillor Tom Hunt
Councillor Nigel Manning
Councillor John Redpath
Councillor John Rigg
Councillor Fiona White

QUORUM 3

THE COUNCIL'S STRATEGIC FRAMEWORK (2021- 2025)

Our Vision:

A green, thriving town and villages where people have the homes they need, access to quality employment, with strong and safe communities that come together to support those needing help.

Our Mission:

A trusted, efficient, innovative, and transparent Council that listens and responds quickly to the needs of our community.

Our Values:

- We will put the interests of our community first.
- We will listen to the views of residents and be open and accountable in our decision-making.
- We will deliver excellent customer service.
- We will spend money carefully and deliver good value for money services.
- We will put the environment at the heart of our actions and decisions to deliver on our commitment to the climate change emergency.
- We will support the most vulnerable members of our community as we believe that every person matters.
- We will support our local economy.
- We will work constructively with other councils, partners, businesses, and communities to achieve the best outcomes for all.
- We will ensure that our councillors and staff uphold the highest standards of conduct.

Our strategic priorities:

Homes and Jobs

- Revive Guildford town centre to unlock its full potential
- Provide and facilitate housing that people can afford
- Create employment opportunities through regeneration
- Support high quality development of strategic sites
- Support our business community and attract new inward investment
- Maximise opportunities for digital infrastructure improvements and smart places technology

Environment

- Provide leadership in our own operations by reducing carbon emissions, energy consumption and waste
- Engage with residents and businesses to encourage them to act in more environmentally sustainable ways through their waste, travel, and energy choices
- Work with partners to make travel more sustainable and reduce congestion
- Make every effort to protect and enhance our biodiversity and natural environment.

Community

- Tackling inequality in our communities
- Work with communities to support those in need
- Support the unemployed back into the workplace and facilitate opportunities for residents to enhance their skills
- Prevent homelessness and rough-sleeping in the borough

AGENDA

ITEM

1. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

2. ELECTION OF VICE-CHAIRMAN

As reported at the last Council meeting in considering the numerical allocation of seats on committees following Councillor Jan Harwood's decision to leave the Liberal Democrat Group and join the Conservative group, Councillor Harwood is no longer a member of the Employment Committee.

Accordingly, he ceased to be vice-chairman of the Committee. Therefore, the Committee is invited to elect a vice-chairman for the remainder of the 2021-22 municipal year.

3. LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

4. MINUTES (Pages 5 - 6)

To confirm the minutes of the meeting of the Employment Committee held on 4 October 2021.

5. DESIGNATION OF MONITORING OFFICER (Pages 7 - 16)

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EMPLOYMENT COMMITTEE

- * Councillor Joss Bigmore (Chairman)
- * Councillor Jan Harwood (Vice-Chairman)
- * Councillor Paul Spooner

*Present

EM9 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

There were no apologies for absence.

EM10 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no disclosures of interest.

EM11 MINUTES

The minutes of the meeting held on 22 July 2021 were confirmed as a correct record. The chairman signed the minutes.

EM12 EXCLUSION OF THE PUBLIC

The Committee

RESOLVED:

That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 4 of Part 1 of Schedule 12A to the 1972 Act.

EM13 PROPOSED REDUNDANCY TERMINATION PAYMENT

The Committee noted that the Council, at its extraordinary meeting on 6 July 2021, had considered options for collaborative working with Waverley Borough Council and had resolved to pursue the option of creating a single management team with Waverley Borough Council, comprised of statutory officers (Head of Paid Service; Chief Finance Officer; Monitoring Officer), Directors and Heads of Service. The two councils would share a management structure, which would be responsible for recommending any further collaboration, service-by-service.

At the Council meeting on 28 July 2021, Council had agreed that the redundancy and any settlement costs incurred as a result of the recruitment of a Joint Chief Executive shall be shared equally between the councils and that any pension strain costs would remain the responsibility of the employing authority of the affected officer.

Consultation with both affected employees had taken place between 10 August 2021 and 9 September 2021 and they were aware of the proposed redundancies of their posts. Feedback and representations received during the consultation process had been reviewed by the Joint Appointments Committee at its meeting on 22 September 2021. Following this review, any minor amendments that had been made to the proposals had been confirmed to the employees at their end of consultation meetings held on 28 September 2021.

Expressions of Interest had been invited for the Joint Chief Executive post from both affected employees. The Council's Managing Director had notified the Leader of the Council that he did not wish to be considered for the role and had requested voluntary compulsory redundancy. The report to the Committee had sought approval to make a termination payment to James Whiteman in line with the Council's Early Termination of Employment Discretionary Compensation Policy.

The Council had the option of setting a policy where it could use new capital receipts to fund revenue expenditure that will generate ongoing savings. Officers were seeking to use this option to finance the implementation costs of the Guildford and Waverley collaboration project and in particular the redundancy and pension strain costs. A strategy on the Flexible use of Capital Receipts was appended to the report, which the Committee was asked to recommend to Council for approval.

Whilst suitable receipts were anticipated during 2021-22, there was a risk that the receipts might be delayed. If sufficient capital receipts were not received during the financial year 2021-22, officers had sought approval to finance the redundancy costs from the invest to save reserve.

Having considered the report, the Committee

RECOMMEND (to Council: 5 October 2021)

- (1) That the Council approves the termination payment associated with the voluntary compulsory redundancy of James Whiteman, Managing Director (post number PO1721) in the total sum as set out in the table in paragraph 3.1 of the report submitted to the Committee.
- (2) That the Council approves the Flexible Use of Capital Receipts Strategy as set out in Appendix 4 to the report so that the implementation costs outlined in paragraph 3.4 can be financed from the flexible use of capital receipts should they be incurred.
- (3) That in the event that sufficient receipts are not received during 2021-22, Council approves the use of the invest to save reserve to finance the implementation costs outlined in paragraph 3.4 should they be incurred

Reason:

To enable the appointment of a shared Chief Executive with Waverley Borough Council.

The meeting finished at 3.16 pm

Signed

Chairman

Date

Employment Committee Report

Ward(s) affected: n/a

Report of the Director of Resources

Author: Claire Morris

Tel: 01483 444827

Email: Claire.morris@guildford.gov.uk

Date: 8 February 2022

Designation of Monitoring Officer

Executive summary

Councillors will be aware that Diane Owens, the Council's Monitoring Officer will be leaving the Council on 28 February 2022.

Consequently, it will be necessary to designate an officer as the Monitoring Officer. In accordance with Officer Employment Procedure Rule 4 (a), the formal designation of the Monitoring Officer is undertaken by full Council on the recommendation of the Employment Committee.

The Committee is invited to consider this matter and endorse the recommendation below.

Recommendation (to Council: 9 February 2022)

That Stephen Rix (Interim Lead Specialist – Legal) be designated as the Monitoring Officer for the Council with effect from 1 March 2022.

Reason for Recommendation:

To comply with the requirements of the Local Government and Housing Act 1989 (as amended).

Is this report (or part of it) exempt from publication? Yes (Appendix 1)

- (a) The content of Appendix 1 contains personal information relating to an individual and is therefore exempt by virtue of paragraph 1 of Part 1 of the Schedule 12A to the Local Government Act 1972.
- (b) The content is restricted to all councillors.
- (c) The decision to maintain the exemption may be challenged by any person at the point at which the Committee is invited to pass a resolution to exclude the public from the meeting to consider the exempt information.

1. Purpose of Report

- 1.1 To ask the Committee to recommend to full Council that an officer of the Council be designated as the officer responsible for performing the duties imposed by Section 5 of the Local Government and Housing Act 1989 (as amended), that is, the Monitoring Officer.

2. Background

- 2.1 Under Section 5 of the Local Government and Housing Act 1989 (as amended) (“the 1989 Act”), the Council has a duty to designate one of its officers as Monitoring Officer.
- 2.2 The Monitoring Officer has a number of statutory duties and responsibilities relating to the Council’s Constitution and our arrangements for effective governance. These duties include maintaining the Constitution, ensuring that no decision or omission of the Council is likely to give rise to unlawfulness or maladministration and promoting high standards of conduct. A full list of the Monitoring Officer’s responsibilities and delegated powers is included within the Council’s Constitution (see Part 2 (Article13.3)).

3. Designation of Monitoring Officer

- 3.1 A local authority has general flexibility to appoint whatever officers it thinks fit. Despite this general flexibility, there are a number of statutory exceptions.
- 3.2 The 1989 Act (Section 5) provides that the Council must designate one of its officers to be the Monitoring Officer to check on the correctness and propriety of the authority’s decisions. The Monitoring officer may not also be the Head of Paid Service or the Council’s Chief Finance Officer. The Monitoring Officer has power, under Sections 5 and 5A of the 1989 Act, to nominate deputies.
- 3.3 Diane Owens, the Council’s Lead Specialist – Legal and Monitoring Officer has resigned from the Council to take up a new role and will be leaving the Council’s service on 28 February 2022.
- 3.4 Under the Council’s staffing structure, the post of Lead Legal Specialist is the post which Officers deem most appropriate to be designated as the Council’s Monitoring Officer as the role is the Council’s most senior legal officer and solicitor. Whilst there is no specific requirement for the most senior solicitor or legal officer of any Council to be the Monitoring Officer it is common practice for the monitoring officer to be a fully qualified solicitor given that part of the role of the monitoring officer is to ensure the Council’s compliance with laws and regulations. The monitoring officer has three main duties:
- 1) To report on matters he or she believes are, or are likely to be, illegal or amount to maladministration
 - 2) To be responsible for matters relating to the conduct of councillors and officers; and
 - 3) To be responsible for the operation of the Council’s constitution
- 3.5 The role of Lead Specialist - Legal requires the post holder to be a qualified solicitor with significant post qualification experience and experience of working in a public sector environment. The Lead Specialist - Legal is the ‘head of profession’ for legal services at the Council. Whilst it is common for the Monitoring Officer to be a Council’s most senior solicitor, it is not an absolute requirement. At Guildford Borough Council in the past, the role has normally been held by the Council’s most senior legal officer with the exception of the period of time, between September 2011 and December 2014 when the then, Head of Corporate Development, Martyn Brake, held the role of Acting Monitoring Officer. Practice at other councils has found that other roles sometimes designated as Monitoring Officer can be roles such as Director of Corporate Services, Director of Governance & Democratic Services (where the role is at Director Level then tends to sit with the Director responsible for Legal Services and often Democratic Services as well), or Head of Democratic & Elections Services. The Council

does not have a Director of Corporate Services or Director of Governance & Democratic Services. The Director currently responsible for legal services is the Director of Resources, who is the Council's Section 151 Officer and therefore cannot legally hold both statutory roles.

- 3.6 In accordance with Officer Employment Procedure Rule 4 (a), the formal designation of the Monitoring Officer is undertaken by full Council on the recommendation of this Committee.
- 3.7 Following Diane Owens' resignation, an external recruitment process has been undertaken with the help and support of an employment agency. In July 2021, the Council decided to share a senior management team, including statutory officers with Waverley Borough Council. Following the appointment of the Joint Chief Executive, a restructure to create a Joint Senior Management has begun; however, the work is at too early a stage to provide an immediate solution for the recruitment of a new Monitoring Officer for Guildford. As such it is not deemed an appropriate time to recruit a permanent Lead Specialist – Legal and Monitoring Officer. An external recruitment process for an interim officer for a period of 6 to 8 months has therefore been undertaken. The recruitment process included the employment agency undertaking an initial selection process of candidates against the role specification. This was followed by a small number of candidates being presented to the Director of Resources and Lead Specialist – Legal for selection for interview and an interview process taking place. Finally, a follow-up interview was undertaken by members of the Council's Employment Committee. This process has been completed and Stephen Rix has been appointed as the Interim Lead Specialist – Legal. Mr Rix is a qualified solicitor with many years' experience in local government at different councils as well as previous experience as a monitoring officer. Mr Rix's CV is shown in the "Not for Publication" Appendix 1.
- 3.8 Under Section 5 (7) of the 1989 Act, the duties of the Monitoring Officer may, whenever he or she is unable to act owing to absence or illness, be performed by a nominated deputy or deputies. Claire Beesley and Delwyn Jones have been nominated as Deputy Monitoring Officers by the Monitoring Officer and will continue in their roles.

4. Financial Implications

- 4.1 The Monitoring Officer and Deputy Monitoring Officer are paid honoraria of £5,300 and £1,500 per annum respectively, which are met from existing budgets.

5. Legal Implications

- 5.1 These are set out in the report.

6. Human Resource Implications

- 6.1 There are no further human resource implications.

7. Background Papers

None

8. Appendices

Appendix 1: CV: Stephen Rix (Confidential)

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

Agenda item number: 5
Appendix 1

Document is Restricted

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