

EMPLOYMENT COMMITTEE

26 October 2016

- * Councillor Paul Spooner (Chairman)
- * Councillor Matt Furniss (Vice-Chairman)
- * Councillor Caroline Reeves

*Present

EM13 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

There were no apologies for absence.

EM14 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no disclosures of interest.

EM15 MINUTES

The minutes of the meeting of the Employment Committee held on 6 October 2016 were confirmed. The Chairman signed the minutes.

EM16 EXCLUSION OF 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, 4, and 5 of Part 1 of Schedule 12A to the Act.

EM17 CORPORATE MANAGEMENT TEAM: SETTLEMENT AGREEMENT - POST NO. 1.016

The Committee considered a report setting out arrangements for the departure, by mutual agreement, of Mr Satish Mistry (Director of Corporate Services) from the Council. These arrangements were designed to ensure that the Council's Corporate Management Team retained the necessary flexibility, whilst maintaining momentum on the Council's ambitious change agenda.

Councillors noted that Mr Mistry had latterly been appointed as Director of Corporate Services in April 2015 for a two-year period expiring on 30 June 2017. The Committee considered a number of factors which, taken together, pointed towards it being best if Mr Mistry was to depart now from his employment at the Council, not least of which was the forthcoming retirement of Sue Sturgeon as Managing Director/Head of Paid Service on 31 May 2017. It was felt that it would not be in the interests of consistency of leadership and the stability of the Council, for two senior post-holders to leave the Council at almost the same time.

Given these factors, the Managing Director had provisionally reached a settlement agreement with Mr Mistry, the heads of terms of which were appended to the report submitted to the Committee.

The Committee acknowledged that Mr Mistry's departure would enable the Council to move forward and treat one of its most senior employees in a proper and dignified manner. Furthermore, the proposal was, in the opinion of the Managing Director/Head of Paid Service, Chief Internal Auditor and the Council's external auditor, a reasonable settlement and in the best interests of the Council.

Having noted the estimated cost to the Council of reaching agreement in this regard, the Committee

RECOMMEND:

- (1) That the Council approves the heads of terms and financial settlement with Satish Mistry (Director of Corporate Services) in connection with his departure from the Council, as set out in the report submitted to the Committee and in Appendix 1 thereto.
- (2) That the Managing Director be authorised:
 - (a) to agree minor changes to the settlement agreement in consultation with the Chairman of the Employment Committee; and
 - (b) to sign the agreement on behalf of the Council.

Reason for Recommendation:

To facilitate the departure of Satish Mistry from the Council.

(Following consideration of this item the Committee considered the next item in open session.)

EM18 INTERIM APPOINTMENTS TO STATUTORY OFFICER RESPONSIBILITIES AND REALLOCATION OF LINE MANAGEMENT RESPONSIBILITIES

The Committee considered a report on interim arrangements consequential on the completion of the agreement referred to in Minute No. EM17 above, together with a small number of changes required following the Council's decision on 6 October 2016 to confirm Sue Sturgeon's retirement date and the process and timetable for the appointment of her successor as Managing Director.

These arrangements would ensure that the Council's Corporate Management Team retained the necessary flexibility, whilst maintaining momentum on the Council's ambitious change agenda.

Upon completion of the agreement, it was proposed, pending the appointment of a new Managing Director/Head of Paid Service, to reallocate line management responsibilities as follows:

- (a) Legal Services, Democratic Services, Electoral Services and Human Resources teams be line-managed by the Director of Resources;
- (b) Communications and Policy & Partnerships teams be line-managed by the Managing Director/Head of Paid Service

The Committee considered proposed interim appointments in respect of the Monitoring Officer and Deputy Managing Director roles.

It was proposed that Sandra Herbert, the Council's Legal Services Manager and currently a Deputy Monitoring Officer, be appointed as the Council's Monitoring Officer.

It was envisaged that the principal role of Deputy Managing Director would be to support the Managing Director in delivering on key targets for her remaining employment as well as being engaged in a handover process with the new Managing Director. The Committee considered a number of options as to how best to fill the role of Deputy Managing Director on an interim basis.

The Managing Director informed the Committee that Philip O'Dwyer, Steve White and Tracey Coleman had all confirmed, in writing, that they would support the appointment of James Whiteman as Deputy Managing Director on an interim basis pending the appointment of a new Managing Director/Head of Paid Service.

The Committee also considered the proposed permanent appointment of Returning Officer (RO) for the election of borough and parish councillors, and Electoral Registration Officer (ERO).

Given that it was the usual practice in most councils for the Chief Executive/ Managing Director to hold the roles of RO and ERO, it was proposed to revert to that arrangement by appointing the Managing Director to these roles. This would mean that the Council could include these roles in the job description for the new Managing Director/Head of Paid Service.

The Committee was also asked to consider the introduction of a progressive salary scale for the Managing Director/Head of Paid Service post, based on three salary points up to the current maximum of £126,616, details of which would be included in the job advertisement for the post. This would enable the Council to provide opportunity for a degree of pay progression for the successful candidate.

The Committee also considered the future of the Section 151, Chief Finance Officer role, which was currently held by Sue Sturgeon. It was suggested that, following her retirement on 31 May 2017, Claire Morris the Head of Financial Services should assume responsibility for this role.

Having noted the financial implications of the proposals before them, the Committee

RECOMMEND:

- (1) That the Council agrees, subject to the completion of the agreement referred to in Minute No. EM17 above,
 - (a) the following temporary arrangements and appointments be made in the interim, pending the appointment of a new Managing Director/Head of Paid Service:
 - (i) Legal Services, Democratic Services, Electoral Services and Human Resources teams be line-managed by the Director of Resources;
 - (ii) Communications and Policy & Partnerships teams be line-managed by the Managing Director/Head of Paid Service;
 - (iii) the Legal Services Manager (Sandra Herbert) be appointed as the Council's Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989.
 - (b) the Managing Director be appointed as the Council's Electoral Registration Officer in accordance with Section 8(2)(a) of the Representation of the People Act 1983 and Returning Officer for election of borough and parish councillors, in accordance with Section 35(1) of the 1983 Act.

- (2) That the Council confirms the appointment of the Electoral Services Manager (Elaine Bradbrook) as Deputy Electoral Registration Officer.
- (3) That, with effect from 1 November 2016, James Whiteman be appointed to the role of Deputy Managing Director on an interim basis pending the appointment of a new Managing Director/Head of Paid Services, and that he be placed on the current Deputy Managing Director's salary scale of £101,808 p.a. for that period.
- (4) That the proposed salary scale for the Managing Director/Head of Paid Service post be amended as follows:
 - £120,877
 - £123,712
 - £126,616
- (5) That, upon the retirement of Sue Sturgeon, the Head of Financial Services (Claire Morris) be appointed as the Council's Section 151 Officer (Chief Finance Officer).
- (6) That the current Pay Policy Statement be amended to reflect the changes referred to in paragraphs (1) – (4) above, as appropriate.
- (7) That the Monitoring Officer be authorised, in consultation with the Lead Councillor for Infrastructure and Governance, to make all necessary constitutional amendments.

Reason for Recommendation:

To deal with the consequential arrangements following completion of the agreement referred to in Minute No. EM17 above.

The meeting finished at 3.42 pm

Signed

Chairman

Date