

Sefton Council



COUNCIL SUMMONS

To Members of the Metropolitan Borough Council

Dear Councillor

You are requested to attend the Adjourned Annual Meeting of the Sefton Metropolitan Borough Council to be held on **Thursday 21st May, 2015 at 6.30 pm at the Town Hall, Bootle** to transact the business set out on the agenda overleaf.

Yours sincerely,



Chief Executive

Town Hall,
Southport

Wednesday 13 May 2015

Please contact Steve Pearce, Democratic Services Manager
on 0151 934 2046 or e-mail steve.pearce@sefton.gov.uk

We endeavour to provide a reasonable number of full agendas, including reports at the meeting. If you wish to ensure that you have a copy to refer to at the meeting, please can you print off your own copy of the agenda pack prior to the meeting.

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A G E N D A

1. Apologies for Absence

2. Declarations of Interest

Members are requested to give notice of any disclosable pecuniary interest, which is not already included in their Register of Members' Interests and the nature of that interest, relating to any item on the agenda in accordance with the Members Code of Conduct, before leaving the meeting room during the discussion on that particular item.

3. Minutes of Previous Meeting

(Pages 5 - 12)

Minutes of the Ordinary Council meeting held on 23 April 2015.

4. Mayor's Communications

5. Election Results - 7 May 2015

(Pages 13 -
18)

To receive and note the report of the Chief Executive and Returning Officer on the results of the Council Elections held on 7 May 2015.

6. Leader of the Council

The Council is requested to appoint a Leader of the Council for a period of four years until the Adjourned Annual Council meeting in May 2019 or until such time as the term of office expires.

7. Cabinet and Deputy Leader of the Council

Report of the Leader of the Council to be circulated prior to the meeting.

**8. Appointment of Committees and Working Groups
2015/16**

- a) To Determine the Size and Membership of Committees and Working Groups in accordance with the Political Balance Rules

Details of the allocation of Committee Places in accordance with the Political Balance Rules and the proposed membership of Committees and Working Groups for 2015/16 will be circulated prior to the meeting.

b) Terms of Reference for Committees and Working Groups

Subject to the item above, the Council is requested to approve the terms of reference of the Committees and Working Groups, as set out in Chapters 6 and 7 of the Council Constitution.

9. Appointment of Representatives on Merseyside Joint Authorities 2015/16

Details of the proposed representation on the Merseyside Joint Authority bodies for 2015/16 will be circulated prior to the meeting.

10. Appointment of Representatives on Sefton Partnership Bodies 2015/16

Details of the proposed representation on the Partnership Bodies for 2015/16 will be circulated prior to the meeting.

11. Dates of Council Meetings 2015/16

To note that the Council meetings scheduled to be held during the Municipal Year 2015/16 are as follows:

- 16 July 2015
- 17 September 2015
- 19 November 2015
- 28 January 2016
- 3 March 2016 (Budget Meeting)
- 21 April 2016

12. Senior Leadership and Management Structure - Executive Director Remuneration

(Pages 19 - 30)

Report of the Chief Executive and Head of Corporate Personnel.

13. Constitutional Amendments - Statutory Officers

(Pages 31 - 38)

Report of the Head of Corporate Legal Services

THIS SET OF MINUTES IS NOT SUBJECT TO "CALL-IN"

COUNCIL

MEETING HELD AT THE TOWN HALL, SOUTHPORT ON THURSDAY 23RD APRIL, 2015

PRESENT: The Mayor (Councillor Cluskey) in the Chair
The Deputy Chair (Councillor M. Fearn) Vice Chair

Councillors Ashton, Ball, David Barton,
Maria Bennett, Bradshaw, Brennan, Brodie -
Browne, Byrom, Carr, Crabtree, Cummins,
Cuthbertson, Dawson, Dodd, Peter Dowd, Dutton,
Fairclough, Lord Fearn, Friel, Gatherer, Grace,
Hands, Hardy, Hartill, Jones, Keith, John Kelly,
John Joseph Kelly, Kermode, Killen, Lappin, Lewis,
Maher, Mahon, McGinnity, S. McGuire, McKinley,
Moncur, Murphy, O'Brien, Page, Papworth, Preece,
Roberts, Robinson, Roche, Shaw, Thompson,
Tweed, Veidman, Weavers, Webster and Welsh

88. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Atkinson, Jo Barton, Veronica Bennett, Booth, Burns, Dams, Mark Dowd, Kerrigan, Owens and Robertson.

89. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interest were received.

90. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the Council Meeting held on 5 March 2015 be approved as a correct record.

91. MAYOR'S COMMUNICATIONS

Councillors Not seeking Re-Election

The Mayor reported that Peter Maguire had resigned as a Councillor on 12 March 2015, after 3 years service on the Council.

The Mayor also reported that this was the last Council meeting before the Council Elections on 7 May 2015 and that the following 5 Councillors would not be seeking re-election:

Agenda Item 3

COUNCIL- THURSDAY 23RD APRIL, 2015

Councillor Tony Crabtree who had 4 years service on the Council;

Councillor Gill Cuthbertson, who had 8 years service on the Council;

Councillor Mark Dowd, who had 32 years service on the Council;

Councillor Peter Papworth, who had 27 years service on the Council; and

Councillor Diane Roberts, who had 4 years service on the Council.

On behalf of the Council, The Mayor thanked those Members for their dedicated service to the people of Sefton and extended best wishes to them for the future.

The Leader of the Council (Councillor P. Dowd) and Councillors Brennan, Brodie – Browne and Jones paid tribute to the service given by those Members referred to above.

Mayor of Sefton's Charity Ball Update

The Mayor reported that the sum of £7,714 was raised at the Mayoral Charity Ball held on 14 March 2015 and he expressed his thanks and appreciation to all who had contributed or supported in any way to the success of the Ball.

Public Health Qualification

The Mayor reported that to improve the health and wellbeing of our residents, a further 4 Councillors had successfully completed the Royal Society for Public Health: Level 2 Understanding Health Improvement qualification. The Councillors concerned were Nina Killen, Paula Murphy, Michael Roche and Marianne Welsh.

The Mayor indicated that certificates had been presented to the Councillors by Dr Janet Atherton, the Director of Public Health in the Mayor's Parlour prior to this meeting, and that 18 Members had now completed the qualification including himself and he encouraged all Councillors to attend the course if they had the opportunity to do so.

92. MATTERS RAISED BY THE PUBLIC

The Mayor reported that in accordance with the Council's Petition Scheme set out in Chapter 12 of the Constitution, a petition containing 5,465 signatures had been submitted by the 'SOS Transport Sefton' Group.

The Council heard representations from Mrs Joanne Allman of Formby on behalf of the deputation, on the content of the petition which stated:

"We, the undersigned, are calling on you to continue providing free school and college transport for disabled children and young people over 16.

We are concerned that many children and young people with SEND in the borough do not have the necessary skills to access the Travel Training programme that, according to Sefton Council's proposed changes, may replace free post-16 transport, nor are they able to travel to school or college independently. We do not believe it is fair or equitable to expect parents of these children to take responsibility for their transport to and from school or college.

It is ironic, given the Council's expressed interest in promoting independence skills, that the proposed changes will in fact have the opposite effect for many children and young people with SEND, if they have to be escorted to school by their parents rather than travelling by minibus or taxi. We feel it is patently unjust to target cost-saving measures at the most vulnerable in society, and that it is tantamount to discrimination to penalise already hard-pressed families because their children's disabilities prevent them from accessing the support offered by the Council.

Please take account of the views of the people of Sefton in the Public Consultation on Post-16 SEN Transport."

The Leader of the Council (Councillor P.Dowd) thanked Mrs Allman for presenting the petition and indicated that the Council had no intention to cease the provision of post -16 school and college transport for disabled children and young people with special educational needs who attend specialist schools and colleges. The provision of transport may change for young people attending mainstream schools but this would be based on an assessment of the individual needs of each young person.

The Leader also referred to the concerns raised by Mrs Allman about the recent public consultation exercise undertaken by the Council and indicated that the consultation arrangements had been approved by the Council's Public Engagement and Consultation Panel. He extended an invitation to representatives of the 'SOS Transport Sefton' Group to attend a future meeting of the Panel to discuss the lessons to be learnt in improving the process for future consultation exercises. The Leader also expressed a hope that dialogue would continue between the Group and Members and Officers of the Council on the future delivery of the transport service.

During the brief debate, it was also suggested that the Public Engagement and Consultation Panel be requested to review the Council's consultation arrangements and seek feedback from other groups who had expressed dissatisfaction with recent consultation exercises.

RESOLVED:

That:

- (1) the petition be noted;

Agenda Item 3

COUNCIL- THURSDAY 23RD APRIL, 2015

- (2) the statement and assurances given by the Leader of the Council be noted; and
- (3) representatives of the 'SOS Transport Sefton' Group be invited to attend a future meeting of the Public Engagement and Consultation Panel to discuss the lessons to be learnt in improving the process for future consultation exercises.

93. QUESTIONS RAISED BY MEMBERS OF THE COUNCIL

The Council considered a schedule setting out the written questions submitted by:

- Councillor Brodie-Browne to the Leader of the Council (Councillor P. Dowd)
- Councillor Shaw to the Leader of the Council (Councillor P. Dowd)
- Councillor Preece to the Leader of the Council (Councillor P. Dowd)
- Councillor Dawson to the Leader of the Council (Councillor P. Dowd)
- Councillor Dawson to the Cabinet Member – Corporate Services and Performance (Councillor Tweed)
- Councillor Dawson to the Cabinet Member – Older People and Health (Councillor Cummins)
- Councillor Dawson to the Chair of the Planning Committee (Councillor Veidman)
- Councillor Welsh to the Cabinet Member – Communities and Environment (Councillor Hardy)
- Councillor Preece to the Cabinet Member – Communities and Environment (Councillor Hardy)
- Councillor Hands to the Cabinet Member – Transportation (Councillor Fairclough)
- Councillor Papworth to the Cabinet Member – Regeneration and Tourism (Councillor Maher)

together with the responses given. Supplementary questions were responded to by the Leader of the Council and the Cabinet Members for Corporate Services and Performance; Older People and Health; Communities and Environment; Transportation; and Regeneration and Tourism, and the Chair of the Planning Committee.

COUNCIL- THURSDAY 23RD APRIL, 2015

94. PUBLIC HEALTH ANNUAL REPORT 2014

Further to Minute No. 74 of the Cabinet meeting held on 26 March 2015, the Council considered the annual report of the Director of Public Health for 2014, which provided details of key health issues affecting the Sefton population.

It was moved by Councillor P. Dowd, seconded by Councillor Maher and

RESOLVED:

That:

- (1) the annual report of the Director of Health be received; and
- (2) it be noted that the report would be published.

95. WHISTLEBLOWING POLICY AND CONSTITUTIONAL AMENDMENTS

Further to Minute No. 42 of the meeting of the Audit and Governance Committee held on 25 March 2015, the Council considered the report of the Director of Corporate Services on the Confidential Reporting Policy which had now been amended and re-named the 'Whistleblowing Policy'. The report also provided an update on progress in relation to a number of Constitutional amendments.

It was moved by Councillor Roberts, seconded by Councillor P. Dowd and

RESOLVED:

That:

- (1) the Whistleblowing Policy as set in out in Appendix 1 to the report be approved; and
- (2) the amendments to the Constitution as set out in paragraph 1(b) of the report in relation to the Planning Committee, the Health and Wellbeing Board and the Terms of Reference for the Cabinet Member - Older People and Health be approved.

96. MEMBERSHIP OF COMMITTEES 2014/15

It was proposed by Councillor P. Dowd that Councillor Kermode be nominated as the Mayor Elect and Councillor Cluskey as the Deputy Chair of the Council for 2015/16 at the Annual Council meeting to be held on 19 May 2015 at Bootle Town Hall.

RESOLVED:

That the nominations be submitted to the Annual Council meeting to be held on 19 June 2015 at Bootle Town.

Agenda Item 3

COUNCIL- THURSDAY 23RD APRIL, 2015

97. NOTICE OF MOTION SUBMITTED BY COUNCILLOR HARDY

It was moved by Councillor Hardy, seconded by Councillor Maher and unanimously

RESOLVED:

That:

1. The Council resolves to write to the Secretary of State for Environment, Food and Rural Affairs expressing the concern of the Council at both current charges and proposed further water service charges affecting Sefton Council.
2. The Council asks the Secretary of State to note that surface water highway drainage charges applied by United Utilities to local authorities are already charged at the highest rates in England and Wales. Her attention is drawn to United Utilities proposing to phase-in new and further charges for Council premises and open spaces from April 2016 at a time when this Council has sustained prolonged and unprecedented reductions in budget.
3. The Secretary of State is also asked to note the significant difference between what Councils within the United Utilities region are charged and what level of water service charges are applied to local authorities by all other water and sewerage companies in other regions. The following examples are noted:
 - Department for Education Consistent Financial Reporting data shows that in 2012/13, schools in the North West region paid a total of £27 million for water/sewerage, whereas schools in the South East paid £11 million. Both regions roughly have similar numbers of schools and pupils yet an extra £16 million of added charges are applied in our region.
 - United Utilities have indicated intent to phase in added charges to the six Greater Merseyside local authorities of £2,430,000 from April 2016. No other district outside the North West will face such extensive additional charging.
4. The Council calls upon the Secretary of State for Environment, Food and Rural Affairs to commission an independent review of the differing scale of charges facing public sector services for water and sewerage services, similar in scope to the 2009 Walker Review of household charging and they are asked to revise guidance on concessionary schemes that relate to Section 43 of the Flood & Water Management Act 2010 to make clear that community assets managed by local authorities can be included within a concessionary scheme.

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Agenda Item 5

ADJOURNED ANNUAL COUNCIL – 21 MAY 2015

SUMMARY OF ELECTION RESULTS - LOCAL GOVERNMENT ELECTIONS – 7 MAY 2015

AINSDALE WARD

Terry Jones	Conservative Party	2247
Lynne Thompson	Liberal Democrats	1978
Lesley Delves	Labour Party	1332
Terry Durrance	UK Independence Party	1165
Barbara Ann Dutton	The Green Party	289
	Electorate	9754
	% Turnout	71.8

BIRKDALE WARD

Simon John Shaw	Liberal Democrats	2216
Poppy Elise Jones	Conservative Party	1374
Allen Ferguson	UK Independence Party	1360
Ged Wright	Labour Party	1351
Tony Young	The Green Party	318
	Electorate	9852
	% Turnout	67.1

BLUNDELLSANDS WARD

Daniel Terence Lewis	Labour Party	3105
David McIvor	Conservative Party	2311
Peter George Cherry	UK Independence Party	532
Peter Wilson	The Green Party	448
Andrew Robert Jeens	Liberal Democrat	440
	Electorate	9245
	% Turnout	73.9

CAMBRIDGE WARD

Harry Bliss	Conservative Party	1897
Yaso Sathiy	Liberal Democrats	1734
Ann Irene Ferguson	UK Independence Party	1302
Muriel Annie Langley	Labour Party	901
David William Collins	The Green Party	259
	Electorate	9550
	% Turnout	63.8

Agenda Item 5

CHURCH WARD

Veronica Webster	Labour Party	3785
Helen Louise Barber	Conservative Party	627
Mike Kelly	UK Independence Party	574
Laurence George Rankin	The Green Party	525
Nathan Ryan James Roche	Liberal Democrat	316
	Electorate	8981
	% Turnout	64.8

DERBY WARD

Dave Robinson	Labour Party	4139
Paul Andrew Nuttall	UK Independence Party	812
Alwynne Ann Cartmell	The Green Party	295
	Electorate	8573
	% Turnout	61.1

DUKES WARD

Pat Ball	Conservative Party	2186
Teresa Josephine Smith	Liberal Democrats	1689
Catherine Emily Cookson	Labour Party	991
John Charles Lyon-Taylor	UK Independence Party	967
Bernhard Frank	The Green Party	283
	Electorate	10,260
	% Turnout	59.6

FORD WARD

Kevin Eamonn Cluskey	Labour Party	4359
Philip James Wordley	UK Independence Party	714
Nicole Elizabeth Crawford	The Green Party	298
Paul Michael Crossey	Liberal Democrat	209
	Electorate	8918
	% Turnout	62.5

HARINGTON WARD

Simon Iain Jamieson	Conservative Party	2639
Alf Doran	Labour Party	1982
Pat Gwyther	Community Action Not Party Politics	1658
Robin Bond	UK Independence Party	639
Richard Graham Willis	The Green Party	399
	Electorate	9760
	% Turnout	74.9

Agenda Item 5

KEW WARD

Mike Booth	Liberal Democrats	1842
Janet Catherine Harrison	Labour Party	1329
Philip Jeffrey Cantlay	UK Independence Party	1251
Jordan Thomas Shandley	Conservative Party	1004
Neville Grundy	The Green Party	339
	Electorate	9563
	% Turnout	60.2

LINACRE WARD

John Ronald Fairclough	Labour Party	3698
Lindsay Rebecca Melia	The Green Party	538
Barbara Ann Bryan	Socialist Labour Party	126
	Electorate	8098
	% Turnout	53.8

LITHERLAND WARD

Paul Frank Tweed	Labour Party	4352
Lisa Michele Tallis	The Green Party	459
Hannah Gee	Liberal Democrats	348
	Electorate	8277
	% Turnout	62.3

MANOR WARD

Clare Louise Carragher	Labour Party	3713
Martyn Paul Barber	Conservative Party	1853
Craig Hughes	UK Independence Party	712
Carol Tonkiss	Liberal Democrats	351
James David O'Keeffe	The Green Party	293
	Electorate	9877
	% Turnout	70

MEOLS WARD

Nigel Ashton	Liberal Democrats	2065
Georgia Pactor	Conservative Party	1733
Patricia Elaine Shanks	UK Independence Party	1375
Debbie Bannon	Labour Party	1141
Rick Furness	The Green Party	237
	Electorate	9765
	% Turnout	67

Agenda Item 5

MOLYNEUX WARD

Marion Atkinson	Labour Party	4637
Peter Harper	UK Independence Party	1114
Marcus Julian Romaine Bleasdale	Conservative Party	958
Pierre Laurence Vicary	The Green Party	349
	Electorate	10001
	% Turnout	70.5

NETHERTON AND ORRELL WARD

Susan Ellen Bradshaw	Labour Party	4456
Pat Gaskell	UK Independence Party	843
Freddie Lynes	The Green Party	285
Peter Glover	Trade Unionist and Socialist Coalition	156
Paul Cooke	Left Unity	66
	Electorate	9139
	% Turnout	63.5

NORWOOD WARD

Marianne Welsh	Liberal Democrats	1971
Stephen James Jowett	Labour Party	1459
Jeffrey Thomas Hughes	UK Independence Party	1303
Anthony Irvine White	Conservative Party	1024
David McIntosh	The Green Party	400
	Electorate	10048
	% Turnout	61.3

PARK WARD

John Anthony Sayers	Labour Party	2853
Pat O'Hanlon	Community Action Not Party Politics	1219
Tony Robertson	Liberal Democrats	1026
Gary Evans	Conservative Party	943
Steve Little	UK Independence Party	747
Roy Greason	The Green Party	201
	Electorate	9687
	% Turnout	72.1

RAVENMEOLS WARD *

Catie Page	Labour Party	2273
Tim Hale	Labour Party	2202
Bob McCann	Community Action Not Party Politics	1927
Bernie Prescott	Community Action Not Party Politics	1870
Alexandra Mary McIvor	Conservative Party	1492
Mike Ward	Conservative Party	1406
Alison Gibbon	The Green Party	506
Michael Walsh	The Green Party	314
	Electorate	9367
	% Turnout	64

*** 2 Councillors elected**

Agenda Item 5

ST OSWALD WARD

Paula Gouldbourn (Spencer)	Labour Party	4412
Terri Loughlin	The Green Party	483
Kim Bryan	Socialist Labour Party	228
	Electorate	8167
	% Turnout	62.7

SUDELL WARD

Patrick McKinley	Labour Party	3446
Mal Gore	Community Action Not Party Politics	926
Bruce Lock Hubbard	Liberal Democrats	869
Wendy Moore	Conservative Party	834
Peter Gregson	UK Independence Party	681
Carla Jane Fox	The Green Party	178
	Electorate	9928
	% Turnout	69.8

VICTORIA WARD

Leslie Thomas Byrom	Labour Party	4237
Paul Martyn Barber	Conservative Party	1191
Andrew John Tonkiss	Liberal Democrat	925
Joseph Graeme Hedgecock	UK Independence Party	694
Andrew Roy Donegan	The Green Party	632
	Electorate	10457
	% Turnout	73.4

Margaret Carney
Returning Officer

Agenda Item 12

Report to: Council **Date of Meeting:** 21 May 2015

Subject: Senior Leadership and Management - Executive Director Remuneration

Report of: Chief Executive **Wards Affected:** All
Head of Corporate Personnel

Is this a Key Decision? No **Is it included in the Forward Plan?** No

Exempt/Confidential No

Purpose/Summary

To seek approval as required under the Council's Pay Policy for the level of remuneration applicable for two Executive Director posts. The formation and recruitment of the Executive Director posts have been approved by the Employment Procedure Committee, and the level of remuneration has been recommended by that Committee (subject to the Council's Pay Policy).

Recommendation(s)

To approve the remuneration for the Executive Director posts as detailed in paragraph 6 and as necessary with paragraph 10.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community	✓		
2	Jobs and Prosperity	✓		
3	Environmental Sustainability	✓		
4	Health and Well-Being	✓		
5	Children and Young People	✓		
6	Creating Safe Communities	✓		
7	Creating Inclusive Communities	✓		
8	Improving the Quality of Council Services and Strengthening Local Democracy	✓		

Reasons for the Recommendation:

To provide a remuneration which will ensure a successful recruitment to key posts.

Agenda Item 12

What will it cost and how will it be financed?

(A) Revenue Costs

(B) Capital Costs

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal

The Council has the following duties under the following sections of the Localism Act 2011:

- Section 38 - The Council must prepare a Pay Policy Statement for each financial year which sets out its policies relating to the remuneration of its chief officers and its lowest-paid employees and the relationship between the remuneration of its chief officers and its employees who are not chief officers.
- Section 39 -The Council's Pay Policy Statement must be approved by resolution of the authority before it comes into force and prior to 31 March immediately preceding the financial year to which it relates.
- Section 40 - With regard to its functions under sections 38 and 39 above, the Council must have regard to any guidance issued or approved by the Secretary of State.

The February 2012 Guidance issued by the Secretary of State "Openness and Accountability in Local Pay" at paragraph 14 stipulates that:

"...full council, or a meeting of members should be offered the opportunity to vote before large salary packages are offered in respect of a new appointment. The Secretary of State considers that £100,000 is the right level for that threshold to be set. For this purpose, salary packages should include salary, any bonuses, fees or allowances routinely payable to the appointee and any benefits in kind to which the officer is entitled as a result of their employment."

Human Resources

Equality

- | | | |
|----|--|-------------------------------------|
| 1. | No Equality Implication | <input checked="" type="checkbox"/> |
| 2. | Equality Implications identified and mitigated | <input type="checkbox"/> |
| 3. | Equality Implication identified and risk remains | <input type="checkbox"/> |

Impact on Service Delivery:

The changes to the Senior Leadership and Management Structure will make a positive contribution to outcomes.

The Employment Procedure Committee has already considered the structure and the identification of benefits that the new structure will make.

What consultations have taken place on the proposals and when?

The Head of Corporate Finance (FD 3546/15) and Head of Corporate Legal Services (LD 2838/15) have been consulted and any comments have been incorporated into the report.

Are there any other options available for consideration?

Paying below the level of remuneration would risk not achieving a successful recruitment and/or attract candidates of a calibre required.

Implementation Date for the Decision

Immediately following Council

Contact Officer: Mark Dale – Head of Corporate Personnel

Tel: 0151 934 3949

Email: mark.dale@sefton.gov.uk

Background Papers:

There are no background papers available for inspection.

Agenda Item 12

BACKGROUND

1. The Employment Procedure Committee on 14th April 2015 approved the formation and recruitment of two Executive Director posts. (Minutes Appendix 1)
2. The Executive Director posts form part of a fundamental revision of senior management arrangements which was approved by the Employment Procedure Committee. The changes in management structure will contribute £750,000 in savings of an overall £1.3m target. The new Structure is at Appendix 2.

LEVEL OF REMUNERATION

3. In respect of Local Government Chief Officers (of which the Executive Directors will each be one) the Council applies the JNC Chief Officers framework with the exception of pay.
4. In relation to the Senior Management Structure, the Local Authority utilises the HAY system of job evaluation aligned to pay levels developed in consultation with HAY. The use of an approved job evaluation system ensures that the Authority is paying remuneration which is aligned to the nature of the post (given job role, accountabilities and responsibilities) and in line with market expectations of that post. The HAY system also ensures that the Authority is protected in terms of any equality challenge.
5. The current HAY scale (for HAY 1) is as follows:

Level	Executive Directors
Inc Value	Spot grade within range
HAY Grade	1
Spot Grade	102,633
	105,198
	107,763
	110,328
	112,893

6. The Personnel Department has undertaken an analysis of the role and has concluded that the role of Executive Director fits within HAY 1 of the Authority's pay scales. This level of pay scale currently provides for a level of salary being between £102,633 to £112,893. The Head of Corporate Personnel has confirmed that the HAY grading is consistent with other grading values in the Authority. The appointees will be eligible for membership of the Local Government Pension Scheme.

Agenda Item 12

7. The Authority's position in terms of pay is a lower to median payer for its HAY population.
8. In relation to the appointment of Executive Directors, an appropriate spot salary will be applied within the range of HAY 1 (which is the post's HAY evaluation) after recruitment. This will mean that incremental progression will not apply in respect of the appointments. It is also proposed that should individuals not be performing to a satisfactory standard, then individuals will not achieve any form of increase in pay over and above their existing spot salary grade. This will therefore apply to cost of living rises.
9. In terms of the market, Council's recommendation is sought for the level of remuneration given that the remuneration is consistent with market value (Subject to the Council's Pay Policy)
10. Should the Head of Corporate Personnel need to provide a market supplement under the Pay Policy, then this is also recommended. The Employment Procedure Committee have recommended the level of Remuneration being subject to the Council's Pay Policy. Such market supplement would only be applied should there be a need to attract the ideal candidate and there is a robust evidence to justify the payment under the direction of the Head of Corporate Personnel.

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THIS SET OF MINUTES IS NOT SUBJECT TO "CALL-IN"

EMPLOYMENT PROCEDURE COMMITTEE

**MEETING HELD AT THE TOWN HALL, BOOTLE
ON TUESDAY 14TH APRIL, 2015**

PRESENT: Councillor Hardy (in the Chair)
Councillors John Joseph Kelly and Dawson

18. APPOINTMENT OF CHAIR

RESOLVED:

That Councillor Hardy be appointed the Chair of the Committee for this meeting.

19. APOLOGIES FOR ABSENCE

No apologies for absence were received.

20. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interest were received.

21. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the Minutes of the meeting held on 19 September 2014 be confirmed as a correct record.

22. SENIOR LEADERSHIP AND MANAGEMENT STRUCTURE

The Committee considered the joint report of the Chief Executive and Head of Corporate Personnel which provided details of proposals for a fundamental revision of the Council's senior management arrangements, which had been produced against the backdrop of savings as identified by the Council. A budget planning assumption for total savings in respect of Senior Management arrangements of £1.3m was approved by the Council on 5 March 2015. The review would be undertaken in three phases.

The report dealt with Phase 1 of the review covering Strategic and Functional Leadership and Management affecting current posts that sit within the cohort of Chief Executive, Deputy Chief Executive, Service Directors and Heads of Service.

The proposals in the first phase would save in the region of £750k.

The report set out proposals which would establish an operating model in respect of Senior Management to support Elected Members to deliver for

Agenda Item 12

EMPLOYMENT PROCEDURE COMMITTEE- TUESDAY 14TH APRIL, 2015

Sefton; enable delivery of the place shaping agenda; and ensure effective leadership and operational management of services which also provide for a saving. The report indicated that the revised management arrangements must also support the ambitious change programme created by the current financial and policy context and provide better value for money for local people.

The details of the current senior management structure, the proposed new structure and functional areas, a summary of the roles and qualifications for the Heads of Service posts and the person specification and job description for the Executive Director posts were appended to the report.

The Chief Executive reported that Sefton Council was a very diverse organisation providing more than 700 valuable services to about 250,000 local residents and had in excess of 1,500 legal duties with a net spending of £300m. Since 2010, there had been a reduction of 48% in senior manager's jobs in the Council and the rest of the Council had suffered a cut of 20% over the same time.

The Chief Executive also reported that the revised senior management structure would deliver a level of joined-up multi-disciplinary approaches to complex issues and projects, and would be simpler, flatter and more streamlined to create a better environment for innovation and creativity, and provide for clearer accountability, collaboration and information sharing between staff.

The Head of Corporate Personnel reported on the recruitment process and the use of recruitment consultants to help facilitate as necessary, the successful recruitment of two Executive Directors.

RESOLVED: That:

- (1) approval be given to the deletion of the post of Deputy Chief Executive following the normal retirement of the current postholder. Such deletion to be subject to the recruitment of the posts as referred to in resolution (2) below;
- (2) approval be given to the formation and recruitment of the two Executive Director posts, subject to full Council approval as to the level of remuneration required under the Council's Pay Policy and to the arrangements for the advertisement and selection for those posts as identified in paragraphs 8(c) and 23 - 25 of the report and resolution (5) below;
- (3) approval be given to the formation of new Heads of Service posts as detailed within the report and to the Chief Executive being given delegated powers with regard to the selection for interview, selection for post, arrangements and appointment of those posts in accordance with the arrangements as identified in this paragraphs 26 - 35 of the report. As a consequence of the formation of the Heads of Service posts, approval also be given to the deletion of

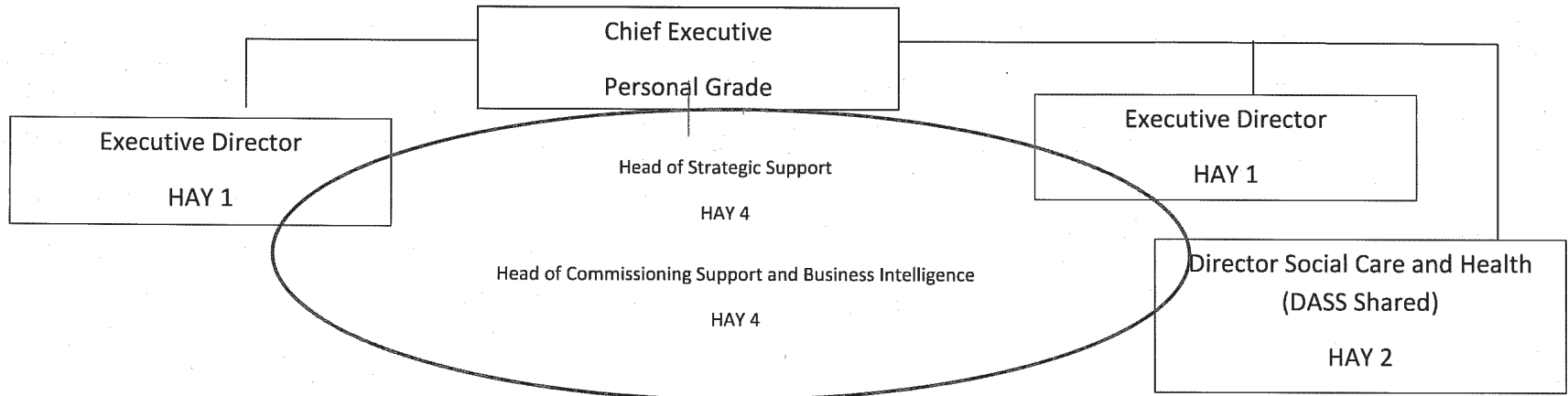
EMPLOYMENT PROCEDURE COMMITTEE- TUESDAY 14TH APRIL, 2015

the current Service Director and Heads of Service posts which are merged into those roles. Specialist arrangements would be necessary for the recruitment and appointment of the Head of Service Health and Wellbeing (Director of Public Health) post as detailed in resolution (6) below;

- (4) approval be given to the Head of Corporate Support post being in a form until the period April – June 2016 with arrangements as detailed in paragraph 8(d) of the report;
- (5) in relation to the Executive Director posts, a recommendation of a spot salary be decided for each post after the completion of recruitment in the HAY 1 range £102,633 to £112,893 subject to full Council approval in respect of the level of remuneration as detailed in resolution (2) above and the Council's Pay Policy. In respect of new Heads of Service appointments, that a spot grade be applied as detailed in paragraph 13 of the report. Any future appointments in respect of Executive Directors and Heads of Service to be completed in accordance with the report as a spot grade and in accordance with the Council's existing Pay Policy;
- (6) in relation to the post of Head of Health and Wellbeing (Director of Public Health), the Chief Executive and Head of Corporate Personnel be authorised to make arrangements for the particular recruitment and selection as required for this role, which would involve consultation with Public Health England and this recruitment would take place outside of the recruitment process for the Heads of Service roles. This recruitment would be one dealt with by the Employment Procedure Committee who would approve the specific job designation and selection process. The grade for this post is set out in Appendix 2 (i) of the report. The Head of Corporate Personnel also be authorised to make suitable arrangements, including but not limited to advertisement as required, to source appointable candidates for the role; and
- (7) given the importance of the Executive Director posts, the Head of Corporate Personnel be authorised to engage appropriate recruitment consultants to help facilitate as necessary successful recruitment.

Agenda Item 12

REVISED STRUCTURE



HEADS OF SERVICE

Health & Wellbeing DPH HAY2	Communities HAY4	Schools & Families HAY4	Regulation & Compliance Monitoring Officer HAY3	Regeneration & Housing HAY3	Inward Investment & Employment HAY4	Children's Social Care DCS HAY 2	Adult Social Care HAY 3	Locality Services - Provision HAY 3	Locality Services – Commissioned HAY 3	Corporate Support HAY 3 Plus Chief Finance and Chief Personnel Officers
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16 Posts + 1 shared Director + 2 Professional Support Officers = 19 posts

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Agenda Item 13

Reasons for the Recommendation:

To comply with the new regulations cited above.

Alternative Options Considered and Rejected:

To not comply with the regulations

What will it cost and how will it be financed?

(A) Revenue Costs

Nil

(B) Capital Costs

Nil

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial: Nil
Legal: These are contained within the contents of the report.
Human Resources: Appropriate notification will be provided to affected individuals which will be reflected in changes to Personnel policy.
Equality 1. No Equality Implication <input checked="" type="checkbox"/> 2. Equality Implications identified and mitigated <input type="checkbox"/> 3. Equality Implication identified and risk remains <input type="checkbox"/>

Impact of the Proposals on Service Delivery:

Nil

What consultations have taken place on the proposals and when?

The Head of Corporate Finance and ICT (FD 3556/15) and Head of Corporate Legal Services (LD 2848/15) have been consulted and any comments have been incorporated into the report.

Implementation Date for the Decision

Immediately following the Council meeting.

Contact Officer: Jill Coule, Head of Corporate Legal Support

Tel: 0151 934 2031

Email: jill.coule@sefton.gov.uk

Background Papers:

There are no background papers

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Agenda Item 13

1. Introduction/Background

- 1.1 The Council is obliged by virtue of these new regulations to review its constitution, to accommodate changes to the procedure for disciplining and dismissing statutory officers. Statutory officers for these purposes are the Head of Paid Service (Chief Executive), the Section 151 Officer (Head of Corporate Finance and ICT) and the Monitoring Officer (Head of Corporate Legal Services).
- 1.2 This modification must be made by the first ordinary council meeting held after the 7 May 2015 elections. Hence this matter has not previously been considered by the Audit and Governance Committee as it would be in the normal course of events.
- 1.3 In 2013, the government conducted a consultation to remove the appointment of the Designated Independent Person (DIP) to investigate allegations of misconduct by these statutory local government officers in England.
- 1.4 The finalised regulations now provide that the final decision to dismiss any statutory officer must now be taken by full Council. Before taking that decision, the Council must invite at least two Independent Persons to be members of a Panel, and take into account any recommendation of that Panel.
- 1.5 For these purposes, the Council's equivalent to 'the Panel' are the Employment Procedure Committee and Appeal Committee. The Council would now be required to include a minimum of two Independent Persons onto these Committees. The invitations for the Independent Persons should be sent in accordance with the following priority:
 - An Independent Person who has been appointed by the Council and who is a local government elector
 - Any other Independent Person who has been appointed by the Council, and
 - Any Independent Person who has been appointed by another Council or Councils
- 1.6 Currently the Council appoints two Independent Persons under the Localism Act 2011 (Section 28(7) refers) for the purposes of its standards administration with respect to Members and the Member Code of Conduct. The two current Independent Persons are both currently local government electors.
- 1.7 These Committees remain committees of the Council and therefore the proportionality rules would still apply. Any recommendation arising from the Committee's considerations would include the views of the Independent Person.
- 1.8 When the matter came to be considered at full Council, it would need to show before it took the decision to dismiss a statutory officer that it had taken into account:
 - Any advice, views or recommendations of the Panel
 - The conclusions of any investigation into the proposed dismissal
 - Any representations from the relevant statutory officer

- 1.9 Any remuneration, allowances or fees paid by the authority to an Independent Person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of that person's normal role with respect to standards and the Member Code of Conduct. Currently this Council does not pay any such allowance.

Proposed Changes to the Constitution

- 1.10 It is proposed that the Terms of Reference for these two Committees (Chapter 7) and associated paragraphs in Chapter 10 of the constitution are amended by replacing the current text with the information below:
- 1.11 Chapter 7 paragraph 1(5&6) General Terms of Reference and Membership of Regulatory and Non- Executive Committees – Appeals Committee & Employment Procedure Committee

Membership

Functions

Appeals Committee

All Members of the Council to form a Panel from which 3 Members are selected to form a politically balanced Committee.

Where the matter to be considered is disciplinary and/or dismissal (not dealt with elsewhere) of a statutory officer, the Committee will invite a minimum of two Independent Persons onto the Committee in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881) or as may be amended from time to time.

Employment Procedure Committee

All Members of the Council to form a Panel from which 3 Members are selected to form a politically balanced Committee.

At least one Member of the Cabinet to be included on the Committee.

Where the matter to be considered is disciplinary and/or dismissal (not dealt with elsewhere) of a statutory officer, the Committee will invite a minimum of

The appointment, discipline and dismissal of Chief Officers (as defined in Section 2 of the Local Government and Housing Act 1989).

The appointment of Chief Executive as the Head of Paid Service for submission to the Council.

Recommendations as to dismissal for the Chief Executive, the Section 151 Officer and the Monitoring Officer and

Agenda Item 13

two Independent Persons onto the Committee in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881) or as may be amended from time to time.

appropriate action in relation to alleged misconduct.

1.12 Chapter 7 paragraph 48 - Appeals Committee:

“To consider any appeal from the Chief Executive, Monitoring Officer or S151 Officer against the decision of any Committee or Sub-Committee to make recommendations to Council thereon.”

1.13 Chapter 7 paragraphs 63– Employment Procedure Committee:

“To consider and make recommendations to Council as to the appropriate action to be taken in respect of any report submitted in relation to the alleged misconduct by the Chief Executive, the Council’s Section 151 Officer or the Monitoring Officer”

1.14 Delete Chapter 7 paragraph 64

1.15 Chapter 10 paragraph 180 – Disciplinary Action

“The Chief Executive, Monitoring Officer and Chief Finance Officer may be suspended as a precaution whilst an investigation takes place into alleged misconduct. The suspension will be on full pay and last no longer than two months, unless otherwise agreed by the Employment Procedure Committee or Appeals Committee as appropriate”

1.16 Delete Chapter 10 paragraphs 180-1

1.17 Chapter 10 paragraph 192 – Redundancy, Capability and Ill Health

Any issues relating to capability, ill-health or redundancy in respect of the Chief Executive or a Chief Officer will be dealt with in accordance with the local procedures contained within the Council’s Personnel Manual.

1.18 The above paragraphs are the tailored amendments to suit the Council’s constitution. The regulations prescribe a number of additional matters which the Council must incorporate into its constitution as follows:

It is proposed that these further amendments be incorporated into Chapter 10 Section J - Employment - of the Constitution.

- “For the purposes of this section a “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.
- A relevant officer may not be dismissed by an authority unless the procedure set out in this constitution is complied with.

Agenda Item 13

- The authority must appoint to either the Employment Procedure Committee or the Appeals Committee (as necessary) two or more independent persons in accordance with the following priority order—
 - a relevant independent person who has been appointed by the authority and who is a local government elector;
 - any other relevant independent person who has been appointed by the authority;
 - a relevant independent person who has been appointed by another authority or authorities.

- The authority must appoint any Independent Members to either the Employment Procedure Committee or the Appeals Committee at least 20 working days before the relevant meeting.

- Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—
 - any advice, views or recommendations of the Committee;
 - the conclusions of any investigation into the proposed dismissal; and
 - any representations from the relevant officer.

- Any remuneration, allowances or fees paid by the authority to an independent person appointed to either the Employment Procedure Committee or the Appeals Committee must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the Localism Act 2011.”

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