



# CHELTENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Staff and Support Services

**Monday, 14 February 2011  
6.00 pm**

**Pittville Room, Municipal Offices, Promenade**

<b>Membership</b>	
<b>Councillors:</b>	Garth Barnes, Nigel Britter, Jacky Fletcher, Wendy Flynn, Rob Garnham (Vice-Chair), Les Godwin, Colin Hay, Steve Jordan (Chairman), Heather McLain, John Rawson, Duncan Smith and Lloyd Surgenor

The Council has a substitution process and any substitutions will be announced at the meeting

### Agenda

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST** (Pages 1 - 2)
- 3. AGREEMENT OF MINUTES** (Pages 3 - 12)  
28 October 2010
- 4. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION**  
The Committee is recommended to approve the following resolution:

“That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining items of business as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1, 3 and 5, Part 1, Schedule 12A (as amended) Local Government Act 1972, namely:

1. Information relating to any individual.
3. Information relating to the financial or business affairs of any particular person (including the authority

holding that information)

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

5. **REQUEST FOR DISCRETIONARY ALLOWANCE UNDER THE LOCAL GOVERNMENT (DISCRETIONARY PAYMENTS) REGULATIONS 1996** (Pages 13 - 70)  
Report of the Assistant Director of Human Resources & Organisational Development

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**CHELTENHAM BOROUGH COUNCIL**

**Staff and Support Services Committee**

**DATE:** .....

**DECLARATION OF INTEREST**

**NAME**  
\_\_\_\_\_

You are asked to complete this form if you intend to declare an interest in connection with any item on this agenda.

Please hand any completed form to the committee administrator at the meeting.

You are reminded that you are still required to declare your interest orally at the commencement of the committee's consideration of the matter.

Agenda item	*Personal interest	*Prejudicial Personal interest	Nature of interest

\* The Council's Code of Members Conduct explains what is a 'Personal Interest' and a 'Prejudicial Interest'. The Code is set out in Part 5A of the Council's Constitution.

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### Staff and Support Services

**Thursday, 28th October, 2010  
6.00 - 7.45 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Steve Jordan (Chairman), Garth Barnes, Nigel Britter, Jacky Fletcher, Rob Garnham (Vice-Chair), Les Godwin, Colin Hay, John Rawson and Duncan Smith
<b>Also in attendance:</b>	Amanda Attfield, Jan Bridges, Sara Freckleton, Julie McCarty, Clive Minett and Andrew North

### Minutes

**1. APOLOGIES**

Councillors Wendy Flynn and Heather McLain had given their apologies.

The Chairman advised that Councillor Webster would not be attending as recent Cabinet changes meant there would have been 4 Cabinet Members on the committee.

**2. DECLARATIONS OF INTEREST**

The Assistant Director – Human Resources and Organisational Development declared a personal and prejudicial interest in agenda item 5, given that she directly affected by the changes proposed within the report.

**3. AGREEMENT OF MINUTES**

The minutes of the last meeting had been circulated with the agenda.

Upon a vote it was unanimously

**RESOLVED that the minutes of the meeting held on the 29 July 2010 be agreed and signed as an accurate record.**

**4. REVIEW OF THE COUNCIL'S CONSTITUTION**

The Borough Solicitor and Monitoring Officer introduced the report as circulated. Members of the Working Group included Councillors Hay, Smith and Godwin, but the Monitoring Officer had compiled the report containing the Working Group's deliberations and recommendations for consideration by the committee.

The report set out the recommendations of the Constitution Working Group with regards to those parts of the Council Constitution which needed to be reviewed, as per the Council agreed Action Plans.

The Working Group took a view on the need for the Staff and Support Services Committee (S&SSC) and decided that it's functions could be delegated to the Appointments Committee, the Chief Executive, Strategic Directors and

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Assistant Directors as appropriate. It was also proposed that a Staffing Working Group and a Constitution Working Group would be established to provide members the opportunity to input into staffing and constitutional matters. These changes were set out in the documents comprising Appendix 2.

The Working Group did not make a specific recommendation as to when these changes should be implemented. This could be done immediately or, alternatively, in May when the wider constitution review would be finalised. There were pros and cons to both options and the committee would need to take a view.

The Appointments Committee was a concept that had been considered by the committee earlier in the year, and, at the time this related solely to statutory officers. However, in recognition of the changes consequential to the recommendation regarding the discontinuance of S&SSC, the Working Group felt that the functions of the Appointments Committee should be extended to include responsibility for the appointment of the Chief Executive, Strategic Directors and Assistant Directors. The recommendation of the group was that the Appointments Committee should consist of 9 members, be politically proportionate and to include at least 1 Cabinet Member.

The Group had looked at the current JNC Committee and to ensure that the JNC Conditions of service for Local Authority Chief Executives were reflected, and some minor changes to the functions of the JNC Disciplinary Committee were recommended as well as the establishment of a JNC Appeals Committee.

In response to the public interest report, a series of amendments to the Constitution are recommended by the Working Group which are intended to clarify both the role of the Borough Solicitor in conducting litigation on behalf of the Council and also the constraints (financial limits) which apply to the Borough Solicitor and other officers when exercising delegated authority. The amendments suggested to Articles 14 and 13 were included within Appendices 5 and 6 to the report and the Committee was also asked to approve the amendments to the Part 3H of the Constitution (Employee Delegation Scheme) which had, unfortunately been omitted in error from the recommendation 7 in the report.

The report recommended 2 amendments to the Council Rules of Procedure on voting. The first was to require that appointments to statutory officer posts be approved by a 2/3rds majority. The second required that the number of members voting for, against and abstaining on a matter were recorded in the minutes of the meeting, in line with the recommendation of KPMG. This would only apply in circumstances where a vote was taken and not when a decision was taken by affirmation of the meeting.

The Working Group had defined 'significant decisions' (Appendix 6 / Article 13); this described non-executive decisions that would fall into the category of 'key' were they taken under executive powers. It was felt that this would offer clarity to Members and the public as to the importance of decisions on the Forward Plan for Council.

The introduction of a scrutiny, review and call-in process for significant decisions made by the S&SSC would require a large number of amendments to various parts of the constitution. In view of recommendation 1 of the report, the

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discontinuation of the S&SSC, these amendments had not been drafted, but would be done by the Borough Solicitor for consideration by Council on 13 December, if required.

The Chairman invited members of the working group to add further comment;

Councillor Godwin highlighted that the logistics of distributing hard copies of the constitution following any amendments had been discussed by the group, but no conclusion reached.

Councillor Smith thanked the Borough Solicitor for her efforts. He highlighted that the working group would continue, as further refinement was still required. Whilst he accepted that at least one member of Cabinet should form membership of committees/working groups, he felt that there should be some reference to the maximum number of which a committee/group could consist.

The following responses were given by the Borough Solicitor to questions from members of the committee;

- A reference to the maximum number of Cabinet Members would be added.
- The provision within Article 13 of the Constitution relating to decision making by Overview and Scrutiny Committees was an existing provision and had not been added by the working group. The provision is simply intended to relate to rules relating to the conduct of business of those committees. .
- The recommended Staffing Working Group responsibilities derived from the functions of the current S&SSC Terms of Reference, although it was difficult to consider what functions are referred to by function number 7 (Appendix 2A). In those circumstances, the Leader's view that there was no obvious current requirement for the Staffing Working Group, but that this could be reviewed in future if the need arose, was accepted.
- It is possible to devise a scrutiny, review and call-in process in respect of "Significant decisions" made by S&SSC, This would require a significant number of amendments to various parts of the Constitution which had not been drafted ahead of this meeting in view of the recommendation to dissolve S&SSC. However, the amendments could be drafted prior to Council in December if required.
- There had been no attempt to list the matters that would go to Cabinet, but if members felt it necessary, this could be clarified within the report.

The Cabinet Member Corporate Services suggested that in his view S&SSC should be discontinued with immediate effect if the recommendation was agreed at Council. This, rather than wait until May 2011, at which point there was no selection Council, given that there were no elections.

The Chairman moved to consider the recommendations;

Upon being put to the vote it was unanimously

**RESOLVED that;**

**1.**

1. The recommendation of the Consultation Working Group to discontinue the Staff and Support Services Committee be accepted.
  2. Recommendation 1 be implemented immediately after Council on 13 December 2010.
  3. The amendments to the Employee Scheme of Delegation and the membership and functions of the Constitution Working Group set out in Appendix 2 be approved.
  4. The setting up of an Appointments Committee with the members and functions set out in Appendix 3 be approved.
  5. The revisions to the functions of the JNC Disciplinary Committee and the setting up of a JNC Appeals Committee for (Chief Executive, Strategic Directors and Assistant Directors) as set out in Appendix 4 be approved.
  6. The revised Article 14 of Part 2 of the Council's Constitution as set out in Appendix 5 be approved.
  7. The revised Article 13 of Part 2 of the Council's Constitution as set out in Appendix 6 and revisions to part 3H of the Constitution as set out in Appendix 7 be approved.
  8. The amendment to Rule 14 of the Council's Procedure Rules (Voting on appointment of statutory officers) as set out in paragraph 5.2.2 of the report be approved.
  9. The amendment to Rule 14 of the Council Procedure Rules and to the corresponding Rules in the Cabinet , Committee and Overview and Scrutiny Procedure Rules (Recording the Number of Votes), as set out in paragraph 6.1.2 of the report be approved.
  10. The revised Protocol for Member/Officer Relations as set out in Appendix 9 be approved.
2. The Committee recommends to Council
- a) Approval of items 1-10 above
  - b) That the Borough Solicitor be authorised to make any further minor amendments to the Constitution which are consequential upon the changes approved by Council.

Councillor Godwin was dissatisfied that no conclusion had been reached with regards to how hard copies of the revised constitution would be circulated.

A number of members felt that it was unnecessary to circulate hard copies of the constitution, preferring to access it via the internet, which guaranteed it was up to date. They struggled to justify the circulation and continual updating of

hard copies to all members given that only certain elements were critical to members (Rules of Procedure, etc).

They accepted that the version and date last updated should be clearly stated on all copies of the constitution and that a regularly updated version be situated in the Members Room at the Municipal Offices.

### **5. STRATEGIC COMMISSIONING**

Having declared an interest, the Assistant Director – Human Resources and Organisational Development excused herself from the meeting.

The Chief Executive introduced the report as circulated with the agenda. This committee had considered two earlier reports (Feb 2010 / May 2010) on Strategic Commissioning and as such, efforts had been made to reduce the amount of information contained within the report, but given that it would be referred onto Council, a certain level of detail had been necessary.

The initial reports had been philosophical about what Strategic Commissioning could achieve, this report set out proposals for a Strategic Commissioning Council and the supporting organisational structure.

Consultation with trade unions, the Economy and Business Improvement O&S Committee, key partners and Members through seminars and the cross-party working group, had resulted in feedback varying from “it’s just good management” to “this will fundamentally affect the way members work”.

The full year annual saving as a result of the proposed restructure of the Senior Leadership Team would be £213,000, as set out in item 4 of the Strategic Business Case (Appendix A). Additional savings could be made by applying commissioning methodology, for example an indicative figure of 10-15% of the operational budgets could achieve an annual saving of £0.8 and £1.2 million, based on the Torbay model.

He then concentrated on the proposed restructure and reminded members that he had recommended changes to the Senior Leadership Team structure to this committee in November 2008 regarding the former Deputy Chief Executive’s retirement, along with 3 others.

He was confident that this had been a success for the organisation and often wondered how 4 additional Directors had been required, though he did feel that there was still scope for further restructuring.

Appendix B set out the structure being proposed by the Chief Executive.

Subject to agreement the aim was to implement Phase 1 by April 2011, resulting in a reduction from 8.5 Assistant Directors (the Monitoring Officer was counted as half a post, given that it was shared with Tewkesbury Borough Council), to 6.5.

Phase 2 would see that further reduced by 1 Assistant Director (AD) post and was envisaged for implementation by October 2012.

The Head of Shared Services was marked as ‘if required’ as it very much depended on the extent and range of shared services.

The proposals identified significant changes, especially to those AD's directly affected by the changes.

Appendix C contained key points for consideration and he was very grateful to HR and Finance for their input.

The retirement of the AD Community Services would leave one redundant AD and could result in 2 having to apply for 1 post. As such, there clearly needed to be a process for involving members if there were competition for posts.

In summary the Chief Executive felt confident that this was the appropriate structure for the future, accepting it was lean, but fit for purpose and long term, would offer capacity to transform services whilst retaining community focus.

In addition to this, the Cabinet Member Corporate Services offered his opinion. The report adequately set out the structure, but he felt that members could benefit from clarity about their roles. He accepted that Strategic Commissioning could take many forms and it depended on the size and scope of the services being considered, members needed to be aware of the process and when and how they would be involved.

The following responses were given to questions from members of the committee;

- Were the proposed structure agreed, it would be flexible, so if a subsequent decision discounted Strategic Commissioning, the process could stop and the structure evolve.

At this point Councillor Garnham excused himself and left.

- Redundancy costs had not been included as they would vary dramatically from service to service and staff would be redeployed where possible, so there were too many variables to include any figures. Members were reminded that pension costs would be one of many factors in forming a decision.
- Hay Group had looked at the AD pay and grading and made certain recommendations, the suggestion was that they would not change but perhaps the Resources role would.
- There was still a lot to be done, but the structural change needed to go ahead of strategic commissioning. The structure was a sensible one for the future and would not be agreed until December at Council. In the meantime members were able to suggest changes, etc and by agreeing the recommendations this evening, were not tying their hands.
- If an AD was redeployed elsewhere in the Council at a lower grade, they would, like all employees, benefit from pay protection for 12 months only. There would also have to be a clear business case for doing this, but at the moment there was no way of knowing if this would be necessary. Where staff were being displaced there was a legal obligation to consider whether they were suitable for any vacant posts.

At this point Councillor Fletcher excused herself and left.

- The external cost of the process to date was £16,000 for the Eighty Twenty Insight report and £6,000 for Hay. The internal costs were not separately accounted and some projects were already in place and going forward to produce savings.

The Chairman felt that it was an evolving process. Were, the new structure being proposed solely to generate savings he would be unable to support it, but genuinely felt that strategic commissioning was the right route to take.

He felt that it was the best way for the Council to deal with the current financial climate, systematically looking at what services it delivered and how to do it better.

A process for member involvement needed to be agreed and whilst this was not the only approach available, it was as good as any and offered flexibility – nothing was set in stone and there was scope for change.

If Council agreed the recommendation to dissolve the Staff and Support Services Committee in December, items such as this would be reviewed by a working group established by Council and/or Cabinet, who would make recommendations rather than a decision, but ultimately the final decision would continue to sit with Council.

The Chairman advised that this item had been added to the forward plan for discussion by Cabinet in November.

Upon a vote it was

**RESOLVED (4 For / 3 Abstentions) that;**

- 1. The Chief Executive's proposals for a Strategic Commissioning Council and supporting new Council structure as set out in the report and in Appendices A and B be approved.**
- 2. The formal consultation (stages 1 and 2 as set out in Appendix C) on the proposed new structure be undertaken with affected employees and the recognised trade unions be agreed.**
- 3. The committee recommends that Council –**
  - (i) Approved the Chief Executive's proposals for a Strategic Commissioning Council and supporting new Council structure as set out in the report and in Appendices A and B.**
  - (ii) Notes that formal consultation (stage 3 as set out in Appendix C) on the proposed new structure will be undertaken with employees.**

**6. JCC (INC. HEALTH AND SAFETY)**

The Cabinet Member Corporate Services introduced the health and safety quarterly report as circulated with the agenda.

He confirmed that there had recently been a serious incident where a vehicle had run into the back of a refuse truck. The driver had managed to pull the

operator out of the way just in time, had he not, the operator could have suffered severe, or even fatal injuries.

At the recent JCC members had discussed the budget outturn and financial climate, though this was before the announcement by central government and whilst the trade unions had concerns they understood the position the Council were in.

Various other matters were discussed including, change management, strategic commissioning and the Council's approach to shared services, etc. HR performance, various policies and organisational development were also covered.

Though invited, members of the Conservatives and PAB's were unable to attend.

There were no questions or comments from members of the committee.

### **7. HR PERFORMANCE**

At this point Councillor Smith excused himself from the meeting and left.

The System and Business Improvement Business Partner introduced the quarterly report as circulated with the agenda. Whilst this was a standard report, previous comments from the committee had been taken on board and graphics had been added, which he hoped made it easier to identify trends.

Sickness absence (3.2) which was 2.48 days lost, though the actual days lost was slightly less than the same period last year. It was noted that employee numbers had reduced, thus making the average days lost per full time employee (fte) higher.

If this principle was used to predict the rest of the year, it would result in 9.5 days per fte.

Musculo-skeletal remained the main reason for absence, though some significant improvements had been achieved following changes to procedures at the depot.

The following responses were given to questions from members of the committee;

- The reason for absence cited as 'other' included various things from eczema to cancer-related illness. A breakdown could be provided outside of the meeting, but often there were few practical measures that could be taken to address this.
- The trend for absence due to stress was down and falling. It was monitored closely, as well as the number of employees accessing the counselling service. It was important to note that it was not always work related and was hard to separate given that it was often the result of more than one factor. The number of employees absent for more than 6 weeks with stress had peaked at 11 and was currently 4.

There were no further questions or comments from members of the committee.

**8. CORPORATE HEALTH AND SAFETY POLICY**

The Human Resources Manager – Operations, introduced the discussion paper and refreshed policy as circulated with the agenda.

The Corporate Health and Safety Policy had been reviewed and updated as per guidance from the Health and Safety Executive. The updated policy further clarified the roles and responsibilities of those people involved in Council activities, the changes had been highlighted in bold and photos of the Chief Executive and Leader of the Council had been included.

The following responses were to questions from members of the committee;

- There was no mention of training under the Chief Executive and Strategic Directors as this fell under Corporate Health and Safety functions.
- The words ‘including training’ would be added under Assistant Directors.
- The words ‘must be compliant with our Health and Safety policies’ would be added under Contractors.

There were no further questions or comments from members of the committee.

**9. STAFF AND SUPPORT SERVICES WORK PLAN**

The Chairman referred members to the work plan as circulated with the agenda.

Obviously, was the recommendation to dissolve the committee agreed by Council in December the items listed on the work plan would be addressed by other committees or working groups.

He asked that members review the work plan and highlight any items that they were concerned would fall outside of the scope of the proposed committees and working groups.

**10. ANY OTHER BUSINESS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION**

The Chairman wished Clive Minett all the best in his new role with the GO Partnership and Centre of Excellence for ICT Support and Hosting.

**11. DATE OF NEXT SCHEDULED MEETING**

The next meeting was scheduled for Thursday 24 February 2011, however, were the recommendations to dissolve the committee agreed by Council in December, there would be no further meetings.

A ‘special’ meeting of the committee would be arranged before Council in December, in response to a request for enhanced payment. The date details would be confirmed as soon as possible.

Steve Jordan  
Chairman

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