

Appointments Committee

Tuesday, 23rd April, 2013
5.10 - 5.45 pm

Attendees	
Councillors:	Wendy Flynn, Colin Hay, Steve Jordan, Rob Reid, Duncan Smith, Simon Wheeler and Rob Garnham (Reserve)
Also in attendance:	Amanda Attfield and Peter Lewis
Apologies:	Councillor Les Godwin, Councillor Paul McLain

Minutes

1. APPOINTMENT OF PERSON PRESIDING

In the absence of the Chair, the Head of Legal Services, called upon Members to nominate a Person Presiding for the meeting. Councillor Flynn proposed that Councillor Wheeler appointed and this was agreed by all members present. Councillor Wheeler then took the Chair.

(A) Apologies for Absence

Apologies were received from Councillors Godwin and McLain.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. NATIONAL PAY AWARD

The Head of Human Resources, GO Shared Services, introduced the report and explained that the post of Chief Executive was subject to JNC terms and conditions (those for Chief Executives) and that any annual pay award was normally negotiated by the Association of Local Authority Chief Executives (ALACE) as part of the JNC for Chief Executives. This was different from the Directors who were on JNC terms and conditions for Chief Officers except for any annual pay award which was subject to the NJC (National Joint Council) process and determination. This anomalous position had come to light when officers were reviewing the Pay Policy Statement. It was possible to amend conditions locally, whereby this difference could be removed so that the Chief Executive could be placed on the same annual pay award terms as the Directors (and all other staff).

Agreement was therefore being sought from Members to bring the annual pay award for the post of Chief Executive into line with that of the Directors. This would remove the risk of divisiveness, present a fair and equitable position, and be commensurate with pay awards for all other staff, giving the Chief Executive no more and no less than all other staff. There was a strong argument that to have the same pay award for all staff would remove the risk of division.

In terms of background, the Head of Human Resources explained that of the three negotiating bodies – the NJC, the JNC and the JNC for Local Authority Chief Executives, the NJC generally concluded its negotiations first with the JNCs historically following suit. The pay award process for this year was ongoing although the steer from the Secretary of State for Local Government was a 1 % pay threshold. Given the economic circumstances and the need for pay restraint it was likely that the 1 % would be followed as a guideline although the outcome of the negotiations was not yet known.

The Head of Human Resources informed members that it had been confirmed by South West Councils that with the exception of Somerset, councils generally followed the pay award for the relevant negotiating body, for example those on Chief Executive JNC would get the Chief Executive JNC award via ALACE, and Chief/Deputy Chief Officers would get any award via the JNC for Chief/Deputy Chief Officers, with those on NJC terms and conditions getting the pay award negotiated by the NJC. It had been briefed out to the political groups that there was a senior management restructure forthcoming, so there was an option to consider the anomalous position as part of that, however the detailed proposals were not yet clear, and if left to then it could mean the position would not be resolved for some time.

It was reported that Group Leaders had indicated their support of the approach to bring the Chief Executive annual pay award in line with that of all other staff. It was also confirmed that the Group Leaders had been briefed on a proposed senior management restructure for consideration by Council in the summer of 2013. This meant that there was an option to review the anomalous position of the Chief Executive's annual pay award at the time of consideration of the new structure proposals.

When asked whether ALACE had given a steer on what pay award it would be seeking, the Head of Human Resources said that their position was not yet known, they had made no pay submission to date. However, leaving the Chief Executive's position as it currently was could be seen as potentially unfair and divisive.

In response to a question the Head of Human Resources also confirmed that the post holder had not made any personal representations on this issue but was keen that the anomaly be resolved fairly and equitably; the post holder had had seen a draft of the report laid before members. She explained that neither ALACE nor the JNC for Chief/Deputy Chief Officers had come forward with a position on pay at the current time. They had, until one example by ALACE in recent times, typically followed the NJC nationally negotiated pay increases. If members agreed to bring the Chief Executive post in line with the Chief/Deputy Chief Officers re the NJC pay award, and subsequently ALACE came forward with anything different, the Chief Executive would and could then only receive the NJC award.

The Head of Human Resources also pointed out that the current position of national pay negotiations was becoming increasingly unsustainable, and there had been much in the press about this over the past year, with the debate centring on local versus national pay bargaining. In her opinion, this issue would very likely come under closer scrutiny in the not too distant future.

A member was concerned that it would be unusual for the Council not to follow the position of the Chief Executive's trade union body particularly as CBC valued the benefit which trade unions bring. In response the Head of Human Resources explained that there had been a precedent in that craft workers were brought on to NJC pay and grading when the council underwent single status, and this was also the current position in relation to the JNC for Chief/Deputy Chief Officers and their pay award. The thrust of the recommendation was to resolve this current anomalous and potentially divisive position.

A member then highlighted that in the future pay negotiations were likely to be inextricably linked with terms and conditions and that there could be risks of inconsistency arising from separate negotiating bodies for pay and terms and conditions in respect of the same post. An officer could be disadvantaged by having their terms and conditions reduced whilst receiving no benefit of a pay award or, conversely, could benefit from a pay award when their own terms and conditions remain intact and those of their colleagues diminish. In this respect it was confirmed by the Head of Human Resources that all Directors at the Council were on NJC for pay and JNC for terms and conditions and that, with the exception of the Director Wellbeing and Culture, they would be subject to the management restructure review. Members were concerned that the current position as regards different terms and conditions could be seen as anomalous and that the anomaly could be made greater by taking the same approach to the post of Chief Executive.

The Head of Human Resources explained that there had not been a discussion with the Directors about the anomaly regarding the NJC pay award and JNC terms and conditions.

Members highlighted the risk of inconsistency in negotiations for pay and terms and conditions and were concerned that there may be a reputational risk to the council if a decision was taken on this issue now at a time prior to the outcome of the national pay award.

In light of the discussions Members whilst being supportive of the need for fairness and equity, agreed that the best way forward was to defer the decision to bring the annual pay award for the post of Chief Executive in line with that of the Directors and that the matter be reviewed generally when the proposed management restructure is considered by Members later in the year.

Upon a vote it was unanimously

RESOLVED

To defer the decision to bring the annual pay award for the post of Chief Executive in line with all other staff, and that the contractual arrangements for annual pay awards for senior officers be reviewed when the proposed management restructure is considered by Members later in 2013.

4. FUTURE PAY POLICY STATEMENTS

The Head of Human Resources explained that within the remit of the Appointments and Remuneration Committee was the review of the annual Pay

Policy Statement prior to its submission for approval by full Council which was a requirement under the Localism Act.

It was therefore necessary to schedule a meeting of the Committee in mid December on an annual basis.

5. FUTURE MEETINGS

The Head of Human Resources explained that in the light of the proposed management restructure the Appointments and Remuneration committee would be required to meet to decide on the process once a decision had been taken by Council in July. Members agreed that it would be sensible to schedule a date in the calendar soon for an early September meeting. The Head of Human Resources undertook to do this and would inform members of this in due course.

In addition a date should be scheduled for a December meeting of the committee to examine the draft Pay Policy Statement as referred to above.

6. DATE OF NEXT MEETING (IF NECESSARY)

To be confirmed.

Chairman