

Public Agenda Pack



Notice of Meeting of

SPECIAL MEMBERS PANEL

Monday, 29 April 2024 at 2.00 pm

Coleridge Room, Bridgwater House, TA6 3ER

To: The members of the Special Members Panel

Councillor Theo Butt Philip
Councillor David Fothergill
Councillor Leigh Redman

Councillor Mandy Chilcott
Councillor Liz Leyshon
Councillor Bill Revans

For further information about the meeting, including how to join the meeting virtually, please contact democraticservices@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **5pm on Tuesday, 23 April 2024**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by the Head of Governance & Democratic Services on 19 April 2024.

AGENDA

Special Members Panel - 2.00 pm Monday, 29 April 2024

Public Guidance Notes (Pages 5 - 6)

1 Appointment of a Chair for the meeting

To appoint a Chair from the elected Members of the Committee.

2 Apologies

To receive any apologies.

3 Declaration of interests

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#))

4 Public Question Time

The Chair will allow members of the public, that have registered before the deadline, to ask any questions or make a statement about the matters on the agenda for the meeting.

5 Exclusion of the press and public

The Committee are requested to consider and agree a resolution under Schedule 12A of the Local Government Act 1972 that the press and public be excluded during the remainder of the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure to them of exempt information of the following description:

- Information relating to any individual.
- Information which is likely to reveal the identity of any individual.

6 Voluntary Redundancy Applications from Senior Leadership Team Officers made under the Council's Voluntary Redundancy Scheme (Pages 7 - 40)

To consider the report prepared by the Chief Executive.

Note - the confidential report will only be available to elected Members.

7 Minutes of the meeting

To authorise the Chair of the meeting to agree the accuracy and sign the minutes as a correct record following circulation to the Members of the Committee.

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Guidance notes for the meeting

Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on [Committee structure - Modern Council \(somerset.gov.uk\)](#)

Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 5pm providing 3 clear working days before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 5pm on the Thursday prior to the meeting) Email democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

A 20-minute time slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. Each speaker will have 3 minutes to address the committee.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish. If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

Meeting Etiquette for participants

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

Exclusion of Press & Public

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

Recording of meetings

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

Decision Report – Special Members Panel

29 April 2024



Voluntary Redundancy Applications from Senior Leadership Team Officers made under the Council's Voluntary Redundancy Scheme

Executive Member(s): Cllr Bill Revans

Local Member(s) and Division: n/a

Lead Officer: Duncan Sharkey – Chief Executive

Author: Sari Brice – Strategic Manager, HR Practice

Contact Details: sari.brice@somerset.gov.uk

Summary / Background

1. The report presents the role of the Special Members' Panel, in approving and/or recommending decisions on the dismissal of officers at Executive Director and Service Director level and/or those holding statutory chief officer roles by reason of redundancy (including voluntary redundancy). The report and discussion will contain personally identifiable and sensitive information and will therefore be discussed in confidential session as part of the meeting of the Panel.
2. The proposed redundancies are due to applications made under the Council's Voluntary Redundancy Scheme from Executive Directors and Service Directors and/or those holding a statutory chief officer role.

Recommendations

3. That the Special Members Panel agree:
 - i) The case for applying exemption information provisions as set out in the Local Government Act 1972, Schedule 12A and therefore treat the attached confidential Appendix A and supporting appendices (the main report) in confidence, as they contain information relating to any individual, information which is likely to reveal the identity of any individual and commercially sensitive information, and as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.
 - ii) To pass a resolution to exclude the press and public from the meeting where there is any debate or discussion regarding exempt information in Appendix A or its supporting appendices.
 - iii) The recommendations as set out in the main report in Appendix A and its supporting appendices.

Reasons for recommendations

4. Appendix A and its supporting appendices contain exempt information as set out in the Local Government Act 1972, Schedule 12A and therefore the Panel is recommended to treat these in confidence as they contain information relating to individual, information which is likely to reveal the identity of any individual and commercially sensitive information. The case for maintaining the exemption outweighs the public interests in disclosing that information.
5. The Council's Constitution (Part 15 - Officer Employment Rules) sets out the role of the Special Members Panel and its functions. The role of the Panel is to meet as a Committee of the Council to endorse the proposed dismissal of a chief officer or deputy chief officer on the grounds of redundancy, together with the associated redundancy payment. If the proposal includes the dismissal of the Head of Paid Service (Chief Executive), the Section 151 Officer (Executive Director of Resources and Corporate Services) or the Monitoring Officer (Service Director- Governance, Democratic & Legal Services), then the Panel can only recommend the dismissal to a full meeting of Council, with the decision then taken by Full Council.

There is also a requirement for Full Council to approve any financial settlement more than £100,000, as required under s40 of the Localism Act, 2011 and the Council's Constitution.

Other options considered

5. Options to mitigate redundancies have been considered. These are set out in the main report and have also been considered as part of consultation on the voluntary redundancy scheme in February and March 2024.

Links to Council Plan and Medium-Term Financial Plan

6. A voluntary redundancy scheme was set up to support the Council's financial emergency, long term financial stability and the Council's vision for a leaner and more productive organisation. The Scheme was launched in February 2024.

Financial and Risk Implications

7. The financial implications of the voluntary redundancies are set out in sections of the main report.
8. There are employment and governance risks when running a voluntary redundancy programme. These have been mitigated through working with legal experts in these areas and through ongoing dialogue and consultation with trade unions.

Likelihood	2	Impact	4	Risk Score	8
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Legal Implications

9. The Local Authorities (Standing Orders) (England) Regulations 2001 state that the dismissal of a member of staff of the authority must be discharged by the Head of Paid Service. But this does not apply to the dismissal of the Head of Paid Service, statutory chief officer, non-statutory chief officer, or deputy chief officer.
10. Somerset Council's Constitution sets out that the decision maker for dismissals on the grounds of redundancy for such officers is the Special Members Panel, subject to the executive objections process and the requirement for Full Council to approve any financial settlement exceeding £100,000. The Panel can only recommend the dismissal of the Head of Paid Service, S151 and MO, with the actual decision taken by Full Council.
11. Further Legal and Governance implications are included in the main report.

HR Implications

12. HR implications of the voluntary redundancy scheme have been considered throughout the consultation. The implications of the voluntary redundancy scheme are contained within the main report.

Other Implications:

Equalities Implications

13. An Equalities Impact Assessment to support the implementation of the Voluntary Redundancy Scheme is included in the appendices of the main report.

Community Safety Implications, Climate Change and Sustainability and Social Value Implications

14. Not applicable.

Health and Safety Implications and Health and Wellbeing Implications

15. All staff have been offered and reminded of the Council's employee assistance programme and dedicated HR support.

Background

16. The Panel's key tasks in this matter revolve around considering detailed and highly confidential information on behalf of the Council and coming to considered conclusions. Should the Panel need to present any recommendations to the Council, the Panel must present enough information to enable the Council to

endorse its conclusions but without compromising the Council's statutory role as the decision maker in relation to any question of dismissal.

17. The Panel is asked to note that the Constitution entitles the officer who is the subject of the recommendation to appear before the Panel and make representations prior to any decision being taken. Employment law also requires that the employee is given the right to appeal against the Panel's decision.
18. Further background information is provided in the main report.

Background Papers

19. Somerset Council's Constitution – Part 15 Officer Employment Rules.
20. Reports to Executive (7 February 2024 and 8 April 2024) and Scrutiny Committee Corporate & Resources (7 March 2024) – Developing the approach to Transformation - Future Council.
21. As set out in the main report.

Appendices

- Main report (Appendix A and supporting appendices) - Somerset Council Voluntary Redundancy Scheme Applications from members of the Senior Leadership Team.

Report Sign-Off (if appropriate) (internal use only - not for publication)

	Officer Name	Date Completed
Head of Paid Service	Duncan Sharkey	23/04/2024
Legal & Governance Implications	Scott Wooldridge	23/04/2024
Finance & Procurement	Nicky Hix	23/04/2024
Workforce	Dawn Bettridge	23/04/2024

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