

Somerset Council

Full Council
- 27 September 2023



Redundancies Arising from (1) Cessation of Pest Control Service previously delivered by South Somerset District Council and (2) Changes in the Highways and Transport Commissioning Service

Executive Member(s): Councillor Federica Smith-Roberts - Lead Member for Communities, Housing and Culture and Councillor Mike Rigby - Lead Member for Transport and Digital

Local Member(s) and Division: Not applicable

Lead Officer: Chris Hall, Executive Director, Community Services and Mickey Green, Executive Director, Climate and Place

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1. Summary

1.1. The purpose of this report is to present details of two proposed dismissals on account of redundancy in relation to the following.

(1) Cessation of the Pest Control Service previously delivered by South Somerset District Council, and

(2) Changes in the Highways and Transport Commissioning Service.

Appendices 1 and 2 presents the cost of the redundancies to the Council. All payments are in accordance with statutory and contractual obligations.

1.2. Cessation of Pest Control Service, South Somerset

In February 2023 Full Council took a decision to cease the Pest Control service previously delivered by South Somerset District Council as part of the savings identified under the Medium-Term Financial Planning (MTFP) and upon the transfer of the service to Somerset Council on 1 April 2023.

Prior to the decision Somerset County Council under the Transfer of (Protection) Employment Regulations (TUPE) provided a measures letter to inform South Somerset District Council of this proposal as an

envisaged measure. South Somerset District Council undertook consultation with the relevant trade unions prior to Vesting Day.

Following the TUPE transfer of staff from South Somerset District Council to Somerset Council, a 45-day consultation has been undertaken with affected staff and trade union representatives which ended on 4 August 2023.

As a consequence of this, one full-time Locality Officer post will be deleted from the structure and one postholder to be made redundant.

- 1.2.1** Somerset Council's agreed redundancy procedure has been followed for this process, noting that this has taken place before and subsequent to the establishment of Somerset Council.

1.3 Highway Assets and Transport Commissioning

- 1.3.1** The post of Service Manager, Highway Assets and Improvement was created as part of Somerset County Council's adoption of a commissioning model in 2010. The creation of a unitary Council has coincided with the end of a major commissioning cycle for highways. A suite of new contracts covering highway maintenance, surface, lighting, and creation of new assets will be awarded in autumn 2023 covering an 8 – 12-year period. The result is that there will no longer be a need for a commissioning post with responsibility for strategic procurement in this service area.

The commissioning structure is also being changed, with responsibility for future direction and resourcing of the highways service sitting with the Infrastructure and Transport Service Director and proposed Head of Highways as an operational matter rather than through the previous separate Commissioning Director and management chain.

There is therefore no longer a requirement for the Service Manager, Highway Assets as the post has reached a natural end due to the end of the commissioning cycle and the changes in roles and responsibilities as part of the new unitary authority.

Somerset Council's agreed redundancy procedure has been followed for this process.

2. Costs

There is a cost to the Local Government Pension Scheme if an individual is aged 55 or over at the point of redundancy (known as the 'pension strain', a payment made to the pension scheme and not to the individual). Somerset Council will need to pay the pension strain cost of £113,514 (Pest Control) and £96,491 (Infrastructure and Transport).

- 2.1** The total cost of each of these redundancies is,
Pest Control - £156,514.
Highways and Transport - £122,456.

These figures include the following considerations:

- Statutory Redundancy Pay.
- Contractual Redundancy Pay.
- Cost to the Local Government Pension Scheme.

- 2.2** There is a requirement for Full Council to approve any financial settlement of more than £100,000, as required under s40 of the Localism Act, 2011 and the Council's Constitution. This is irrespective of whether the payment is statutory, contractual, or enhanced/discretionary.

The cost of the redundancy represents contractual and statutory obligations; no element of the package has been enhanced.

3. Recommendations

Full Council is asked to:

- 3.1** Approve the costs of the redundancies, as set out in Appendix One (Pest Control).
- 3.2** Approve the costs of the redundancy, as set out in Appendix Two (Highways and Transport).
- 3.3** Delegate authority to the relevant Service Director to agree the final date of dismissal and the final redundancy package, noting that the payment will not exceed contractual redundancy pay or the payment required under statute to the Local Government Pension Scheme.
- 3.4** Agree the case for exempt information for the Redundancy Appendices 1-5 to be treated in confidence, as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.

3.5 Agree to exclude the press and public from the meeting where there is any discussion at the meeting regarding Appendices 1-5 (to be treated as exempt information).

4. Summary of the redundancy process and considerations

4.1 Full consideration has been given to policy, governance and employment law considerations relating to the redundancy process

4.2 An employee who is made redundant:

- Must be given notice of the termination of their employment and must be paid for their notice period.
- Must be paid a redundancy payment in line with statutory entitlement and any contractual entitlement.
- Must be paid any accrued holiday pay due to them as at the termination date; and:
- If they are age 55 or over, their LGPS pension becomes payable, and the Council is required to pay any pension strain so that the employee takes the pension free of any actuarial reduction.

5. Background Papers

Appendix One: Redundancy Approval Request Pest Control

Appendix Two: Redundancy Approval Request Highways and Transport

Appendix Three: Measures letter re Pest Control

Appendix Four: Pest Control Business Case

Appendix Five: Highways and Transport Business Case