

Staffing Sub Committee

Agenda

Date:	Thursday 13th December 2012
Time:	Upon the Rise of the meeting of Cheshire East Council
Venue:	Spencer Suite, Congleton Town Hall, High Street, Congleton, CW12 1BN

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Minutes of Previous meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on 24 July 2012

4. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the meeting. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

For requests for further information

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5. Exclusion of the Press and Public

The reports relating to the remaining item on the agenda has been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

PART 2 - MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT

6. Report of Designated Independent Person

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Sub Committee**
held on Tuesday, 24th July, 2012 at Executive Meeting Room 1 - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor H Murray (Chairman)

Councillors B Moran and D Newton

Officers

Melanie Henniker, HR Delivery Manager

Brian Reed, Democratic and Registration Services Manager

Mike Mousdale, external legal advisor

Officer called before Sub Committee

Director of Places and Organisational Capacity and their advisor Mr R Morris

Director of Finance and Business Services and their advisor Mr B Tunnicliffe

Borough Solicitor

Councillors in Attendance for Part 1 only

Councillors B Murphy and J Jackson

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 APPOINTMENT OF CHAIRMAN AND CHAIRMAN'S OPENING REMARKS

The Council's Democratic and Registration Services Manager sought nominations for the office of Chairman of the Sub Committee, and it was

RESOLVED:

That Councillor Howard Murray be appointed as Chairman of the Staffing Sub Committee

Councillor Murray took the chair and made opening remarks as to the nature of the business of the meeting and the way in which the meeting would be conducted. The Chairman referred to the outcomes which might flow from the review of the conduct of staff involved in the Council's proposals to build a waste transfer station at Lyme Green Depot.

Visiting Councillors were welcomed to the meeting and an explanation was provided by the Chairman of the information which would be provided to all

present as part of Part I of the Sub-Committee's agenda. A summary of the proposed business which was proposed to be dealt with in Part II of the agenda was provided to the meeting.

3 DECLARATIONS OF INTEREST

The Chairman provided an opportunity to members of the Sub-Committee, and to officers, to declare any pecuniary or non-pecuniary interests, which arose from the proposed business of the meeting.

Councillor David Newton indicated to the meeting that he knew Mr B Tunnicliffe as a personal friend but that this friendship did not result in him having any disclosable interest.

4 PRESENTATION FROM THE HEAD OF HR AND ORGANISATIONAL DEVELOPMENT

On behalf of the Head of HR and Organisational Development, Mel Henniker, HR Delivery Manager, explained the purpose of the meeting and the proposed procedure to be adopted. Ms Henniker summarised for the meeting, the paperwork which had been included with the agenda papers. Reference was also made to the written submissions which had been made by officers in question, who were subject to the day's proceedings.

Each officer would individually be invited to make their submissions to the meeting, following which such questions which were necessary for the purposes of clarification only would be asked by members of the Sub-Committee. Where any of the officers were accompanied by advisors, their advisors would be entitled to attend this part of the proceedings and to contribute as necessary.

The officer presentations would be conducted individually and those officers not making their presentation at that time would retire to their own meeting room.

After all presentations had been made, the Sub-Committee would consider all submissions in detail in order to determine:

- a. Whether the allegations in question required no further formal action to be taken; or
- b. Whether those allegations should be referred to a Designated Independent Person (DIP).

If the Sub Committee decided to refer any of the officers to a DIP, the Sub-Committee would also:

- a. Decide whether suspension or alternative steps would be appropriate;
- b. Seek to appoint such a DIP.

Following Ms Henniker's presentation, the Chairman of the Sub-Committee asked those present at the meeting whether they had any questions about the proposed process. There were no questions.

The Chairman asked the officers concerned and their advisors: whether they understood the allegations and the proposed process, and whether they had received sufficient notice of the meeting and proposed proceedings. It was confirmed by those present that they understood the allegations and the process, and also that they were content with the notice given in respect of the meeting and proceedings.

5 PUBLIC SPEAKING TIME/OPEN SESSION

No members of the public were present at the meeting.

Visiting Members of the Council were invited by the Chairman to speak if they wished to do so.

Councillor Brendan Murphy said that, at the last meeting of the Staffing Committee, he had raised a question about any involvement of the former Chief Executive in these proceedings. He was disappointed to see that this would not be the case and raised concerns about the lack of involvement of the former Chief Executive, which he described as being "precarious to the Council".

6 EXCLUSION OF THE PRESS AND PUBLIC

Pursuant to Section 100B (2) of the Local Government Act 1972, the reports relating to the remaining items on the agenda had been withheld from public circulation and deposit on the grounds that the matters may be determined with the public and press excluded.

It was moved and seconded, pursuant to Section 100A (4) of the Local Government Act 1972 that the public and press be excluded from the remaining items of the Sub-Committee's business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Par 1 of Schedule 12A to the Local Government Act 1972, as amended, and that the public interest would not be served in publishing the information and it was

RESOLVED

That the press and public be excluded from the remainder of the meeting for the reasons given.

7 REVIEW OF STAFF CONDUCT IN RELATION TO LYME GREEN

At the request of the Chairman, Ms Henniker explained the process which would be adopted during this item of business for the Sub-Committee. She informed the meeting of the paperwork which had been circulated to those present.

She added that, at the conclusion of the process which had been explained as part of Item 4 of the agenda, each officer would be individually called into the meeting in turn in order for the Chairman to advise them of the decisions of the Sub-Committee and should the decision be taken that one or more allegations should be referred to a DIP, they would be asked to confirm whether or not they objected to the preferred DIP.

Should a decision be taken to suspend any of the officers in question, or to take any alternative steps, that officer would be recalled in order to be given an opportunity to respond. There would then be a further adjournment, during which the Sub-Committee would consider the submissions made.

The officer would then be recalled and advised of the Sub-Committee's final decision.

If a decision was made to proceed with suspension, the Chairman of the Sub-Committee would announce the terms of suspension.

Discussion would take place on the proposed appointment of a DIP with a view to securing agreement amongst the officers concerned as to such appointment.

Ms Henniker set out in detail each of the allegations which would form the basis of the business of this item of the Sub-Committee's agenda.

In accordance with the detailed procedure which was explained as part of Item 4 of the agenda, the officers would be invited to make submissions to the Sub-Committee.

In turn, the officers concerned were individually invited to address the meeting.

Each officer was asked to make their submissions to the meeting. This was followed by questions from the members of the Sub-Committee where this was necessary for the purposes of clarification only. Where any of the officers were accompanied by advisors, their advisors were entitled to attend this part of the proceedings and to contribute as they wished. Whilst each of the officers made their presentations, the other officers withdrew from the meeting.

After all presentations had been made, the Sub-Committee considered all submissions in detail with a view to determining:

- c. Whether the allegations in question required no further formal action to be taken;
- d. Whether those allegations should be referred to a Designated Independent Person (DIP);
- e. Whether suspension or alternative steps were appropriate.

RESOLVED

Following full consideration of the written and oral submissions of the officers concerned, and those of their advisors, together with the responses to the questions of clarification which were put to those present at the meeting, the Sub-Committee resolved that:

- (1) In respect of the allegations made as part of the proceedings, there were various allegations in relation to each officer which required no formal action under the procedure.
- (2) In respect of the allegations made as part of the proceedings, there were various allegations in relation to each officer which should be referred to a Designated Independent Person under the procedure.
- (3) None of the officers in question would be suspended as a consequence of the proceedings, nor would any alternative steps be appropriate in the circumstances.
- (4) The Sub-Committee's preferred Designated Independent Person should be put to each of the officers in question in order to determine whether he was accepted to act in that capacity by them.

Each of the officers in question were, in turn, invited to rejoin the meeting with their advisors, as appropriate. The Sub-Committee's decisions, together with that in respect of the preferred Designated Independent Person were put to each of the officers, who were asked to confirm whether or not the Designated Independent Person was accepted by them to act in that capacity.

Following deliberation, the Sub-Committee's preferred Designated Independent Person was accepted by all three of the officers in question.

In agreeing to this course of action, the Director of Places and Organisational Capacity commented that agreement had been reached in the spirit of ensuring a speedy resolution to the process. It was indicated that there had been a concern about whether the proposed Designated Independent Person could carry out a completely impartial role, as he is from the same legal practice as the external advisor to the Sub-

Committee. In the light of assurances given at the meeting, these concerns were satisfactorily answered.

RESOLVED

That the Sub-Committee's preferred Designated Independent Person, Mr Malcolm Iley, be appointed for the purposes of the next stage of the proceedings.

The meeting commenced at 10.30 am and concluded at 4.00 pm

Councillor H Murray (Chairman)