

Staffing Sub Committee

Agenda

Date: Tuesday 8th January 2013
Time: 2.00 pm
Venue: Executive Meeting Room 2 - Town Hall,
Macclesfield SK10 1EA

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 the Previous Meeting** (Pages 1 - 4)

To approve the minutes of the meeting held on 18 December 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

Contact: Brian Reed
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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

To consider representations from a Council Officer in order that a decision by the Sub Committee on their possible suspension from work can be taken

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Sub Committee**
held on Tuesday, 18th December, 2012 at Executive Meeting Room 2
Town Hall, Macclesfield SK10 1EA

PRESENT

Councillor H Murray (Chairman)

Councillors B Moran and D Newton

Councillors in Attendance

Councillors K Edwards and F Keegan

Officers

Kim Ryley, Chief Executive

Paul Bradshaw, Head of HR and Organisational Development

Brian Reed, Democratic and Registration Services Manager

13 APOLOGIES FOR ABSENCE

There were no apologies for absence.

14 DECLARATIONS OF INTEREST

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

No such interests were declared.

15 MINUTES OF PREVIOUS MEETING

The Chairman provided a summary of the process which the Sub-Committee had followed at its meeting held on 24 July 2012, following which copies of the minutes of that meeting were offered to the two visiting Members. Councillor Keegan chose not to receive a copy of the minutes.

The minutes of the meeting which took place on 13 December 2012, together with a copy of the agenda for that meeting, were given to the two visiting Members and to a representative of the press who was also present at the meeting.

RESOLVED

The minutes of the Sub-Committee meetings which took place on 24 July 2012 and 13 December 2012 be approved as a correct record.

16 PUBLIC SPEAKING TIME/OPEN SESSION

Other than a representative of the press, no members of the public were present at the meeting.

The visiting Members were offered an opportunity to speak as part of the Public Speaking Time facility, and chose to do so.

Councillor Keegan stated that he did not wish to prejudice the process which the Sub-Committee was following in any way. He explained that he was speaking on behalf of local tax-payers. He felt that, in terms of transparency, the matter had been dealt with very well.

Councillor Keegan indicated that he felt that the Council perhaps needed to look again at its Whistle-blowing Policy, in order to ensure that this was fit for purpose, and that it was effective in encouraging people with concerns to come forward, without worrying that doing so would be detrimental to them.

Councillor Keegan went on to state that, as well as junior officers also being involved in this matter, the role of certain elected Members in this matter also needed to be clarified.

Councillor Edwards also acknowledged positively the openness of the proceedings, and stated that it was important for consideration to be given to the issue of accountability by elected Members, where appropriate, as well as that of officers.

17 EXCLUSION OF THE PRESS AND PUBLIC

Pursuant to Section 100B (2) of the Local Government Act 1972, the report relating to the remaining item 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 Part 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.

The press representative and Councillor Keegan immediately left the meeting, but Councillor Edwards was permitted to remain in the meeting

until issues of procedural detail, emerging from the report of the Designated Independent Person were discussed, prior to the Report itself being considered.

18 REPORT OF DESIGNATED INDEPENDENT PERSON

The Chairman explained the process which had been followed on receipt of the Report. He also commented on the extensive assistance and cooperation which the Council had given to the Designated Independent Person (DIP) throughout the process of the Report being prepared which, in turn, had resulted in the timely conclusion of the DIP's investigation. He expressed the view that the Sub-Committee had approached the task given to it with zeal and vigour.

He explained that, where there may have been misconduct in this matter on the part of staff other than the previously named senior officers, the Sub-Committee could refer such issues to the Chief Executive to deal with, under the Council's Disciplinary Procedure. Where any issues related to elected Members, the Sub-Committee could either seek to discuss these with them directly or refer them to the Leader of the Council or to the Leaders of their political groups for appropriate action to be taken.

The Chairman explained the reasoning behind the membership and composition of the Sub-Committee.

The Chairman went on to explain the reasons for the necessary restrictions on distribution of the DIP's report, and the need for its contents to be divulged to (and discussed between) only those who the DIP had identified as legitimate recipients of the Report, in order for the matter to be properly progressed.

Councillor Edwards indicated that the information provided by the Chairman on the process had been helpful and clear.

The Chief Executive also outlined the restrictions which applied to the availability and distribution of the Report. He explained that, as two of the three senior officers named in the report of the DIP had resigned they no longer fell within the framework of the process now being followed, except that the evidence which they had presented as part of the DIP investigation could still be called upon in connection with others named in the report, and that they could be asked by the Sub-Committee to be witnesses in later proceedings.

Councillor Edwards then left the meeting, following which the findings and recommendations set out in the Report of the DIP, and the consequent need for action in respect of the individuals named in the Report, were discussed in detail.

Consideration was given to correspondence received from solicitors acting on behalf of a named senior officer, as requested by those solicitors, and

to the options which were available to the Sub-Committee in respect of that individual. Following all these considerations, it was unanimously

RESOLVED:

- (1) That the Sub-Committee was minded to suspend from work the named senior officer and that a hearing would take place at 2.00pm on Tuesday 8 January 2012 at Macclesfield Town Hall in order for that individual to respond to this proposed course of action, before a final decision would be taken on the suspension.
- (2) That a disciplinary hearing of matters relating to the actions of this officer would take place at 10.00 am on 23 and 24 January 2013.
- (3) That all other officers who had been referred to in the Report of the Designated Independent Person be referred to the Chief Executive, in order for such action to be taken as he considered appropriate in the circumstances, within the framework of the Council's Disciplinary Procedure.
- (4) That the Leader of the Council be asked to inform the members of the Sub-Committee, by the end of the first week in January 2013, what action he will take, if any, in respect of an elected Member of the Council who was referred to in the Report of the Designated Independent Person.
- (5) That those issues of process, policy and organisational culture referred to in the Report of the Designated Independent Person be addressed by the Sub-Committee, for referral to the Chief Executive for appropriate action, when the above staffing matters had been resolved.

The meeting commenced at 10.00 am and concluded at 12.30 pm

Councillor H Murray (Chairman)