

Staffing Sub Committee

Agenda

Date: Wednesday 23rd January 2013
Time: 10.00 am
Venue: East Committee Room - Municipal Buildings, Earle Street,
Crewe, CW1 2BJ

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 - 4)

To approve the minutes of the meeting held on 8 January 2013

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 items on the agenda have 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 items 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, 8th January, 2013 at Executive Meeting Room 2 - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor H Murray (Chairman)

Councillors B Moran and D Newton

Officers

Paul Bradshaw, Head of HR and Organisational Development

Melanie Henniker, HR Delivery Manager

Mike Mousdale, external legal advisor

Brian Reed, Democratic and Registration Services Manager

19 APOLOGIES FOR ABSENCE

There were no apologies for absence.

20 DECLARATIONS OF INTEREST

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

Councillor David Newton indicated to the meeting that he knew Mr B Tunnicliffe (who was attending the meeting to support the named senior officer who was the subject of the Sub-Committee's proceedings) as a personal friend, but that this friendship did not result in him having any disclosable interest.

The named senior officer confirmed to the meeting that she was content with the position as put by Councillor Newton.

21 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting which took place on 18th December 2012 were considered by the Sub-Committee and it was

RESOLVED:

That these constituted a correct record of the proceedings of that meeting.

22 PUBLIC SPEAKING TIME/OPEN SESSION

No members of the public were present at the meeting.

23 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.

24 REPORT OF DESIGNATED INDEPENDENT PERSON

The Chairman explained to the named senior officer, and Mr Tunnicliffe, the process which would be followed by the Sub-Committee, in the context of the Council's response to the report of the Designated Independent Person into the Lyme Green development project.

At its meeting on 18th December 2012, the Sub-Committee had resolved that it was minded to suspend from work the named senior officer, temporarily pending the completion of the disciplinary process regarding her involvement in this matter. The purpose of this meeting was to allow the individual to respond to this course of action, before a final decision was made on the suspension.

The Chairman indicated that the named senior officer would have a full opportunity to make submissions in response to the initial resolution of the Sub-Committee. He also extended to Mr Tunnicliffe the opportunity to make submissions in support of the named senior officer.

The named senior officer made a detailed oral statement to the Sub-Committee, which she also provided in hard-copy format to each Sub-Committee member, and to the officers present. The statement set out her reasons in support of the submission that she should not be suspended from work. She also provided copies of Schedule 3 of the Local Authorities (Standing Orders)(England) Regulations 2001 which are to be incorporated in Standing Orders in Respect of Disciplinary Action and Paragraph 72 of the JNC for Chief Officers of Local Authorities Conditions of Service.

Mr Tunnicliffe made a statement to the Sub-Committee in support of the named senior officer, and of her submission that she should not be suspended from work.

Members of the Sub-Committee asked questions, by way of clarification, of the named senior officer and Mr Tunnicliffe.

The Chairman of the Sub-Committee asked the named senior officer whether she felt she had been given a full opportunity to say everything that she wished to say. She confirmed she was satisfied that this had been the case.

The named senior officer and Mr Tunnicliffe left the meeting, while the Sub-Committee gave consideration in the first instance to submissions by the named senior officer that it did not have the power to suspend her from work.

The named senior officer and Mr Tunnicliffe then rejoined the meeting.

The Chairman explained that, having considered all submissions made on the issue, and having taken legal advice, the Sub-Committee had concluded that it did have power to suspend the named senior officer from work.

The external legal advisor provided further clarification on this to those present.

The named senior officer responded.

The named senior officer and Mr Tunnicliffe then left the meeting, while the Sub-Committee fully considered and discussed the oral and written submissions made by the named senior officer, and by Mr Tunnicliffe, taking into account advice from the officers present.

Following full consideration of all of the issues including:

- the report of the Designated Independent Person, which clarified the nature and impact of the allegations against the named senior officer;
- the risks for the Council associated with any decision not to suspend the named senior officer temporarily;
- the provisions of the Joint Negotiating Committee for Chief Officers of Local Authorities Conditions of Service and the Local Authorities Standing Orders Regulations; and
- the submissions and statements made by and on behalf of the named senior officer;

it was unanimously

RESOLVED:

That the named senior officer be suspended from work temporarily until such time as the disciplinary process in relation to her involvement in this matter had been concluded.

The named senior officer and Mr Tunnicliffe rejoined the meeting, and the Chairman confirmed the resolution of the Sub-Committee.

The meeting commenced at 2.00 pm and concluded at 4.30 pm

Councillor H Murray (Chairman)