

# **Lancashire County Council**

## **Employment Committee**

**Monday, 8th July, 2019 at 2.00 pm in Cabinet Room 'C' - The Duke of Lancaster Room, County Hall, Preston**

### **Agenda**

#### **Part I (Open to Press and Public)**

<b>No.</b>	<b>Item</b>
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<b>1.</b>	<b>Apologies</b>
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<b>2.</b>	<b>Disclosure of Pecuniary and Non-Pecuniary Interests</b>
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Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

<b>3.</b>	<b>Constitution, Membership and Terms of Reference</b>	<b>(Pages 1 - 8)</b>
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<b>4.</b>	<b>Minutes of the Meeting held on 11 March 2019</b>	<b>(Pages 9 - 12)</b>
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To be confirmed, and signed by the chair.

<b>5.</b>	<b>Urgent Business</b>
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An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

<b>6.</b>	<b>Date of Next Meeting</b>
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The next meeting of the Committee will be held on **Tuesday 3 September 2019 at 2:00pm at County Hall, Preston.**

## **7. Exclusion of Press and Public**

The Committee is asked to consider whether, under Section 100A(4) of the Local Government Act, 1972, it considers that the public should be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated against the heading to the item.

## **Part II (Not open to Press and Public)**

### **8. Local Pensions Partnership - Pay proposals** (Pages 13 - 34)

L Sales  
Director of Corporate Services

County Hall  
Preston

## Employment Committee

Meeting to be held on Monday, 8 July 2019

Electoral Division affected: (None);
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## Constitution, Membership and Terms of Reference

Appendix A refers

Contact for further information:

Debra Jones, Tel: 01772 537996, Democratic Services Officer,

Debra.Jones@lancashire.gov.uk

### Executive Summary and Recommendation

The Committee is asked to note:

- i. the appointment of County Councillors G Driver and K Iddon as Chair and Deputy Chair respectively of the Employment Committee for the 2019/20 municipal year.
- ii. the membership and terms of reference of the Employment Committee, as set out in the report.

The County Council at its annual meeting on 23 May 2019 agreed that the Employment Committee shall comprise 8 County Councillors (on the basis of 5 Conservative members and 3 Labour members).

The following County Councillors have subsequently been nominated to serve on the Employment Committee for the following year:

#### County Councillors (8):

A Ali	K Iddon
A Atkinson	T Martin
L Beavers	D O'Toole
G Driver	A Vincent

The Full Council appointed County Councillors G Driver and K Iddon as Chair and Deputy Chair respectively of the Employment Committee for the 2019/20 municipal year.

A copy of the Committee's Terms of Reference are attached at Appendix A.

## Consultations

N/A

**Implications:**

This item has the following implications, as indicated:

**Risk management**

No significant risks have been identified.

**Local Government (Access to Information) Act 1985  
List of Background Papers**

Paper	Date	Contact/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A

## **Employment Committee**

The Committee comprises 8 County Councillors, chaired by the Leader of the Council and including an appropriate cabinet member or lead member depending upon the specific issue being dealt with.

Meetings are open to the public but they may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Procedure Rules set out at Appendix 'H' to the Constitution.

The Committee shall discharge the following functions.

### **A. Appointment and Dismissal of "Senior Officers" and Other Statutory Officers**

1. Subject to paragraph 4 and paragraph 5 below, the Committee shall be responsible for the appointment and dismissal (including dismissal by reason of redundancy) of the Chief Executive (Head of the Paid Service), Executive Directors, the Monitoring Officer and the Chief Financial Officer (s.151 Officer), collectively referred to as "Senior Officers".
  - 1.1 The Committee shall also be responsible for the appointment of Directors who shall hold the following statutory responsibilities:
    - Children's Services;
    - Adult Services; and
    - Public Health.
2. In the case of appointments, subject to paragraphs 4 and 5 below, the Committee may, where appropriate, agree to make a permanent appointment of an existing member of staff by way of redeployment or agree to a temporary appointment for a fixed term of not normally more than 12 months.
3. Where an appointment is not made in accordance with paragraph 2 the Committee shall:
  - (a) Draw up a job description and person specification;
  - (b) Determine the arrangements for recruitment to the post including, where they consider it appropriate, the appointment of recruitment consultants and advertising;
  - (c) Make arrangements to interview such applicants for the post as they may determine.
4. Where the Committee is appointing or dismissing the Chief Executive, the Monitoring Officer or Chief Financial Officer, the Full Council must approve the appointment or dismissal before an offer of appointment is made or notice of dismissal is given, subject to paragraph 5 below.

5. In the case of paragraphs 1 and 1.1 above no offer of appointment (including by way of an appointment pursuant to paragraph 2) and, in the case of paragraph 1, no notice of dismissal shall be made until the proposed action (including the name and any other particulars the Committee consider relevant) has been notified to every member of the Cabinet and that either:
  - (a) Within the period specified in the notification no objection has been made by the Leader on behalf of the Cabinet to the proposed action; or
  - (b) the Committee making the decision is satisfied that any objection made is not material or is not well founded; or
  - (c) the Leader has, within the period specified in the notification, notified the Committee that neither he/she nor any member of the Cabinet has any objections.

### **Conditions of Service**

6. The Committee shall exercise all necessary functions required by the JNC Conditions of Service including the exercise of any discretions or determining any issue in relation to those Conditions of Service.
7. The appraisal of Senior Officers and other statutory officers listed at paragraph 1.1 shall be carried out by the Chief Executive.

### **Disciplinary Action**

8. The Committee may take any disciplinary action (including suspension) against the Chief Executive, the Monitoring Officer or Chief Financial Officer short of dismissal.
9. The Committee may approve the suspension of the Chief Executive, the Monitoring Officer and the Chief Financial Officer for an initial period of up to two months to enable an investigation to be undertaken to help determine what disciplinary action, if any, is appropriate. The Committee may extend the period of suspension if it considers that to be necessary. Any suspension of the Chief Executive, the Monitoring Officer and the Chief Financial Officer shall be on full pay.
10. If an exceptional situation arises whereby allegations of misconduct by the Chief Executive, the Monitoring Officer and the Chief Financial Officer are such that his/her remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the Council, then the power to suspend may be exercised by the Chair of the Committee (subject to a decision to suspend being ratified by the Employment Committee within 7 days of the decision).
11. A proposal to dismiss the Chief Executive, the Monitoring Officer or the Chief Financial Officer must be taken by the Full Council having taken into account:
  - Any views submitted under paragraph 5;
  - Any advice, views or recommendations of an Independent Panel appointed by the Council under section 102(4) of the Local Government Act 1972 (d) for the purposes of advising the Council on matters relating to the dismissal of the named officers;

- The conclusions of any investigation into the proposed dismissal; and
  - Any representations from the relevant officer.
12. A decision to suspend an Executive Director shall be taken by the Chief Executive.
  13. Subject to paragraphs 8, 9 and 10 any disciplinary action in relation to a Senior Officer will be dealt with by the Committee in accordance with the appropriate Council's Disciplinary Procedure.
  14. Subject to paragraphs 8, 9 and 10 the Committee is authorised to take any disciplinary action in respect of a Senior Officer short of dismissal with no requirement to consult cabinet members in accordance with paragraph 5 above or to seek approval from the Full Council.
  15. Any appeal against action short of dismissal will be considered by an Appeals Committee established by the Full Council comprising five members of the Council who have not had any prior involvement in the case including at least one member of the Cabinet. The role of the Appeals Committee will be to review the case and the decision taken by the Employment Committee and either confirm the action taken or to award no sanction or a lesser sanction. The decision of the Appeals Committee will be final.
  16. In the event that the Committee's decision is to propose to dismiss the Chief Executive, Monitoring Officer or Chief Financial Officer the appeal stage will be fulfilled by the Full Council when they consider that proposal in accordance with paragraph 4.

### **Capability and Dismissal Procedures**

17. Any issue regarding the capability of a Senior Officer shall be dealt with by the Committee in accordance with the Council's Disciplinary and Capability Procedures.
18. Any issue which is not appropriately dealt with under the Disciplinary or Capability Procedures but which may result in the dismissal of the Senior Officer will be dealt with by the Committee.

### **Appointment, Dismissal and Disciplinary Action**

19. Subject to paragraphs 1-18 above, the functions of appointment, dismissal, and taking disciplinary action against any other employee must be discharged by the Chief Executive or by an officer(s) of the Council nominated by him and in accordance with such procedures as may be determined by the Committee as referred to at paragraph B1 below.
20. Subject to paragraphs 1-18 above, the Chief Executive and other Senior Officers may appoint, dismiss (including dismissal by reason of redundancy) and discipline all Directors in accordance with the Council's procedures. Appointments and dismissals can only proceed after all cabinet members have been notified by Democratic Services of the proposed appointment or dismissal. Agreed corporate processes must be followed in respect of all redundancy payments.

**B. All Other Staff**

**Terms and Conditions of Employment**

The Committee shall:

1. Determine the terms and conditions on which employees hold office including (but not limited to):
  - The Council's pay and grading structure;
  - Any fees, allowances or payments made to employees, including any relating to termination of employment;
  - Any policies, procedures and practices relating to employment including recruitment and selection;  
(Any minor changes to these policies, procedures and practices to reflect legislative changes and improve working practices can be approved by the Head of Service for Human Resources under the Council's Scheme of Delegation arrangements);
  - Any collective agreements relating to the above;
  - To determine policy in relation to the release of pension benefits (LGPS and TPS) where employer discretion/consent is required.
2. Consider, at the request of a recognised trade union, any disagreement regarding the matters referred to at paragraph 1 above (excluding issues relating to individual employees). In referring any such matter the trade union(s) concerned shall be entitled to make oral representations to the Committee to such extent as the Committee consider appropriate.
3. Determine the facilities to be provided to trade union representatives.
4. Recommend to Full Council for approval an Annual Pay Policy Statement as required by section 38 of the Localism Act 2011 for each financial year having regard to any guidance issued or approved by the Secretary of State.
5. Monitor the operation of the Statement of Ethical Standards for employees and the Register of Interests for employees.

**C. Lancashire Renewables Limited**

The Committee shall be responsible for determining the terms and conditions of service on which all employees of Lancashire Renewables Limited ("the Company") are engaged and approving the Company's proposals in respect of the same.

This shall include, but not be limited to the following:

1. approving the Company's pay and grading structure.
2. approving the payment of any bonuses and the performance objectives on which the payment of bonuses will be based.
3. ensuring that all employees of the Company are paid a minimum of the living wage.



4. approving the Company's employment policies, procedures and practices.
5. determining the Company's pension arrangements, including all matters concerning admission to the Local Government Pension Scheme.

In discharging its obligations, the Committee shall ensure that, so far as is possible, the principles of equality are maintained vis-à-vis the terms and conditions of employees of the County Council in comparable positions.

**D. Lancashire Coroners**

The Committee shall be responsible for determining the pay, and terms and conditions of employment of the Senior Coroners, Area Coroners and Assistant Coroners.

**E. Local Pensions Partnership Ltd (LPPL):**

**Approval of LPPL's Remuneration Policy**

To approve the remuneration policy of the LPPL directors and staff, other than for LPPL Non-Executive Directors.

**Changes to Directors' Remuneration Policy**

To approve the payment of any fees, remuneration or other sums to or in respect of the services of any director or vary any such fees or remuneration other than in accordance with an agreed remuneration policy approved by both LCC and LPFA. For the avoidance of doubt this will not apply to the payment or reimbursement of reasonable expenses properly incurred by any statutory director in the course of carrying out his duties in relation to LPPL nor to any payment under any indemnity by LPPL to which the statutory director is entitled under the Articles or under any relevant law.

**Proposed redundancies of any Group employees**

To approve any proposed programme of redundancies within LPPL or rationalisation of a group of employees

**Proposed re-location of any LPPL employees**

To approve any proposed programme of relocation of a group of employees outside Lancashire who were previously employees of LCC.

**Chief Executive**

To approve the appointment or removal of the Chief Executive of LPPL or any subsidiary company.



## Lancashire County Council

### Employment Committee

**Minutes of the Meeting held on Monday, 11th March, 2019 at 2.00 pm in County Hall, Preston**

**Present:**

County Councillor Geoff Driver CBE (Chair)

**County Councillors**

A Ali	K Iddon
A Atkinson	J Mein
P Buckley	A Vincent

**1. Apologies**

Apologies were received from County Councillor T Martin.

County Councillors L Beavers, Mrs S Charles and D O'Toole were replaced at this meeting by County Councillors J Mein, P Buckley and K Iddon respectively.

**2. Disclosure of Pecuniary and Non-Pecuniary Interests**

None.

**3. Minutes of the Meeting held on 11 February 2019**

The Minutes of the meeting held on 11 February 2019 were presented.

**Resolved:** That the Minutes of the meeting held on 11 February 2019 be confirmed and signed by the chair.

**4. Urgent Business**

None.

**5. Date of Next Meeting**

It was noted that the next meeting of the Committee would be held on Monday 8 April 2019 at 2.00 p.m. at County Hall, Preston.

**6. Exclusion of Press and Public**

**Resolved:** That the press and members of the public be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 12 A to the Local Government Act 1972.

It was considered that in all the circumstances, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

## **7. Recruitment & Retention Payments for Fleet Services Technicians**

(Exempt information as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interests in disclosing the information.)

Oliver Starkey, Head of Service for Public and Integrated Transport, presented a report relating to the recruitment and retention of skilled vehicle and plant technicians. Members considered and discussed the report and asked for clarification regarding a number of issues.

### **Resolved:**

- (i) That, consideration of the report be deferred pending a review of the council's fleet service operations by external consultants.
- (ii) That a report on the review findings in relation to staffing related matters be presented to the committee in three months' time or earlier should that be necessary.

## **8. Review of Coroner Salaries**

(Exempt information as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interests in disclosing the information.)

Janet Mather, Coroners Services Manager, presented a report regarding a review of Coroner salaries.

**Resolved:** That the recommendations, as set out in the report, detailing proposals for Lancashire's Senior, Area and Assistant Coroners, be approved.

## **9. Local Pensions Partnership Ltd - Pay Proposals**

(Not for Publication – Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interests in disclosing the information).

The Committee reviewed a report which set out pay proposals made by the Local Pensions Partnership Limited (LPP).

### **Resolved:**

- (i) That the recommendations regarding pay proposals in relation to Local Pensions Partnership Limited staff, as set out in the report, be approved.
- (ii) That the Committee is concerned about Local Pensions Partnership Limited's fragmented approach to presenting "reserved matter" staffing proposals to the council, and the company be informed that the committee cannot guarantee favourable consideration of any future "reserved matter" proposals if they continue to be submitted piece meal.

L Sales  
Director of Corporate Services

County Hall  
Preston



# Agenda Item 8

(NOT FOR PUBLICATION: By virtue of paragraph(s) 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered that all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information)

Document is Restricted





(NOT FOR PUBLICATION: By virtue of paragraph(s) 2,3 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered that all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information)

Document is Restricted



(NOT FOR PUBLICATION: By virtue of paragraph(s) 2,3 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered that all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information)

Document is Restricted



(NOT FOR PUBLICATION: By virtue of paragraph(s) 2,3 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered that all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information)

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