

Lancashire County Council

Employment Committee

Tuesday, 14th January, 2025 at 1.00 pm in Committee Room 'C' - The Duke of Lancaster Room, County Hall, Preston

Agenda

Part I (Open to Press and Public)

No. Item

1. Apologies

2. Disclosure of Pecuniary and Non-Pecuniary Interests

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.

3. Minutes of the Meetings held on 14 November 2024 and 5 December 2024 (Pages 1 - 4)

To be confirmed and signed by the Chair.

4. Revised Terms of Reference for the Employment Committee (Pages 5 - 12)

5. Urgent Business

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.

6. Date of Next Meeting

The next meeting of the committee will be an Extraordinary meeting held on Friday 7 February 2025 at 9.30am 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. Shortlisting for the Chief Executive / Head of Paid Service Role (Pages 13 - 92)

(Not for Publication – Exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act, 1972.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 outweighs the public interests in disclosing the information).

H MacAndrew
Director of Law and Governance

County Hall
Preston



Lancashire County Council

Employment Committee

**Minutes of the Meeting held on Thursday, 14th November, 2024 at 9.00 am in
Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

Present:

County Councillor Philippa Williamson (Chair)

County Councillors

A Vincent
P Buckley
D O'Toole

A Riggott
S Serridge
M Tomlinson

1. Apologies

Apologies were received from County Councillor Jennifer Mein.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None.

3. Minutes of the Meeting held on 10 September 2024

Resolved: That the minutes of the Employment Committee meeting held on 10 September 2024 be confirmed as an accurate record.

4. Urgent Business

There were no items of Urgent Business.

5. Date of Next Meeting

It was noted that the next meeting of the Employment Committee would be an extraordinary meeting and held on Thursday 5 December 2024, 9am 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 12A 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 of Director of Adult Social Services and Interim Arrangements

(Not for Publication – 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 outweighs the public interests in disclosing the information.)

Lucy Thompson, Director of People presented a private and confidential report that set out the arrangements for the recruitment for the interim and permanent Executive Director of Adult Social Services (DASS) role at Lancashire County Council.

In presenting the report, it was proposed to amend recommendation (iii) to add the following "and to authorise to the Director of People in consultation with Head of Paid Service, Leader of the County Council and Leader of the Opposition, to identify an alternative preferred candidate if required."

Resolved: That

- i. The Job Description and Person Specification for the interim, and permanent appointment of the Executive Director of Adult Social Services be approved, including for the appointment to be a full-time role for Lancashire County Council (with the secondment agreement coming to a natural end upon the departure of the incumbent) to ensure the county council's focus during this transitional period;
- ii. The use of the previously selected recruitment agency as discussed as the external specialist executive recruitment partner for the appointment process to ensure coordination with the recruitment of the Chief Executive/Head of Paid Service role, be approved;
- iii. Following consideration of the applications for the Interim Director of Adult Social Services, Helen Coombes be appointed Interim Executive Director of Adult Social Services from 1 December 2024 and Director of People in be authorised, in consultation with Head of Paid Service, Leader of the County Council and Leader of the Opposition, to identify an alternative preferred candidate if required;
- iv. The timetable for the permanent recruitment of the Director of Adult Social Services to ensure coordination with the recruitment of the Chief Executive/Head of Paid Service, be approved; and
- v. The Director of People be authorised to process the arrangements.

H MacAndrew
Director of Law and Governance

County Hall
Preston



Lancashire County Council

Employment Committee

Minutes of the Meeting held on Thursday, 5th December, 2024 at 9.00 am in Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Phillippa Williamson (Chair)

County Councillors

A Vincent
P Buckley
J Mein
A Riggott

S Serridge
S Smith
M Tomlinson

County Councillor Scott Smith replaced County Councillor David O'Toole for this meeting.

1. Apologies

There were no apologies received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None.

3. Urgent Business

There were no items of Urgent Business.

4. Date of Next Meeting

It was noted that the next meeting of the Employment Committee would be held on Tuesday 14 January 2025, 1pm at County Hall, Preston.

5. 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 12A 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.

6. Longlisting for the Chief Executive / Head of Paid Service Role

(Not for Publication – Exempt information as defined in Paragraphs 1 and 2 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 outweighs the public interests in disclosing the information.)

Lucy Thompson, Director of People, and Pete John, Penna, presented a private and confidential report that provided information on the applications received for the Head of Paid Service / Chief Executive role at Lancashire County Council.

Resolved: That

- i. The candidates identified as 'A' (as set out in Appendix 'A' of the report) proceed to the next stage of the application process and be invited to attend a technical assessment;
- ii. The candidates identified as 'B' (as set out at Appendix 'A' of the report) also proceed to the next stage of the application process and be invited to attend a technical assessment; and
- iii. The candidates identified as 'C' candidates, not be invited to continue with the application process, and feedback on their application be provided to them.

H MacAndrew
Director of Law and Governance

County Hall
Preston



Employment Committee

Meeting to be held on Tuesday, 14 January 2025

Report of the Director for Law and Governance

Revised Terms of Reference for the Employment Committee

(Appendix 'A' refers)

Part I	Corporate Priorities: Delivering better services;
Electoral Division(s): N/A	
Contact: Craig Alker, Democratic Services Officer (Technical), Tel: (01772) 537997, craig.alker@lancashire.gov.uk	

Summary

Purpose of the Report

This report sets out the revised Terms of Reference for the Employment Committee, following changes approved by Full Council on 17 October 2024.

Recommendation

The Employment Committee is asked to note the revised Terms of Reference of the committee, as set out at Appendix 'A'.

Background

1. The county council at its meeting on 17 October 2024 approved changes to the Constitution, including a number of changes to the Terms of References for committees, including the Employment Committee.
2. The changes made to the Employment Committee Terms of Reference were some amendments to the language and process relating to the appointment and dismissal of senior officers to reflect current practice and align with national guidance, and the removal of some provisions relating to functions which instead sit with Cabinet, Full Council or, in the case of minor policy changes, fall under the Scheme of Delegation to Officers.
3. A copy of the revised Terms of Reference is set out at Appendix 'A' and the Employment Committee are asked to note the changes.

Options and Proposals

4. The Terms of Reference are approved by Full Council and presented to the Employment Committee for information only.

Consultations

5. None.

Context and Implications

Legal (including Human Rights)

6. The Council is required by the Local Government Act 2000 to produce and maintain a constitution. The Terms of Reference of the county council's committees form part of this document.

Financial

7. Consideration has been given to any potential financial implications, and none have been identified.

Equality and Diversity

8. Consideration has been given to any potential Equality and Diversity implications, and none have been identified.

Risk Management

9. Consideration has been given to any potential risks and no significant risks have been identified.

Appendices

Appendix	Title
Appendix 'A'	The Employment Committee Terms of Reference.

List of Background Papers

Paper	Date	Contact/Tel
None		

Part II Reason

N/A



Appendix A

Employment Committee

Purpose

- a) The Employment Committee oversees arrangements for the appointment and dismissal of the Chief Executive, Senior Officers and other Statutory Officers, and certain specific functions in relation to staffing, Lancashire Renewables Ltd, Lancashire Coroners and Lancashire Pensions Partnership Ltd.

Composition

- a) The Committee shall comprise eight county councillors, chaired by the Leader and including an appropriate Cabinet Member or Lead Member depending upon the specific issue being dealt with.
- b) The quorum of the Committee shall be three, including at least one Cabinet Member.
- c) 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 Rules](#).

Terms of Reference

Section A – Senior and Statutory Officers

Appointment

- a) Subject to paragraphs (e) and (f) below, the Committee shall be responsible for the appointment of the Chief Executive (Head of the Paid Service), Executive Directors, the Monitoring Officer and the Chief Financial Officer (Section 151 Officer), collectively referred to as “Senior Officers”.
- b) The Committee shall also be responsible for the appointment of Directors who shall hold the following statutory roles:
 - (i) Director of Children's Services;
 - (ii) Director of Adult Services; and
 - (iii) Director of Public Health.
- c) In the case of appointments, subject to paragraphs (e) and (f) below, the Committee may, where appropriate, approve to permanently redeploy an existing employee or agree to a temporary appointment of an existing employee for a fixed term of not normally more than 12 months. Such appointments may be extended with the agreement of the Employment Committee
- d) Where an appointment is not made in accordance with paragraph (c), the Committee shall:

- (i) Approve a job description and person specification;
 - (ii) Determine the arrangements for recruitment to the role including, where the Committee considers it appropriate, the engagement of recruitment consultants to support the recruitment and assessment process; and
 - (iii) Interview candidates for the role as the Committee may determine.
- e) Where the Committee is appointing the Chief Executive, the Monitoring Officer or Chief Financial Officer, the Full Council must approve the appointment before an offer of appointment is made, subject to paragraph (f) below.
- f) In the case of paragraphs (a) and (b) above, no offer of appointment (including by way of an appointment pursuant to paragraph (c)) shall be made until the proposed action (including the name and any other particulars the Committee considers relevant) has been notified to every Cabinet Member and that either:
- (i) 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
 - (ii) The Committee making the decision is satisfied that any objection made is not material or is not well founded; or
 - (iii) The Leader has, within the period specified in the notification, notified the Committee that neither they nor any Cabinet Member has any objections.

Conditions of Service

- g) The Committee shall exercise all necessary functions required by the NJC Conditions of Service including the exercise of any discretions or determining any issue in relation to those Conditions of Service.
- h) The appraisal of Senior Officers and other statutory officers listed at paragraph (b) shall be undertaken by the Chief Executive.

Disciplinary Action

- i) The Committee shall fulfil the role of the Investigating and Disciplinary Committee and may determine any disciplinary action (including suspension) relating to the Chief Executive, the Monitoring Officer or Chief Financial Officer short of dismissal.
- j) Disciplinary action is defined as "any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Council, be recorded on the officer's personal file, and includes any proposal for dismissal for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of

employment for a fixed term unless the Council has undertaken to renew such a contract."

- k) Prior to being reported to the Committee, any complaints against the Chief Executive, the Monitoring Officer or the Chief Financial Officer must first be considered ("filtered") by the Chief Executive for the Monitoring Officer and Chief Financial Officer, or by the Monitoring Officer for the Chief Executive, who may determine to informally resolve a complaint which is clearly unfounded, trivial, or can be best dealt with under a different procedure. Only complaints which are not informally resolved and may lead to disciplinary action shall be considered by the Committee.
- l) Following the receipt of independent professional legal advice, 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, and determine what disciplinary action, if any, is appropriate. The Committee may extend the period of suspension only following consultation with an Independent Investigator and consideration of any objections/representations from the subject officer. Any suspension of the Chief Executive, the Monitoring Officer and the Chief Financial Officer shall be on full pay.
- m) If an exceptional situation arises whereby allegations of misconduct relating to the Chief Executive, the Monitoring Officer and the Chief Financial Officer are such that their remaining presence in the workplace poses a risk to the health and safety of others or the resources, information or reputation of the Council, then the decision to suspend may be approved by a statutory officer of the council (other than the officer who is subject to the suspension) after receipt of independent professional legal advice and in consultation with the Chair and Deputy Chair of the Committee, and subject to a decision to suspend being ratified by the Employment Committee within 5 clear working days, for which purpose an extraordinary meeting will be called as required.
- n) In considering a complaint against or alleged misconduct by the Chief Executive, the Monitoring Officer or the Chief Financial Officer, the Committee shall:
 - (i) Write to the subject officer to set out the allegations, issues and to provide the evidence to be considered;
 - (ii) Provide the subject officer with the opportunity to respond to the allegations in writing and to provide personal evidence or witness statements; and
 - (iii) Provide the opportunity for the subject officer, who may be accompanied by a representative, to appear before the Committee.

- o) The Committee may appoint an Independent Investigator to consider a complaint against or alleged misconduct by the Chief Executive, the Monitoring Officer or the Chief Financial Officer if it agrees that, if proved through an independent investigation, the outcome would be recorded on the officer's personal file and/or it agrees there is sufficient evidence to require further investigation. In appointing an Independent Investigator, the Committee shall set clear terms of reference and timescales for the investigation. The outcome of the investigation and the Independent Investigator's recommendation as to any disciplinary action shall be reported to the Committee.
- p) The Committee shall consider the Independent Investigator's report on the outcome of the investigation and their recommendation, including rationale for, as to any disciplinary action. The Committee may then conclude:
 - (i) That there is no case to answer;
 - (ii) To take disciplinary action short of dismissal; or
 - (iii) To recommend dismissal to Full Council.

The subject officer will be informed in writing of the Committee's decision and the rationale for the decision.

- q) Any appeal against disciplinary action short of dismissal shall 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 Cabinet Member. The role of the Appeals Committee shall 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 shall be final.

Dismissal

- r) The Committee shall be responsible for the dismissal (including dismissal by reason of redundancy) of the Chief Executive, the Monitoring Officer and the Chief Financial Officer.
- s) Where the Committee is dismissing the Chief Executive, the Monitoring Officer or Chief Financial Officer, the Full Council must approve the dismissal before notice of dismissal is given, subject to paragraph (t) below.
- t) In the case of paragraph (s) above, no notice of dismissal shall be made until the proposed action (including the name and any other particulars the Committee considers relevant) has been notified to every Cabinet Member and that either:
 - (i) 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

- (ii) The Committee making the decision is satisfied that any objection made is not material or is not well founded; or
 - (iii) The Leader has, within the period specified in the notification, notified the Committee that neither they nor any Cabinet Member has any objections.
- u) A proposal to dismiss the Chief Executive, the Monitoring Officer or the Chief Financial Officer must be approved by the Full Council having taken into account:
- (i) Any views submitted under paragraph (t) above;
 - (ii) Any comments or recommendations of an Independent Panel appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of the named officers;
 - (iii) The conclusions of any investigation into the potential dismissal; and
 - (iv) Any representations from the subject officer.
- v) Any appeal against the Committee's recommendation to dismiss the Chief Executive, the Monitoring Officer or the Chief Financial Officer shall be undertaken by Full Council when it considers the matter in accordance with paragraph (u).

Section B – All Other Employees

Terms and Conditions of Employment

- a) The Committee shall be responsible for determining the policy in relation to the release of pension benefits (Local Government Pension Scheme and Teachers' Pension Scheme) where employer discretion/consent is required.
- b) The Committee shall monitor the operation of the Statement of Ethical Standards for employees and the Register of Interests for employees.

Section C – Lancashire Renewables Limited

Terms and Conditions of Employment

- a) 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:
 - (i) Approving the Company's pay and grading structure;
 - (ii) Approving the payment of any bonuses and the performance objectives on which the payment of bonuses will be based;

- (iii) Ensuring that all employees of the Company are paid a minimum of the living wage;
 - (iv) Approving the Company's employment policies, procedures and practices;
 - (v) Determining the Company's pension arrangements, including all matters concerning admission to the Local Government Pension Scheme.
- b) 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 Council in comparable positions.

Section D – Lancashire Coroners

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

Section E – Local Pensions Partnership Ltd (LPPL)

Remuneration Policy

- a) The Committee shall receive an annual report on remuneration (including salary, benefits and bonuses) of all officers and employees.
- b) The Committee shall approve the Remuneration Policy, any changes to the policy, and any exceptions to the policy and pay grade structure in respect of any director or employee.

Remuneration of Senior Roles

- c) The Committee shall approve the payment of any remuneration, fees or other sums (including bonuses) of the Chair, Chief Executive or Managing Director of the company and any of its subsidiaries.

Chief Executive

- d) The Committee shall approve the appointment or removal of the Chief Executive of the company or any of its subsidiaries.

Agenda Item 8

(NOT FOR PUBLICATION: By virtue of paragraph(s) 1,2 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

Appendix A

(NOT FOR PUBLICATION: By virtue of paragraph(s) 1, 2 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

