

## **MINUTES OF ST EDMUNDSBURY BOROUGH COUNCIL**

Minutes of the Special Meeting of the Council held on Wednesday 15 February 2012 at 7.00 pm in the Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds

PRESENT: The Mayor (Councillor C J E Spicer) (in the Chair),  
Councillors Beckwith, Buckle, Clements, Clifton-Brown, Cockle, Cox, Everitt, Farmer, Farthing, Mrs Gower, Griffiths, Mrs Hind, Mrs R V Hopfensperger, Hordern, Houlder, Mrs Levack, Marks, Mrs Mildmay-White, Nettleton, Oliver, Pugh, Ray, Mrs Richardson, Rout, Mrs Rushbrook, Mrs Stamp, Stevens, Thorndyke, F J Warby, Mrs P A Warby and Mrs D A Whittaker.

*(Immediately prior to the formal meeting the Mayor's Chaplain, Reverend Canon Sally Fogden officiated at the prayers.)*

### **77. Apologies for Absence**

Apologies for absence were received from Councillors Ager, Mrs Broughton, Ms Byrne, Chung, French, Hale, P Hopfensperger, McManus, Redhead, Mrs Rushen, Simner, Springett and A Whittaker.

### **78. Declarations of Interest**

Members' declarations of interest are recorded under the item to which the declaration relates.

### **79. Public Questions**

No questions were asked.

### **80. Appointment of Joint Chief Executive**

The Council considered Report C354 (previously circulated) which sought approval for the terms and conditions and other arrangements for the appointment of a Joint Chief Executive with Forest Heath District Council (FHDC).

The terms and Conditions which were agreed by Council on 13 December 2011 were included in the recruitment pack and a copy was attached as Appendix 1 to this report.

Following on from Report C259 presented to Council on 13 December 2011, there was a need to approve terms and conditions and other arrangements for the appointment of a Joint Chief Executive with Forest Heath District Council. It was proposed that for administrative convenience the Joint Chief Executive be directly employed by the Borough Council, and that the non-employing Authority would enter into an agreement with the employing authority for secondment under Section 113 Local Government Act 1972.

There would need to be a legal agreement between the Borough Council and Forest Heath District Council, which would set out the terms of the secondment arrangement. It would confirm that the secondment was for 50% of the officer's time, commencing on the date of appointment and continuing until terminated on 12 months' notice by either authority. It would lay down that the performance of the Joint Chief Executive was to be monitored by the Leaders of both Councils in an agreed format, in accordance with the formal review process of the employing Authority.

The agreement would also set out financial arrangements for equal sharing of salary, pension, expenses and all related matters. Each Authority would make its own payment in respect of the role of Electoral Returning Officer.

In recognition of the extra liabilities of the Borough Council as employing Authority, FHDC would provide indemnities in respect of matters concerning constructive dismissal, and/or unfair dismissal, and/or discrimination/harassment/victimisation arising out of, and in the course of the employment of the Joint Chief Executive. The non employing Authority would also contribute an equal share of any redundancy costs.

It would be necessary for each Authority to make arrangements for the employment of a Returning Officer, as it would be impractical for the Joint Chief Executive to be Returning Officer for two authorities when an election took place. It was, therefore, proposed that the Joint Chief Executive be the Returning Officer for the non employing Authority, FHDC.

In response to a question, the Council was informed that the Borough Council negotiated with BUPA for private health care on behalf of its staff, but individual members of staff paid the subscriptions not the Borough Council.

It was proposed by Councillor Griffiths, seconded by Councillor Ray, and duly carried, it was

RESOLVED:- That

- (1) the terms and conditions set out in Report C354 be approved;
- (2) the employment of the Joint Chief Executive by St Edmundsbury Borough Council be approved;
- (3) the entering into of the Legal Agreement with Forest Heath District Council to deal with secondment and financial arrangements be approved;
- (4) the Head of Legal and Democratic Services and Legal Services Manager of Forest Heath District Council, in consultation with the Leader of both councils, be authorised to settle the final wording of the Legal Agreement; and
- (5) the appointment of the Joint Chief Executive as the Head of Paid Service for the Authority be approved.

**81. Exclusion of the Public**

On the motion of Councillor Farthing, seconded by Councillor Clements, and duly carried, it was

RESOLVED:-

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12(A) of the Act.

82. **Appointment of Joint Chief Executive: Report of the Joint Appointments Committee**

The Council considered exempt Report C355 (previously circulated) which sought approval of the recommendations of the Joint Appointments Committee concerning the appointment of a Joint Chief Executive with Forest Heath District Council (FHDC) and consequential matters.

The Joint Appointments Committee (JAC) was set up for the purpose of selecting a new Joint Chief Executive. Three shortlisted candidates took part in a two day assessment centre, comprising a variety of interviews and practical exercises. At the conclusion of the second day the JAC met to make a formal decision, and had unanimously recommended that Ian Gallin be appointed Joint Chief Executive and Head of Paid Service.

The recommended candidate's details had been circulated amongst Members of the Cabinet in order to ensure compliance with the Officer Employment Procedure Rules, contained within Part 4, Rules of Procedure, of the Borough Council's Constitution, namely, *"An offer of employment as a Chief Officer shall only be made where no well-founded objections from any Member of the Cabinet has been received"*. The Council was informed that no objections had been made by any Member of the Cabinet.

The JAC was recommending a salary of £105,000 per annum, which was a spot salary within the range approved by full Council on 13 December 2011.

The Officer Employer Procedure Rules in Part 4, Rules of Procedure, of the Borough Council's Constitution also required that where a recommendation was being made to the Council in respect of the dismissal of the Head of Paid Service the Council must approve that dismissal before notice of dismissal was given. In this case, the job profile for the new Joint Chief Executive had been assessed as being substantially and significantly different from that of the existing Chief Executive posts for both the Borough Council and FHDC. External legal advice had confirmed this view. Neither of the existing Chief Executives had applied for the new post and the posts which they currently held were, on completion of the appointment of the new Joint Chief Executive, redundant. This gave the reason for dismissal as one of redundancy. The costs of the redundancies of the existing Chief Executives were £202,536 in total, with Pension Capital costs of £1,856. Arrangements would be made for the redundancy to take effect at a time which was most practical in terms of availability of the new Joint Chief Executive to commence work.

Councillor Griffiths, a Member of the JAC, stated that the interview process was extensive and rigorous, and that the JAC was unanimous in recommending Ian Gallin for appointment as the new Joint Chief Executive and Head of Paid Service. He was pleased that so many Members across both Councils had taken the opportunity to be involved in the appointment process, and had offered their feedback during the presentation part of the process. He considered that Mr Gallin brought a wealth of relevant experience and achievements. He stated that the salary recommended was at the lower end of the salary range previously approved by Borough Council. The JAC was recommending a one-off relocation allowance as detailed in the report. Councillor Griffiths also stated that the Borough Council was being asked to approve the dismissal of the existing Chief Executive as the new post was considered to be substantially and significantly different to that of the existing Chief Executive posts for both authorities. Councillor Griffiths then told the Council that he had just been informed that

Forest Heath District Council had earlier in the evening approved the recommendations of the JAC.

A discussion was held on the appointment process, and there was a general consensus that the process had worked well. In response to a question, the Head of Human Resources and Organisational Development provided details on why the post of Joint Chief Executive was substantially and significantly different from that of the existing Chief Executives. These included the ability to manage two distinct and separate political organisations, which would:-

- (a) add to the complexity of the role;
- (b) have increased scale of the two organisations, including staffing and budget responsibilities; and
- (c) require managing the integration and leading significant transformational change across the two councils.

On the motion of Councillor Griffiths, seconded by Councillor Ray, and duly carried, it was

RESOLVED:- That

- (1) Ian Gallin be appointed as the new Joint Chief Executive and Head of Paid Service with Forest Heath District Council, at a salary of £105,000 per annum;
- (2) the payment of up to £5,000 relocation allowance, and a lodging allowance of £101 a week for up to 26 weeks, be agreed; and
- (3) the dismissal, by reason of redundancy, of the existing Chief Executive be agreed.

83. **Conclusion of Business**

The Mayor reminded the Council of the forthcoming meeting scheduled for 28 February 2012, and that there would be a Bury Sea Cadets Heritage Lottery Fund event held at West Suffolk House.

The meeting concluded at 7.42 pm

**MAYOR**