

# AGENDA

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**Meeting:** SENIOR OFFICERS' EMPLOYMENT SUB-COMMITTEE  
**Place:** County Hall, Bythesea Road, Trowbridge  
**Date:** Friday 2 December 2011  
**Time:** 4.00 pm

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Please direct any enquiries on this Agenda to Yamina Rhouati, of Democratic and Members' Services, County Hall, Bythesea Road, Trowbridge, direct line or email

Press enquiries to Communications on direct lines (01225)713114/713115.

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**Membership:**

Cllr Mike Hewitt  
Cllr Jon Hubbard

Cllr John Noeken

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# AGENDA

## Part 1

### Items to be considered when the meeting is open to the public

1. **Election of Chairman**

To elect a Chairman for the meeting

2. **Minutes** (Pages 1 - 4)

To confirm the minutes of the meeting held on 2 November 2011 (*copy attached*).

3. **Apologies for Absence**

4. **Declarations of Interest**

Councillors are requested to declare any personal or prejudicial interests or dispensations granted by the Standards Committee.

5. **Chairman's Announcements**

6. **Public Participation**

The Council welcomes contributions from members of the public.

#### Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

#### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above no later than **5.00pm on Friday 25 November 2011**. Please contact the officer named on the first page of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

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

To consider passing the following resolution:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 8 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

*Members are reminded that Part II reports contain confidential information and should be treated accordingly. They should not be disclosed or passed to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are urged to return them to the Democratic Services Officer at the end of the meeting for safe disposal.*

**Part II**

Item during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

8. **Termination of Employment on Grounds of Redundancy - Corporate Director***(Pages 5 - 10)*

Confidential report attached.

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## SENIOR OFFICERS' EMPLOYMENT SUB-COMMITTEE

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**DRAFT MINUTES OF THE SENIOR OFFICERS' EMPLOYMENT SUB-COMMITTEE MEETING HELD ON 2 NOVEMBER 2011 AT COMMITTEE ROOM III - COUNTY HALL, TROWBRIDGE.**

**Present:**

Cllr Mike Hewitt, Cllr Jon Hubbard and Cllr John Noeken

**Also Present:**

Cllr Jane Scott OBE

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1. **Election of Chairman**

**Resolved:**

**That Councillor John Noeken be elected Chairman.**

Councillor John Noeken in the Chair

2. **Apologies for Absence**

All members were present.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Minutes of previous meeting**

The Chairman clarified that the minutes of the last meeting held on 18 January 2010 could in fact be received during Part 1 of the meeting (in open session).

**Resolved:**

**That the minutes of the meeting held on 18 January 2010 be approved as a correct record and signed by the Chairman.**

5. **Chairman's Announcements**

No announcements were made.

6. **Public Participation**

No requests for public participation had been received.

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

**Resolved:**

**That in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Minute Number 8 below as it was likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.**

8. **Proposed Termination of Employment on the Grounds of Redundancy - Chief Executive**

The Chairman explained the purpose of this meeting was to consider the termination of employment of Andrew Kerr, Chief Executive and Head of Paid Service on the grounds of redundancy on terms to be agreed. Any such decision by the Sub-Committee would be subject to the statutory process of consultation with members of Cabinet and confirmation by Council at its meeting on 8 November 2011.

As background information, the report of the Leader considered by Cabinet on the 6 October 2011 and corresponding minute were presented. The Leader attended the meeting to respond to any questions.

The Leader's report to the Sub-Committee explained the proposed termination of the Chief Executive's employment on the grounds of redundancy arose as a result of the Cabinet's decision on 6 October 2011 to make changes to the Council's senior management structure which involved the removal of the post of Chief Executive (and one of the four Corporate Directors). There was no alternative employment available for the Chief Executive at a suitably senior level within the organisation. The Chief Executive's post was therefore redundant within the statutory definition of redundancy.

It was noted that, subject to the Sub-Committee's decision, and in the event of Council confirming the termination of employment of the Chief Executive, Council would also be asked to consider a number of consequential matters. These included the appointment of the Head of Paid Service, Electoral

Registration Officer and Returning Officer and the Clerk of the Lieutenancy and consequential amendments to the scheme of delegation to officers.

The Sub-Committee was advised that the Chief Executive had submitted an application for voluntary redundancy in accordance with the Council's redundancy policy and procedure. The application had been agreed, subject to approval of the terms of the proposed termination of employment.

The Sub-Committee considered the proposed severance terms which were presented at the meeting. The Solicitor to the Council reported that the Council's external auditors, KPMG, had been consulted and had noted that these were in line with the Council's policy. Their formal response would be reported to the Council.

Subject to Council's approval, the Sub-Committee agreed that the proposed termination date would be 11 November 2011 as it was accepted that it would be in neither party's interests to require the Chief Executive to serve out his notice period. This would enable the Council to press ahead with the implementation of the new arrangements.

The Leader advised that the Council was committed to concluding the termination process in as open and transparent way as possible, whilst recognising the Chief Executive's rights in respect of the disclosure of personal information. The Sub-Committee was satisfied that due process had been followed in accordance with the Council's established policies.

The Chairman referred to and endorsed comments made at Cabinet where the Chief Executive was thanked 'for all his hard work and commitment to Wiltshire. His contribution in delivering a clear strategic plan for the next few years had provided a strong foundation for the Council to now move forward and be in a position to adopt a new model of leadership'.

**The Sub-Committee, therefore,**

**Recommended to Council:**

**To terminate the employment of Andrew Kerr as Chief Executive and Head of Paid Service on the grounds of redundancy on the terms presented.**

(Duration of meeting: 10.00 - 10.30 am)

The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line 01225 718024,  
e-mail [yamina.rhouati@wiltshire.gov.uk](mailto:yamina.rhouati@wiltshire.gov.uk)

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