

Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Ernie Clark, Hilperton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

The KPMG 'Executive Summary' into the Kennet District Council 'Non Pensionable Honorarium' payments states: 'At Kennet, honorarium payments were included in redundancy calculations for two members of staff. Whether or not it was correct for Kennet to have done so given its powers and the existing law is a matter on which Wiltshire will need to obtain legal advice. We understand from a memorandum from a solicitor at the Audit Commission that, in his view, honorarium payments should not have been included in redundancy calculations.'

Was such legal advice sought? If so, from whom? If not, why not? Assuming that legal advice was sought, what was the advice given to Wiltshire Council?

Response

External legal advice was sought. The advice confirmed that there was a reasonable argument that honorarium payments should not have been included in redundancy calculations which would justify pursuing recovery but that depending on the facts that may emerge there may be potential defences available to the recipients in any recovery action.