

Declarations of Interest

Any Member attending the meeting is reminded of the requirement to declare if he/she has a personal interest in any item of business, as defined in the Code of Conduct. If that interest is a prejudicial interest as defined in the Code the Member should also withdraw from the meeting.

SUPPLEMENTARY AGENDA 2

- | | (Pages) |
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| 2. Announcements | |
| (c) Announcements from the Head of Paid Service
To receive a report seeking a dispensation for Councillor Alan Samson. | (5 - 6) |
| 5. Questions | |
| To answer questions from (a) Members of the Council; and (b) Members of the public which have been put under Procedure Rules 9 and 10. | (7 - 8) |
| A question has been submitted by Councillor Ray Sangster (attached). | |
| 11. Joint Staffing Committee | |
| To receive the minutes from the Joint Staffing Committee held on 3 July 2017 and to consider the recommendation(s) in the minutes (attached) of which a report has been published (please see main Agenda). | (9 - 14) |
| 13. Members Reports | |
| <i>Mr Pepler - Meeting of the Buckinghamshire Healthcare Trust held on 31 May 2017</i> | (15 - 16) |

The next meeting is due to take place on Wednesday, 15 November 2017

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SUBJECT:	<i>Dispensation to Councillor Samson</i>
REPORT OF:	<i>Bob Smith, Chief Executive</i>
RESPONSIBLE OFFICER	<i>Joanna Swift, Head of Legal and Democratic Services</i>
REPORT AUTHOR	<i>Elly Cook, Senior Democratic and Electoral Services Officer</i>
WARD/S AFFECTED	<i>Burnham Lent Rise and Taplow</i>

1. Purpose of Report

To seek approval to grant a dispensation to Councillor Alan Samson.

RECOMMENDATION

That a dispensation be granted to Councillor Alan Samson for the purpose of Section 85(1) of the Local Government Act 1972, due to ill health and if required to review the length of dispensation at the next Council meeting on 15 November 2017.

2. Reasons for Recommendations

To enable a dispensation to be given to Councillor Alan Samson due to ill health.

3. Content of Report

Due to ill health, Councillor Alan Samson has not attended a meeting of the authority or of an outside body since 15 February 2017. Section 85 of the Local Government Act 1972 states that if a Councillor fails over a period of six consecutive months from the date of their last attendance to attend any meeting of the Authority they shall cease to be a Councillor, unless the failure was due to some reason approved by the authority before the expiry of that period.

If Councillor Alan Samson fails to attend any meeting of the authority due to take place before 15 August 2017 or any meeting of an outside body to which he has been appointed as the Council's representative he will cease to be a Councillor unless the Council grants a dispensation for the reason of sickness. Councillor Alan Samson has indicated that due to continued ill health, he is unlikely to be able to attend a meeting of the Authority before 15 August 2017.

If the Council is minded to take this course of action then it also needs to decide the length of the dispensation and one option is to grant the dispensation until the meeting of the Council on 15 November 2017 when the matter could be reviewed.

Should Councillor Alan Samson attend, as a member, a meeting of the Authority before 15 August 2017 or before the end of the dispensation period should it be granted (i.e. 15 November 2017), the counting of six months will begin again.

4. Consultation

Not Applicable.

6. Corporate Implications

None.

7. Next Step

If the Council is minded to approve the dispensation, a dispensation will be granted up until the Council Meeting on 15 November 2017 at which time the matter could be reviewed.

Background Papers:	Local Government Act 1972
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Item 5 – Questions

In accordance with Council Procedure Rules 9 and 10 the following question has been submitted by Councillor Ray Sangster:

"The proposed acquisition of Grand Union House for a hostel for the homeless, at an asking price of £10M, is now off our Agenda. Pressure remains to secure such a location.

As the Gerard's Cross Police Station cost half this amount why are we not considering converting this building for a hostel for the homeless? If not, why not?"

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JOINT STAFFING COMMITTEE

Meeting - 3 July 2017

Present: Mrs Darby (Chairman)
Mr Bagge, Mr Harding, C M Jones, Mr Jones, D W Phillips,
Mr Read, Mr Stannard and Mrs Sullivan

Apologies for absence: Mr Bradford, Mr M Smith and Mr Walters MBE

1. APPOINTMENT OF CO-CHAIRMEN

It was proposed by Councillor D. Phillips, seconded by Councillor M. Stannard and **RESOLVED** that Councillor I. Darby and Councillor R. Bagge be appointed Co-Chairmen of the Committee for 2017/18.

2. DECLARATIONS OF INTEREST

None.

3. HARMONISED EQUALITY POLICY

A draft harmonised equality policy was presented to Members for consideration. This was one of a number of harmonised policies that were being developed as part of the joint working arrangements. As with the other policies, these policies have been developed by taking the best practice of both Councils and reflecting employment legislation, recognised codes of practice and best practice in other public, voluntary and private sector organisations.

RESOLVED that

1. the implementation of the harmonised equality policy subject to staff consultation be approved
2. authority be delegated to the Chief Executive to undertake any minor amendments following the outcome of the staff consultation or future legislative changes.

Note: Councillor C. Jones entered the meeting at 6.15pm.

4. **HR UPDATE REPORT**

The Committee received a report providing an update on

- Staff turnover and sickness absence within the Councils
- Key HR projects

The Committee, having noted the increase in staff turnover in Quarter 4 compared to Quarter 3, were advised that analysis had shown that leavers in Quarter 4 were spread across all service areas and across all levels and there was no indication that this was a trend. The Committee were assured that this would be monitored and potential risks would continue to be reported to Management Team with appropriate options for mitigating those risks.

The Committee noted that this was the first time that an update report had shown sickness absence figures for South Bucks District Council and Chiltern District Council combined. It was requested that for the next Committee, figures also be provided on the average number of working days lost due to sickness absence in the Councils once long term sickness has not been included.

The Committee welcomed the key projects being carried out by HR, in particular the introduction of Mental Health First Aiders.

The need to update all posters around the Council buildings was noted.

RESOLVED that the report be noted.

Note: Councillor J. Read entered the meeting at 6.26pm.

5. **LOCAL GOVERNMENT PENSION SCHEME DISCRETIONARY POLICY STATEMENT**

The Committee received a report which sought approval of the discretionary policies that can be exercised by the Councils, as Employers within the Local Government Pension Scheme (LGPS). The Committee were asked to consider whether to recommend to the respective Full Councils, the Local Government Pension Scheme Discretionary Policy Statement as set out in Appendix 1.

The Committee noted that due to the changes to the Local Government Pension Scheme in April 2014, it was necessary to update the Councils' Discretionary Policy Statements to reflect the current version of the Pension Scheme. The discretions proposed aim to minimise the cost to the Councils by not adopting discretions that would result in additional costs, and allow flexibility to Scheme members where this would be at no cost. This was in line with the existing approach adopted by the Councils, and thus this report essentially reaffirms the current discretions, but with the new legislative references.

The Committee considered all of the proposals set out in the report and agreed with all of them subject to the following changes;

- 1) A note be added to the Policy Statement explaining that whilst each Authority was required to have its own Discretionary Policy statement, Chiltern District Council and South Bucks District Council have decided that these would be identical.
- 2) That wherever the wording "following consultation with the relevant Joint Staffing Committee Co-Chairman" appears in the Policy Statement to replace it with "following consultation with the Joint Staffing Co-Chairmen". This is to reflect the fact that costs would be shared between both Councils and therefore both Co-Chairmen should be consulted with.
- 3) **The Transfers in to Fund – Regulation 100(6), page 3 of the Policy Statement** - The Committee felt that to use the wording 'exceptional or extenuating circumstances' was too vague and therefore agreed that the wording should be changed to read as follows:
 "The Council will decline any request to transfer in pension rights after the 12 month limit has been exceeded, unless:
 - there is evidence that the process has commenced prior to the 12 month limit, and
 - the application is made within 3 months of the transfer value being provided by the relevant pension provider".
- 4) **Aggregation of Deferred Benefits – Regulation 22(7) & (8), page 3 of the Policy Statement** - The Committee felt that to use the wording 'exceptional or extenuating circumstances' was too vague and therefore agreed that the wording should be changed to read as follows:
 "The Council will decline any request to extend the 12 month deadline for non-aggregation of deferred pensions into a concurrent or new LGPS employment unless:
 - there is evidence that the process has commenced within the 12 month limit, and
 - the application is made within 3 months of the employee being provided with the relevant pension information by the relevant pension provider."
- 5) **Regulation 6 – Discretionary Termination Payments, page 4 of the Policy Statement** – The Committee felt that each case should be subject to the consent of the Joint Staffing Committee rather than the Head of Paid Service.

The Committee were advised that UNISON had been informally consulted, however this policy confers no formal contractual rights to employees.

Having considered the Policy Statement set out in appendix 1, the Committee

RECOMMENDED TO COUNCIL that the Local Government Pension Scheme Discretionary Policy Statement as set out in Appendix 1 be approved subject to the following changes;

- 1) A note be added to the Policy Statement explaining that whilst each Authority was required to have its own Discretionary Policy statement, Chiltern District Council and South Bucks District Council have decided that these would be identical.
- 2) That wherever the wording "following consultation with the relevant Joint Staffing Committee Co-Chairman" appears in the Policy Statement to replace it with "following consultation with the Joint Staffing Co-Chairmen".
- 3) **The Transfers in to Fund – Regulation 100(6), page 3 of the Policy Statement to read as follows:**
 "The Council will decline any request to transfer in pension rights after the 12 month limit has been exceeded, unless:
 - there is evidence that the process has commenced prior to the 12 month limit, and
 - the application is made within 3 months of the transfer value being provided by the relevant pension provider".
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 - there is evidence that the process has commenced within the 12 month limit, and
 - the application is made within 3 months of the employee being provided with the relevant pension information by the relevant pension provider."
- 5) **Regulation 6 – Discretionary Termination Payments, page 4 of the Policy Statement to read as follows:**
 "The Council will exercise this discretion in exceptional or extenuating circumstances only. Each case will be considered fairly, on its merits and subject to the consent of the Joint Staffing Committee, ensuring no serious loss in confidence in the Public Service and that any payment is affordable."

6. EXCLUSION OF THE PUBLIC**RESOLVED –**

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

7. LOCALLY DETERMINED PAY MECHANISM

The Committee received a report seeking approval of the proposed arrangements for the introduction of locally determined pay for all staff below the Heads of Service on harmonised terms and conditions of employment.

Each year Councils need to consider whether they wish to offer a pay increase to staff. Local Government has a collective bargaining system by which representatives of the employers meet with the trade union representatives regularly to discuss pay and conditions of service. This arrangement was called the National Joint Council (NJC) for Local Government Services. Under the terms of the Collective Agreement between Chiltern and South Bucks District Councils and UNISON of 1st July 2014 (which applied to all posts below Head of Service level) it was agreed in July 2017 that the Councils would review the Councils' pay arrangement with a view to moving to locally determined pay.

The Committee were advised that if approved by Full Council, the next step was to put the proposed locally determined pay mechanism to UNISON.

The Committee considered the proposed arrangements set out in the report including an annual pay award timetable and accordingly

RECOMMENDED TO COUNCIL that the arrangements for a locally determined pay mechanism as set out in this report be approved.

8. STAFFING MATTERS

The Committee received a report which sought authority for the Chief Executive to progress termination of an employee's contract of employment.

The background to this matter was set out in Appendix 1 and an explanation of relevant legal documents and terms was set out at Appendix 2. The options available, financial implications and recommended actions were detailed in the report.

Members were also asked to consider establishing a sub-committee to deal with the appointment into any vacancy that would arise, and that the membership of this sub-committee be delegated to the Chief Executive in consultation with the respective Cabinet Leaders, having regard to Member availability.

Having considered the options set out in the report, the Committee **RESOLVED** that

- i) the Chief Executive be authorised to finalise the terms outlined in Option 3 of this report to facilitate termination of the employee's contract of employment.
- ii) a sub-committee comprising of 8 members - 6 from the Joint Staffing Committee (3 from each Council) and the 2 relevant Portfolio Holders - be established to deal with the appointment into the vacancy arising from recommendation i).

The meeting terminated at 7.50 pm

Report of the meeting of the Buckinghamshire Healthcare Trust on 31st May 2017

The meeting started with the experience of a couple in their nineties who came to A & E with the wife having had a fall at home. They seem to have kept themselves to themselves and had not sought medical help in the recent past. The wife was suffering from Alzheimer's Disease and was trying to cope on his own but with his walking showing that he was registered blind so life was very difficult. Their family had not appreciated that they were both in a frail condition and the lesson to have been learnt for the trust was that there was a requirement to understand patient's needs.

It then moved on to the Chief Executive's Report where he could say that they had not been affected by the recent IT breakdown. They were building stronger links with the Community with the new Community hub pilots at Marlow and Thame working well although it was early days. The Cancer Teams had won an award and A & E had received more funding.

On Financial Performance the Director of Finance reported that at the end of the last financial year they had an Eight Million Pound deficit. In the first month of this year the income received had been lower than expected and their capital budget for this year was constrained.

A report was received on listening to patients and carers. Much work was being done with child patients where the views of children were being obtained but work needed to be progressed through the school nurses. The future plan is to work on discharges and outpatient care.

The Workforce Report was then received which showed that in April the turnover of all staff groups was 14.4% an increase of 0.4% from March. The Vacancy rate was 12.9% at the end of April an increase of 3% from March. The nurse vacancy rate was 17.4% at the end of April up from 16.2% in March. There was a need for targets for appraisals with non-medical appraisals having to be completed by the end of July.

On Quality Performance There had been between February 2016 and January 2017 the mortality rate had been lower than expected and data had been supplied that showed the reduced trend was continuing.

There had been reductions in the number of cases of Pneumonia and in the number of complaints although these tended to relate to end of life care.

Lastly the infection Control Report was received which indicated that there had been 2 cases of C difficile in April and also 2 of MRSA

David Pepler

7th July 2017

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