

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Employment Committee held on
Friday, 15 January 2016 at 2.00 p.m.

PRESENT: Councillor Alex Riley – Chairman
Councillor Val Barrett – Vice-Chairman

Councillors: Simon Edwards Lynda Harford
Caroline Hunt Sebastian Kindersley
Bridget Smith

Officers: Susan Gardner Craig Human Resources Manager
Fiona McMillan Legal Services Manager and Monitoring Officer
Ian Senior Democratic Services Officer

1. APOLOGIES FOR ABSENCE

There were no Apologies for Absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 29 January 2015.

4. ANNUAL PAY POLICY STATEMENT

The Employment Committee considered a report on the requirements of the Localism Act 2011 in relation to a pay policy statement.

The Employment Committee **recommended** that the pay policy attached to the report from the Human Resources Manager be adopted by Full Council.

5. APPOINTMENT OF MONITORING OFFICER (REPORT TO FOLLOW)

The Human Resources Manager circulated a report at the meeting, setting out the functions of a Monitoring Officer as defined in Section 5 of the Local Government and Housing Act 1989 and amended by Schedule 5 paragraph 24 of the Local Government Act 2000. The Committee noted that South Cambridgeshire District Council's current Monitoring Officer would be leaving the Authority on 19 February 2016 to take up another position elsewhere, and that a replacement Monitoring Officer was required by law.

The report proposed the appointment of Shirley Tracey, on an interim basis, to undertake the responsibilities of Monitoring Officer for South Cambridgeshire District Council until such time as the structure and roles for the single Shared Legal Service between that Authority, Huntingdonshire District Council (HDC) and Cambridge City Council had been determined. Members noted that Shirley Tracey was Legal Services Manager and Deputy Monitoring Officer with HDC and that, between September and November 2015, she had acted up as that Council's Monitoring Officer. She was

currently involved in a review of HDC's Constitution to reflect the shared services projects.

Councillor Lynda Harford asked for how long the appointment would be, and wondered how the arrangement would work in practice. Councillor Harford said that, while she supported Shared Services in general terms, she had been very disappointed with the outcome of negotiations over the Shared Legal Service in particular. The Legal Services Manager said that it was hoped that detailed structures and processes for the Shared Legal Service would be in place by April 2016 but agreed that, until then, a period of instability was inevitable. Councillor Harford made it very clear that her reservations about how the transfer to a Shared Legal Service had been dealt with should in no way be interpreted as criticism either of the Legal Services Manager or of the Human Resources Manager.

By way of information, the Legal Services Manager said that, while there was no legal requirement that the Monitoring Officer attend Full Council, Cabinet or Corporate Governance Committee, it was considered to be good practice in order to ensure good governance and that the Council's decisions were within the law. It was essential to attend Civic Affairs Committee, which dealt with the Code of Conduct complaints system.

Councillor Bridget Smith noted that the Council's Democratic Services Team Leader was currently Deputy Monitoring Officer, and wondered whether he could perform the full role. The Legal Services Manager agreed that that officer had demonstrated a very good knowledge of the Council's Constitution. Councillor Smith was concerned that the proposed arrangement might put the Council in a vulnerable position.

Councillor Simon Edwards said there needed to be a legally-qualified officer present at meetings of Full Council.

Councillor Sebastian Kindersley's concern was that there should continue to be a legal adviser at Planning Committee meetings. Councillor Kindersley said that such adviser must have actual experience of South Cambridgeshire planning issues. Councillor Edwards pointed out that South Cambridgeshire District Council was subject to the same legal and planning framework that applied elsewhere in the country, and that there was no justification for treating this Council's planning processes any differently. The Legal Services Manager acknowledged that, whilst advice on planning law should be universal, it was correct that within South Cambridgeshire, there were several high level issues and unique long-running planning matters which would be difficult to pick up on an ad hoc basis. Councillor Kindersley highlighted Mortgagee-in-Possession clauses as one example of uniqueness.

The Chairman asked who was responsible for Shared Services at South Cambridgeshire District Council. It was reported that Lead Officer was the Executive Director (Corporate Services), and Lead Member was Councillor Peter Topping, Corporate and Customer Services Portfolio Holder.

The Vice-Chairman also expressed concerns about the implications for Planning, but Councillor Edwards said there was no other option.

Picking up on a recurring query from Councillor Bridget Smith, the Legal Services officer said that the Monitoring Officer did not have to be legally qualified but that it was usually the case and considered to be good practice as the officer was responsible for ensuring that the decisions of the Council were lawful. Councillor Smith again wondered why the Democratic Services Team Leader should not be appointed to the post of Monitoring

Officer. Councillor Edwards said he would prefer the Monitoring Officer to be legally qualified. Councillor Smith pointed out that the proposed appointment was only interim, and said she was disturbed by the prospect of appointing someone not familiar with South Cambridgeshire District Council's Constitution.

The Legal Services Manager confirmed that she had offered to continue to provide support for the new Monitoring Officer in her new role with LGSS Law Ltd until such time as the new post-holder was fully conversant with the Council's Constitution and other matters on which Members had expressed concern. This was currently being considered by the Council.

The Chairman and Councillor Simon Edwards reflected the views of Members present when they thanked the Legal Services Manager for her commitment and support over the last few years.

Upon the proposal of Councillor Simon Edwards, seconded by Councillor Lynda Harford, the Committee **recommended to Full Council** that Shirley Tracey be appointed as South Cambridgeshire District Council's Monitoring Officer on an interim basis.

The Meeting ended at 2.25 p.m.
