

Draft public minute for Process for agreeing Special Severance Payment

Musrat Zaman, Dir. of Workforce, OD & Business Support introduced the report which asked the Committee to agree to the establishment of an Independent Panel (IP) to review and approve the proposed Special Severance Payment (SSP) for the outgoing Chief Executive. The report explained the legal framework underpinning the process and officers' advice to ensure any Council decision to approve the SSP was compliant with it. The report noted that Full Council would be asked to vote on the final decision. In addition, officers advised their recommendation was for the IP to report back to the Committee for discussion, before submission to the full Council.

Further to questions from the Committee, officers provided further detail on:

- The full Council voting process. A simple majority would be required to approve any settlement.
- The timescales and process for the independent panel (IP). The panel was due to meet imminently and the report to the panel would include the advice of the Council's Chief Finance officer and Monitoring Officer. The full Council would be asked to vote on the IP recommendations at the meeting on 1 March 2023.
- The rationale for proposing that the IP report to the Committee prior to full Council. Janet Fasan, Director Legal and Monitoring Officer, explained that the relevant Guidance required that the Council made proper enquiries into the SSP. She felt that full Council discussion may not satisfy this requirement, so had proposed the recommendations are brought to the Committee first, to mitigate risk.
- Options for convening an urgent meeting of the Committee.
- Options for promoting reasonable discussion of the SSP at the full Council meeting, including the suspension of standing orders.
- Officers' opinion regarding the disadvantage of forwarding the SSP straight to full Council, removing the need for consideration by the Committee of the IP's recommendations. This approach was not recommended due to the relatively new nature of the Guidance and lack of precedent.
- Options and implications if full Council chose to deviate from the IP recommendations.

At the invitation of the Chair, Richard Penn, Consultant, addressed the Committee. In response to questions from members, Mr Penn advised that whilst guidance was new and there was a lack of precedent, in his view, the process as set out in the report would provide sufficient check and balance and therefore he saw no necessity for the Committee to consider the IP recommendation prior to full Council.

Further to questions, the Committee discussed the report and officers' advice for the approval process.

Some members of the committee indicated they felt that the proposal for the Committee to discuss the SSP prior to full Council consideration was unnecessary as:

- Full Council would provide full probity and discussion of the SSP. Standing orders could be suspended to ensure this if necessary.
- There was no legal requirement for the SSP to be discussed or approved by the Committee. Members noted the process as provided in the report did not include a report back to General Purposes Committee by IP.
- The need for swift action meant holding more meetings would risk derailing the process.

Some members of the Committee indicated they felt the IP should report to Committee prior to full Council as:

- Officers advice was this would represent good practice. Advice of officers should be taken note of.
- Doing so would ensure that both the Committee and full Council could discuss the SSP, mitigating overall risk.
- The Committee had a role to advise Council on senior staffing matters. To relinquish its role on this occasion would call into question the rationale for the Committee's establishment.

At this point the Chair proposed a vote on the proposal to request that the recommendation of the independent panel to report back to the Committee prior to submission to full Council. The motion was put to the vote and was **defeated**.

The following members wished it to be recorded they voted **for** the motion

- Councillor Asma Islam
- Councillor Maisha Begum
- Councillor James King

The following members wished it to be recorded they voted **against** the motion

- Councillor Saif Uddin Khaled
- Councillor Kabir Ahmed
- Councillor Musthak Ahmed
- Councillor Abu Chowdhury
- Councillor Maium Talukdar

The Chair proposed a vote on the proposal to apply the process as set out in the report submitted. The motion was put to the vote and was **agreed**.

The following members wished it to be recorded they voted **for** the motion

- Councillor Saif Uddin Khaled
- Councillor Kabir Ahmed
- Councillor Musthak Ahmed
- Councillor Abu Chowdhury
- Councillor Maium Talukdar

The following members wished it to be recorded they voted **against** the motion

- Councillor Asma Islam
- Councillor Maisha Begum
- Councillor James King

Therefore it was:

RESOLVED

1. To review and note the process for agreeing the Special Severance Payment to the outgoing Chief Executive.
2. To agree to the establishment of a Panel of Independent Persons to review and approve the Special Severance Payment to the outgoing Chief Executive before the proposal is submitted to Council for a final decision as set out in Section 3 of the report