

Rother District Council

Report to	-	Council
Date	-	21 September 2020
Report of	-	Licensing and General Purposes Committee
Subject	-	References from the Licensing and General Purposes Committee

The Council is asked to consider the recommendations arising from the Licensing and General Purposes Committee meetings held on 13 July and 3 September as set out below.

LICENSING AND GENERAL PURPOSES COMMITTEE – 13 July 2020

LG20/06. TEMPORARY STREET CLOSURE ORDERS

Members received the report of the Executive Director outlining a policy for approving temporary street closure orders for public celebrations, deferred from the last meeting of the Licensing and General Purposes Committee.

Although the legislation defined circumstances when the District Council could make a road closure order, a policy would assist officers in determining applications. Events were not to be promoted for private gain and were to be for a genuinely public event.

It was outlined to Members that the following points were to be incorporated into the policy:

- In all cases except Remembrance, a fee of £100 or a fee set by Cabinet would be payable.
- Applicants must comply with Police requests made to ensure the safety of a public event (e.g. carnival).
- A list of cultural or community events, or similar, that a road closure would facilitate was provided within the policy.
- For events not on the list, Orders would only be made if the previous year's audited accounts showed that over 50% of the profit from the event was paid to a registered or local charity, unless the Licensing Committee approved a lower percentage. For first-time applications, an undertaking must be given that this would apply.
- Applicants must provide an adequate event management plan (including risk assessments) with the application to show how the event could take place without creating unnecessary or uncontrolled hazards to the public.
- Applicants undertake to litter pick the road after the event as far as reasonably practical, or if this does not occur pay for any exceptional street cleaning costs.
- Applicants provide evidence of having adequate Public Liability Insurance.

- The applicant has a right of appeal against a refusal to the Licensing and General Purposes Committee.

Members were given the opportunity to ask questions and the following points were noted from the discussions:

- any profit made that was not to be paid to a registered or local charity should be invested into the following year's event and event organisers would need to indicate the level of spending required. This should not be excessive;
- the table of events listed in the policy was not a definitive list and similar events would be added over time;
- any matters that did not fall within the policy (e.g. a for-profit event) would be referred to the Licensing and General Purposes Committee;
- it was requested and agreed that the following paragraph be removed from the policy: "*For events not falling within this definition, Orders will only be made if the previous years' audited accounts show that over fifty percent (50%) of the profit from the event was paid to a registered or local charity. For first-time applications, an undertaking must be given that this will apply*" and replaced with wording to ensure that "*all proceeds of the event must be donated to a registered or local charity, allowing for a small carry-over in monies that is deemed reasonable to support the continuation of the event for future years.*"

RECOMMENDED: That the policy for approving temporary street closure orders, as amended, be approved and adopted.

(Licensing and General Purposes Committee Agenda Item 8)

LICENSING AND GENERAL PURPOSES COMMITTEE – 3 September 2020

LG20/14. SENIOR STAFF RESTRUCTURING

Members received the report of Cabinet which outlined a proposal to establish a single Chief Executive and to delete the two posts of Executive Director (ED).

Given the current fragility of Council finances following COVID-19, the uncertainties of a potential local government reorganisation and the heavy levels of change and transformation programmes underway, it was proposed to ringfence recruitment to this new post to within the two EDs, who currently undertook Head of Paid Service responsibilities and for the successful candidate to be appointed on a one year contract in the first instance. It was Cabinet's intention that a report be brought before Full Council in one year's time to consider whether that appointment be made substantive, or whether, at that stage, the Chief Executive (CE) post should be opened up to external competition and would review the position in the context of the needs of the authority, as well as being better able to judge the prospects for the future of Rother District Council.

All matters pertaining to the restructure were delegated to the Licensing and General Purposes Committee (L&GP) who were also invited to consider matters relating to the salary for the first year and the framework of potential severance terms for the other ED, both for recommendation to Full Council.

A draft Job Description and Person Specification were attached to the report for consideration, together with UNISON's response to the Cabinet report.

Competitive salaries for strategic CEs of District Councils in the South East were within the range of £110,000 to over £135,000 (not including car allowance or on costs). For an internal appointment, it was recommended to consider the bottom of the range; it was noted that the top of the current ED range was £102,000 and a lift of 10-15% would acknowledge the greater accountability and therefore a salary of around £115,000 for the first year was recommended in the report.

Members were advised that the salary of the new CE of £115,000 with on costs would be to the order of £155,000; the gross saving of deleting the two ED posts and replacing with one CE post would be around £111,000 per annum.

Only one ED had indicated at that stage that he wished to compete for the post, therefore the confidential Appendix D to the report contained the maximum benefits and costs of severance for the other ED only, provision for which would need to be made from the Revenue Reserve.

Cabinet had agreed that iESE (Incremental, Innovation and Inventing Public Services) assist in establishing a Behaviour Framework for the post and for implementation more widely throughout the Council, to progress Performance Management.

Members were given the opportunity to ask questions and the following points were noted from the discussions:

- Members were concerned about the impact of creating a strategic CE post freed of day-to-day management responsibilities, particularly during the current pandemic, on Council staff and services;
- the new CE would be responsible for any further staff reorganisation;
- Members raised concerns about staff morale at the current time;
- Cabinet had agreed at their meeting in March 2020 that costs for services received from iESE would be met from the Medium Term Financial Plan Revenue Reserve. The Assistant Director Resources advised that to date, no payments had been made; and
- the Chairman and other Councillors thanked the EDs for their long and loyal service and all Council staff for their hard work during the current difficult times.

RECOMMENDED: That, subject to the results of consultation with the two Executive Directors and their representative body ALACE and more widely the observations by trade unions and employee representatives:

- 1) delete both Executive Director posts;
- 2) establish a new post of strategic Chief Executive as set in the Job Description attached (Appendix A);
- 3) the appointment to this new post be ringfenced to the two existing Executive Directors;
- 4) the appointment be made on a one year initial basis at a salary of £115,000;
- 5) a severance package for the departing Executive Director as considered in Exempt Appendix D, be agreed;
- 6) the costs of the redundancy be met from the Medium Term Financial Plan Earmarked Reserve;
- 7) subject to the agreement of full Council to the above, the new structure to take effect from 28 September 2020; and
- 8) the Council's pay policy statement be amended accordingly.

(The Confidential Appendix D in relation to this matter, as set out at Agenda Item 7 was considered exempt from publication by virtue of Paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the press and public were excluded whilst considering this matter).

(Licensing and General Purposes Committee Agenda Item 5)

Councillor A.S. Mier
Chairman, Licensing and General Purposes Committee