

Minutes of the ALACE Council Meeting Held On 29<sup>th</sup> October 2015

1. Those Present:

Rob Tinlin – Chairman  
Michel Saminaden – Hon Treasurer  
Fiona Marshall – Chief Executive of Maldon  
Tracey Lee – Chief executive of Plymouth  
Ian Miller – Chief Executive of Wye Forest  
David Hughes – Chief Executive of Gravesham  
Nick Walkley – Chief Executive of Haringey  
Cheryl Miller – Consultant  
Peter Bounds – Consultant  
Richard Penn – Consultant

Apologies:

Sally Loudon  
Duncan Sharkey  
Roger Morris  
John Schultz  
Amar Dave

2. Chairman's Update

The Chairman outlined the amount of work that had been undertaken over the summer, mainly by the consultants, responding to various consultation documents and sorting out the website. A huge debt of gratitude is owed to the consultants for all their work over the summer and the Chairman expressed his appreciation for this.

3. Minutes

The minutes of the last meeting were agreed as a correct record. There appeared to be some difficulties in comprehending some of the minutes and it was agreed that a bit more detail should be put into the minutes in the future.

Action – Amar Dave

4. Matters Arising

Peter Bounds asked about the recruitment drive that had been agreed previously, enquiring if any progress had been made. He had been given the impression that the Hon Treasurer would be taking on this role in future. Following some discussion it was agreed that the Hon Treasurer would take on the responsibility for doing a

recruitment drive in future. This may simply mean sending emails to new Chief Executives and Directors outlining the benefits of belonging to ALACE. Some literature had recently been developed which could be used to be sent to all prospective members. It was agreed that there will be an email exchange between the officers to agree what should be sent out to prospective new recruits.

Action – Officers of the Council

The Chairman advised the Council that the Northern Ireland Branch had recently agreed to close and all Northern Ireland members had resigned from ALACE. Members of the Council felt that this was regrettable and agreed that new potential members in Northern Ireland should be targeted. This would form part of the recruitment drive.

#### 5. AGM 2015 Minutes

There were no matters arising from the AGM 2015 that needed to be discussed at this meeting.

#### 6. Consultants' Updates

The three consultants present at the meeting updated the meeting on their current workloads.

Cheryl Miller had been busy organising pension seminars for members which had all been very successful. Two more were being organised in Wales as a joint ALACE/SOLACE enterprise. SOLACE Wales were paying for the majority of the expenses for these seminars. Alison Ward was organising these.

Cheryl mentioned a new consultant from Close Brothers who would be taking responsibility for Wales and the West Country. His name is Simon Williams.

There followed some discussion about Welsh reorganisation and how that may affect ALACE numbers. The elections to the Welsh Assembly may change the outcome of any proposed reorganisation. Currently it looked like the number of authorities may reduce from 22 down to 8 or 9, however, this was not due to take place until 2020. Although this seems a long way away, it is important to start planning for such changes.

Cheryl has been kept busy with a lot of enquiries about pensions, changes to the lifetime allowance, individual protection etc. Over the past three months 57 members have come to Cheryl for help on pensions. There are apparently 19 ongoing enquiries which are awaiting a response. Cheryl said that she will work through these systematically, prioritising the more important ones to do first. It was acknowledged that this was a huge workload which ALACE needed to do something about.

Nick Walkley said that the 95k cap was becoming a massive issue in London with authorities receiving FOI requests from newspapers. High profile London payouts

are going to feature in a Daily Mail article apparently. We agreed that we needed to watch out for this.

Peter Bounds said that there is likely to be a collision for regulations if the new regulations are enacted. The pensions regulations and the new regulations are at odds with each other and this would need to be sorted out as a matter of urgency.

Peter Bounds updated the meeting about current cases. He mentioned Tower Hamlets, Mansfield, Rotherham and Peterlee Town Council. With regard to Peterlee, at long last some mediation has been agreed and this may be coming to an end.

Richard Penn has stated that he had had quite a quiet quarter and the biggest case that he had dealt with was that of Copeland. This involved a newly elected Mayor not wanting to work with the Chief Executive. Richard managed to get a good deal for the Chief Executive who has now been shortlisted for other jobs.

Richard had also worked with a PCC, Torbay Council and another London Borough recently. Richard had been doing quite a lot of private work and updated members of the Council on the themes that had been coming out of these cases. This was of interest to the Council because the same themes will undoubtedly affect Council members.

## 7. Exit Payment Caps

ALACE had formulated and sent in a robust response to the consultation on the proposed payment caps. The consultation period had been disgracefully short, carried out during the summer holidays, and not taking into account the Government's own Consultation Guidelines. It appeared that the Government had not taken much notice of responses because, two weeks after the consultation deadline had passed, the Bill was published.

Ian Miller asked if ALACE had been working with the LGA to intervene in the Lords with amendments to the Bill. The Chairman said that John Schultz was currently working on this matter and Ian should pick this up with John so that we are all working together as ALACE.

Action – Ian Miller/John Schultz

A legal opinion had been drafted about the ALACE response to the payment cap (especially with regard to possible legal action) and this was currently with the Hon Secretary for agreement. This needed to be processed quickly so that it can be sent to Counsel.

Action – Hon Secretary

Cheryl Miller said that there may well be a mass exodus just before the 95k cap is introduced. There was the distinct possibility of the Government introducing the cap at a moment's notice. We would all have to watch out for this.

## 8. New Statutory Protections

Peter Bounds updated the Council on discussions he had been having with the employers about the New Statutory Protections.

There were two or three important matters that needed to be agreed. The first related to whether the investigation that needed to be carried out should be carried out by an independent person. The Employers seemed to accept that there had to be some independence about it and that if Councillors were involved, the independence was diluted. There was much debate about who made the decision about appointing the independent person as well. This is currently ongoing work, but Peter feels that the Employers see the sense in the investigation being independent of the Council.

The second issue related to the panel itself. There appeared to be a fundamental difference of views on whether or not Councillors could be on the panel. The DCLG's view was that it was possible to set up a committee of entirely non Councillors. This view was questioned by several others. ALACE's view is that if there are Councillors on the panel then it cannot be an independent panel. Additionally there was much debate about the training and skills required to enable people to sit on these panels. The LGA will be putting forward proposals in a couple of weeks, to which ALACE will respond.

Richard Penn said that there is a current list of designated independent persons (DIPs) and the LGA should be persuaded to advise members to use people from this list. DIPs have the skills, training etc and should therefore be the best people to carry out this work. This was generally agreed as the best way forward and that it should be made a feature in the handbook.

There followed some debate about the current position and it was generally agreed that the old conditions are still in our contracts of employment, so any proceedings carried on currently should be carried out under the old terms and conditions. The LGA have apparently agreed this view.

## 9. Simplification of Tax and NI Payments on Terminations

Roger Morris had prepared a response which had been sent to the Hon Secretary for submission.

Action – Hon Secretary

## 10. Collaboration with Solace

John Shultz had prepared a paper about joint working between ALACE and SOLACE. This generally is going well and the paper highlighted the areas where agreement had been reached. This included recognising the importance of consulting on matters of common interest, frequent contact between the two bodies to maintain awareness of issues that each is dealing with, regular liaison about

responses to consultation documents and mutually pointing each other's members in the direction of the other Body. The ALACE Council agreed that it was important to recognise the differentiation of the roles and that where we can work together we should do so.

Following some debate it was agreed that the ALACE AGM would continue to be held at the LGA conference in future.

There was a suggestion that Mark Lloyd was keen to get a slot at the LGA Conference for Chief Executive activities to be discussed generally, which could include the ALACE AGM. This was supported by the meeting.

#### 11. Links with APACE

Association of Chief Executives of Police and Crime Commissioners existed in the same capacity as SOLACE. They were not a trade union. The Chief Executives were eligible to join ALACE and it was agreed that these Chief Executives would be included in the recruitment drive.

Nick Walkley stated that there is going to be a meeting of Metropolitan Council Chief Executives in the next 10 days or so at which at least 50 Chief Executives would be present. He was more than willing to hand out literature and spread the word about ALACE at this meeting. The Council felt that this would be a very useful thing to do and agreed that appropriate literature would be given to Nick.

Action – Hon Secretary

#### 12. Any Other Business

Nick Walkley brought up the issue of devolution and combined authorities and felt it important for the ALACE Council to try to gauge the impact that this may have on our members. It was agreed that we needed to keep a watching brief on matters as they unfolded.

Ian Miller brought up the question of the pay claim from ALACE for Chief Officers. He had seen an outline that had been drafted but was not sure whether or not we had actually officially made the claim. It was agreed that ALACE should now make an official claim basically saying that we want equal treatment with other staff with no exceptions. The Chairman agreed to draft two letters from ALACE in this connection. The first one would be in relation to the 2015 circular and where it was at the moment and the second one would be to make the pay claim.

Action – Chairman

Cheryl Miller brought up the question of succession planning and it was agreed that generally we needed to place greater emphasis on succession planning for both the consultants and for the officers of the Council. The meeting on 3 December would concentrate on this.

Action – Hon Secretary

