AGENDA ITEM 5

MINUTES OF A MEETING OF THE LOCAL JOINT PANEL HELD IN THE WAYTEMORE ROOM, THE CAUSEWAY, BISHOP'S STORTFORD ON WEDNESDAY 18 MARCH 2009 AT 2.30PM

PRESENT: Employer's Side

Councillor M Wood (Chairman).
Councillors A P Jackson, D A A Peek.

Staff Side (UNISON)

Chris Clowes, Chris Cooper (Vice Chairman), Tina Darton, Jane Sharp.

ALSO IN ATTENDANCE:

Councillor S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Committee Secretary
Roy Crow	- Facilities Manager
Peter Dickenson	- Health and Safety Officer
Emma Freeman	- Head of People and Organisational Services
Alan Madin	- Director of Internal Services
Graham Mully	- Risk Assurance Officer
Peter Searle	- Head of Business Support Services

ACTION

28 CHAIRMAN'S ANNOUCEMENTS

The Chairman welcomed Alan Madin, the new Director of Internal Services and other Officers to the meeting.

The Chairman commented that he had agreed to accept an urgent item of business onto the agenda from the Secretary to the Staff Side regarding the proposed office relocation. The matter was considered urgent as a decision would shortly be taken at the next Council meeting on 25 March 2009 and the next Local Joint Panel was scheduled for 17 June 2009.

The Chairman agreed that, with the consent of Members, to change the order of the agenda to allow Officers to leave the meeting.

RECOMMENDED ITEMS

29 HEALTH AND SAFETY AT WORK ACT 1974

The Risk Assurance Officer submitted a report reminding Members of the Council of its statutory obligations regarding Health and Safety and of the action taken in relation to a review of Health and Safety practices. It was noted that the Council had commissioned an audit of health and safety practices because it was noted that compliance with legislation and common law expectations was inconsistent. Twelve Officers had been interviewed, supporting evidence gathered and policies and procedures reviewed resulting in a comprehensive overview of compliance.

The Risk Assurance Officer commented that the Council had been commended on a number of actions and had a good awareness of its responsibilities and duties. There was however, no evidence of a strategic or structured approach to the management of health

ACTION

and safety. This issue was addressed during the restructuring of the Internal Services Directorate in 2008. The resulting Action Plan would tackle areas of weakness and was appropriate and realistic and had been considered by the Safety Committee.

It was anticipated that Local Joint Panel would receive a report every six months. The Risk Assurance Officer commented that the risk register would go to Corporate Management Team on a regular basis.

The Secretary to Staff Side welcomed the report, the audit and positive recommendations. She acknowledged that the responsibility for carrying out the risks element would be carried out at Director level and was pleased to see that this raised the profile of health and safety. It was noted that the information would be published on the intranet. This was welcomed as helping to clarify the role of health and safety and providing useful information to employees in relation to risk assessments.

The Head of Business Support Services provided an update in relation to the facilities side of the recommendations. The Risk Assurance Officer commented that many of the recommendations had in the main, been addressed.

In noting that an updated version would be submitted to the Human Resources Committee, the Panel supported the Action Plan and its adoption.

> **RECOMMENDED – that the Action Plan be approved and adopted.**

ACTION

RESOLVED ITEMS

30 MINUTES

RESOLVED – that the Minutes of the meeting held on 3 December 2008 be approved and signed by the Chairman as a correct record.

31 SAFETY COMMITTEE – MINUTES OF THE MEETING HELD ON 26 JANUARY 2009

RESOLVED – that the Minutes of the meeting held on 26 January 2009 be received.

32 EYE TESTS AND CORRECTIVE APPLIANCES

The Secretary to the Staff Side submitted a report seeking an update on the progress made regarding eye tests and corrective appliances since the matter was last considered at Human Resources Committee in April 2008.

The Secretary to the Staff Side commented that the Council was still refunding the same amount for eye tests which did not now cover the full cost of an eye test.

The Risk Assurance Officer provided an update as to how the ACCOR Scheme worked. Essentially, the scheme allowed for the provision of a voucher which would be accepted at nominated opticians.

The Secretary to the Employer's Side commented that a decision had already been made to use ACCOR and that many "big brand" Opticians used ACCOR. The voucher system would prevent people from having to pay out of their own pocket and would formalise the process. She recognised that there had been a delay in implementing the new system and that this needed to be moved forward.

ACTION

The Panel agreed that the ACCOR voucher scheme be implemented and that a future report be submitted to the Panel.

RESOLVED – that (A) the ACCOR voucher scheme be implemented which would meet the full cost of eye test; and DIS

(B) a report be submitted to a future Local Joint Panel evaluating the benefits of the scheme. DIS

33 STAFF IMPLICATIONS ON THE MEDIUM TERM FINANCIAL PLAN

The Secretaries to the Employer's Side and Staff Side submitted a joint report on the initial management actions to mitigate increased pressures within the Medium Term Financial Plan.

The Secretary to the Employer's Side commented that following action to identify savings, £370,000 needed to be found (rather than £328,000 initially identified). £163,000 savings had been identified resulting in a further £207,000 to be found 2009/10. Areas where savings could be achieved and alternative courses of action should insufficient savings be found were set out in the report now submitted.

The Secretary to the Employer's Side commented that following a review of the Establishment List, a saving of £21,294 had been identified. A temporary ban had been imposed on recruitment. In future, a Head of Service would now have to put a Business Case forward to Corporate Management Team (CMT) before recruiting. She commented that there was now an increased focus on recruiting internally and getting a flow across the Council. Updates were provided in relation to a selective overtime ban, flexible working options, early retirement and flexible options.

ACTION

The Secretary to the Employer's Side referred to the Council's procedure for dealing with redundancies within the context of achieving organisational change and the C3W Programme. The Panel also noted the Council's Policy on voluntary redundancy and how this should be implemented if necessary, in achieving organisational change.

The Secretary to the Staff Side commented that she was slightly disappointed that no more savings could be achieved following a review of Establishment Lists and commented that a lot more could be done to promote flexible working, i.e. early flexible retirement or a voluntary reduction in working hours. She sought clarification regarding the pay award issue in the press and the matter of an additional £6,000 which was clarified as being EERA's subscription fee.

The Secretary to the Employer's Side provided clarification in relation to a question on the overtime during the 2008/09 civic year. Nothing yet had been identified for the 2009/2010 civic year. She undertook to provide the Staff Side with potential savings figures.

The Panel welcomed the report and stressed the need to continually review the Establishment List.

RESOLVED – that the report be noted.

34 UPDATE ON THE NEW ACAS CODE OF PRACTICE 1: DISCIPLINARY AND GRIEVANCE PROCEDURES

The Secretary to the Employer's Side submitted a report on recent changes in the disciplinary and grievance procedures and a new ACAS Code of Practice on handling these matters. The new ACAS Code of Practice still followed the three-step notice but was considered to be more flexible in approach. Of significance was the fact that employees and employers would not face the prospect of automatic penalties if they failed to comply with the Code.

ACTION

The Secretary to the Employer's Side commented that the Council would continue to use its current policies after the introduction of the new Code until revised policies had been approved as current policies were stringent enough to comply with the new Code. It was anticipated that the revised policies would be presented to the Local Joint Panel in June 2009.

The Secretary to the Staff Side welcomed the report. She commented that it was a good opportunity to review the Council's policies.

The Panel agreed to receive the revised policies at its next meeting.

RESOLVED – that (A) the report be noted; and

(B) the revised policies be presented to the next meeting of the Local Joint Panel following changes to the new Code. DIS

35 ALL STAFF EMAIL FACILITY – FAILURE TO RESOLVE MATTER

The Secretary to the Staff Side submitted a report concerning the correct process for resolving matters referred to the Local Joint Panel when there was a failure to agree between the Staff Side and Corporate Management Team.

The background to the issue of the "All Staff Email Facility" was explained. The Secretary to the Staff Side explained that an inability to send a general email to "all staff" unless agreed by the Head of Service was causing staff inconvenience. She explained that the issue of the employers not trusting staff to act responsibly was of concern.

Councillor A P Jackson commented that this matter should not have been considered by the Local Joint Panel

ACTION

as it was, in his view, an operational decision. He commented that this was a management and operational decision and that is why it was referred to Corporate Management Team. He supported the decision by CMT that approval should first be granted by a Head of Service before sending a global email as this provided a level of protection especially to junior members of staff.

The Secretary to the Staff Side reminded the Panel of its decision to reinstate the "all staff global emails for disseminating information for the business benefit of the Council and common good of all staff and in other circumstances, staff should use the intranet facility" and that this decision, had been ratified by Human Resources Committee.

Councillor D A A Peek commented that he had been at the Local Joint Panel and Human Resources meetings when the reinstatement of this facility had been agreed. He commented that he was advised at a Human Resources briefing that the matter should be referred to CMT. Councillor D A A Peek commented that this should be an issue for the Secretaries on both sides to resolve. He expressed concern at the possible outcome of the matter if this was again referred back again to Human Resources Committee.

The Secretary to the Staff Side commented that the Constitution of the Local Joint Panel did provide for this type of issue to be considered at the Local Joint Panel. She commented that it was not appropriate that Councillor D A A Peek should then be advised that it should be referred back to CMT. The Secretary to the Staff Side commented that the LJP considered operational matters on a frequent basis.

The Secretary to the Employer's Side commented that she was in the process of reviewing the Constitution and that a draft would be circulated shortly for discussion with Unison. The Secretary to the Staff Side commented that she was certain that the revised Constitution would suggest that

ACTION

operational matters would not now be within the remit of Local Joint Panel.

The Secretary to the Staff Side commented that there was no evidence to suggest that services were being affected by the access to all email facility but CMT could not accept that position. She commented that the view of the Panel and Human Resources Committee that that there was no problem in allowing access. She commented that the role of the Panel was to resolve problems between management and staff and that the current situation questioned this role, given the way that this matter had been handled.

The Panel supported the suggestion that UNISON should meet with CMT to resolve the matter

RESOLVED – that (A) the matter be deferred to the next meeting of the Local Joint Panel; and — DIS/Staff Side

(B) the staff side meet with CMT to resolve the matter. — DIS/Staff Side

36 PROPOSED OFFICE RELOCATION

The Chairman commented that he had agreed to accept an urgent item of business onto the agenda from the Secretary to the Staff Side regarding the proposed office relocation and a proposal to relinquish the lease on The Causeway. The matter was considered urgent as a decision would shortly be taken at the next Council meeting on 25 March 2009 and the next Local Joint Panel was scheduled for 17 June 2009.

The Vice Chairman of the Local Joint Panel commented on a number of concerns concerning the surrender of the lease following recent staff briefings. He queried when the actual move of the Offices would take place and the need, in the MTFP to find £1,050,000 and how Members felt about this. The Vice Chairman commented that C3W had been sold to staff on the basis that savings needed to be

ACTION

achieved. He stated that the move was going to cost another £88,000. The Vice Chairman questioned the capital receipt for the surrender of the lease and whether this would be used to improve the Wallfields Offices and on-site parking.

Councillor A P Jackson commented that the decision of the Executive on the proposed office relocation, whilst impacting on C3W, was separate. He commented that property interests had been reviewed in 2004/05 when it was recognised that the Council needed to invest £1.3M to maintain the fabric of The Causeway building. He commented that the Executive agreed to instruct agents to look at further options across the whole of the District. The agents had advised that there were only two opportunities at Bentley House and the Rank Cintel site in Ware. These sites were later not considered realistic.

Councillor A P Jackson commented that the recent Executive decision was about rationalising the Council's property interests in terms of savings and not about C3W. He commented that the report to the Executive showed a break even situation in the short term. He commented on a period of "uncertainty" when the £88,000 would need to be found and stated that in perhaps two years' time, interest rates would be higher. There would then be an expectation that the Council may make more in interest over the next 3, 4 or 5 years. He commented that a 1% increase in interest was worth approximately £40,000 to the Council's investments. He commented that the Council would have greater access to capital investment in terms of investing at Wallfields.

Councillor A P Jackson commented that at the moment, the Council did not provide the same level of service at Bishop's Stortford as they did at Hertford.

The Secretary to the Staff Side commented that Officers had always linked the two, i.e. C3W with the property issue. She further commented that the reason for C3W was to review office accommodation costs in view of the

ACTION

unfavourable terms of the lease on the existing Causeway building. She stated that Officers were now being told that the two were not related. The Secretary to the Staff Side commented that it did not make sense to sell The Causeway building given the state of the economy. She further commented that Officers had not had everything explained about the decision to sell off at this point in time and that assurances were needed about getting value for money and that there was a lot of uncertainty.

Councillor A P Jackson commented that advice from consultants was that although the domestic property market would recover quickly, the commercial market would take 10-15 years to recover and that if the Council did not accept this offer now, it could be in a difficult position in 2-5 years. He further commented that Hendersons owned The Causeway building and the Council was an AAA rated tenant. He referred to the complexity of the options within the proposals and that a Letter of Comfort had been received regarding proposals for the redevelopment of the site in terms of limitations, height, etc, which people in Bishop's Stortford might welcome.

On the issue of car parking, Councillor A P Jackson commented that Waitrose would still want to keep the car park. Other retailers might still want to use the existing car parking in the town.

The Secretary to the Staff Side queried why the public had not been consulted about the sale and redevelopment. Councillor A P Jackson commented that this was a decision that the Council needed to make and there was no requirement for the Council to consult about a property transaction, but that the public would be consulted once a planning application was submitted.

RESOLVED – that the report be noted.

ACTION

37 DATE OF FUTURE MEETING

RESOLVED - that the next meeting of the Local Joint Panel be held on 17 June 2009.

The meeting closed at 4.10 pm.

Chairman .....

Date .....

G:\BSWP\NPS\Local Joint Panel\18 March 2009\Minutes 18 March 2009.doc