

MINUTES OF A MEETING OF THE
LOCAL JOINT PANEL HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON THURSDAY 17 JUNE
2010, AT 2.30 PM

PRESENT: **Employer's Side**

Councillors M Wood (Chairman),
L O Haysey (substitute for M R Alexander),
A P Jackson, S Rutland-Barsby.

Staff Side (UNISON)

Mr P Newman, Mrs J Sharp and
Mr A Stevenson.

ALSO PRESENT:

Councillor J O Ranger

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Committee Secretary
Claire Burton	- Human Resources Officer
Alan Madin	- Director of Internal Services
Tinu Olowe	- Interim Head of People and Organisational Services

1 APOLOGIES

Apologies for absence were submitted from Councillors M R Alexander, D A A Peek and Chris Clowes. It was noted that Councillor L O Haysey and Andy Stevenson were substituting for Councillor M R Alexander for Chris Clowes respectively.

2 CHAIRMAN'S ANNOUNCEMENTS

The Director of Internal Services advised the Chairman that it would be necessary to hold an additional meeting of the Local Joint Panel and Human Resources Committee on the same day, to consider new proposals relating to Standby and Out of Hours Call-Out working before staff were issued with new contracts. The date of 29 July 2010 had been identified. The meetings would take place in Bishop's Stortford with the Local Joint Panel commencing at 10.00am and the Human Resources Committee at 3.00pm. Councillor A P Jackson submitted his apologies in advance of the meeting.

RECOMMENDED ITEM

3 EXPENSES POLICY

The Secretary to the Employer's Side submitted a report concerning the introduction of a new policy which set out what and how employees can claim expenses as well as guidelines on how to claim business mileage and expenses. It was noted that there had been a number of inconsistencies in the way staff claimed and what was claimed for. The Expenses Policy would ensure a consistent approach across the Council.

The Secretary to the Employer's Side explained how mileage should be claimed during out of hours. It was noted that the Council had always operated a system known as the "triangle system" which involved deducting an employee's normal home to office mileage from their journey to the temporary workplace. This included day and out of hours worked. It was noted that Unison were not in agreement with the triangle approach for out of hours journeys as they believed that employees had always been able to claim all mileage relating to visits out of hours as they were over and above their normal home to office mileage and that it would be unreasonable if staff had to deduct their normal mileage each time.

The Secretary to the Employer's site stated that the

proposed policy on home to work travel would be to pay for all mileage that was additional to normal commuting regardless of how the additional mileage arises or the timing of the journey.

Councillor L O Haysey sought assurances that the Council was happy with the tax arrangement in so far as HM Revenue and Customs was concerned. The Director was happy that the Council could capture the data.

The Panel recommended the new policy as now detailed.

RECOMMENDED – that (A) the new Expenses Policy be approved;

(B) the Policy includes provision to pay for journeys from home to normal work base but only where the employee would not have been expected to make those journeys, e.g. call out on a non-working day or requiring a repeat journey on a working day, such payments would be subject to tax and both the employees and employer's National Insurance; and

(C) the Policy continues to reimburse only for additional miles where it involves home to work travel to other than the normal work place.

RESOLVED ITEMS

4 APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN

It was proposed by Councillor A P Jackson and seconded by Councillor S Rutland-Barsby that Councillor M Wood be appointed Chairman for the Civic Year.

It was proposed by Jane Sharp and seconded by Patrick Newman that Chris Clowes be appointed Vice Chairman for the Civic Year

RESOLVED - that (A) Councillor M Wood be appointed Chairman for the civic year; and

(B) Chris Clowes be appointed Vice Chairman for the civic year.

5 MINUTES

The Minutes of the meeting held on 6 April 2010 were submitted.

Councillor A P Jackson stated that in relation to Minute 31 (Report by Secretaries to the Employer's and Staff Side), paragraph 8, Unison was aware of the challenges faced by the Council in relation to the budget situation. In the light of this, he urged Unison to move towards a collective agreement. He referred to the fact that there would be another budget announcement on 22 June 2010 which would impact on the Council in terms of spending cuts. He referred to an email recently circulated by the Director of Internal Services concerning grant cuts and queried whether Unison could now come to a collective agreement.

The Interim Secretary to the Staff Side stated that Unison would be keeping an eye on finances and said that further information would become available when details of the budget became known later in the year, when there had been a review of grant settlements. He sought further more detailed information in relation to the grant settlement figures and the implications this would have on the Council. The Director of Internal Services said that specific cuts had been announced.

The Secretary to the Staff Side referred to the car scheme and the moratorium on access to the scheme which had been suggested by the Employer's Side at the start of negotiations. The Director of Internal Services stated that the comments in the minutes were "reasonable" and that in the absence of an agreement, a moratorium had not been implemented.

The Chairman suggested that this matter be discussed in full

as an urgent item of business under agenda item 10 on the grounds that this further discussion is necessary in order to facilitate the business of the Council.

Councillor S Rutland-Barsby clarified a comment on the need to “avoid unnecessary redundancies”. She stated that the Council could not promise not to make redundancies.

RESOLVED – that the Minutes of the meeting held on 6 April 2010 be approved and signed by the Chairman as a correct record.

6 SAFETY COMMITTEE: MINUTES OF THE MEETING HELD ON 22 APRIL 2010

RESOLVED – that the Minutes of the meeting held on 22 April 2010 be received.

7 TOIL - TIME OFF IN LIEU

The Secretary to the Employer’s Side submitted a report concerning a proposal that Time Off In Lieu be awarded at flat rate except in “exceptional circumstances” as detailed in the report now submitted.

The Director of Internal Services outlined the background to the report and stated that on 30 March 2010, Corporate Management Team (CMT) had agreed a wish to proceed with the original proposal and that TOIL be reduced to a flat rate. CMT had felt that exceptional circumstances needed to be spelt out rather than “looking at the clock”. CMT had concluded that if the Council was to become a “modern organisation”, it needed to be able to provide services beyond the 9-5 envelope. The Director hoped to apply a consistent approach across the Council’s services.

Unison supported a consistent approach across the Council’s services, but stated that although the Council was not in a 9-5 culture, it was important to reward employees who worked unsocial hours. Unison referred to the threshold of 2000 miles for essential car users and of the flexibility within that scheme.

It was suggested that there be a flat rate before 8pm and that after 8pm, exceptional circumstances should apply. Unison stated that if the Council applied flat rate to employees, then staff might make a case for Heads of Service to request overtime rather than time off in lieu.

The Director of Internal Services stated that this issue had been discussed fully at CMT. He stated that staff were employed to serve the public and that extended hours should be the norm. He referred to the essential car user scheme and that cases could be made for an essential car user allowance for staff driving less than 2000 miles.

Councillor A P Jackson supported the recommendations as detailed. He felt that the exceptions identified within the report, gave protection to staff in those circumstances and that this was a move to how the private sector operated. The Interim Secretary to the Staff Side stated that there were some areas in the private sector which Unison would welcome i.e. large bonuses. He stated that the Employer's Side were making matters more difficult and that in some circumstances staff might take out a grievance. He added that he would not be happy to be asked out at 11pm and be told to receive "plain time". The process should be simplified to avoid grievances.

Councillor J O Ranger felt that the exceptional circumstances had been explained well. Councillor A P Jackson stated that there were safeguards for staff. He referred to an example of the Executive Team being asked to help out during an emergency, e.g. in staffing an emergency centre in that they would be working beyond their normal role. Unison referred to staff who routinely have to work out of hours and the fact that this was not reflected in Job Evaluations under the Hay scheme. It was felt that there should be recognition for disruption to family life.

The Secretary to the Employer's Side stated that the recommendation was in line with other Councils. She referred to the application of the Hay Scheme and hours staff worked.

After being put to the vote, the Panel did not support the Employer's Side recommendation as set out in the report now submitted and this was declared LOST.

After being put to the vote the Panel did not support the Staff Side recommendation of a flat rate before 8pm being applied and after 8pm, exceptional circumstances applying and this was declared LOST.

The Panel supported a recommendation that the matter be referred to the Joint Secretaries of the East of England Regional Council, to advise/mediate and this was declared CARRIED.

RESOLVED – that the matter be referred to the Joint Secretaries of the East of England Regional Council to advise / mediate.

DIS

7 HEALTH AND SAFETY AUDIT UPDATE

The Risk Assurance Officer submitted a progress report on health and safety compliance. It was noted that Zurich Risk Services had been commissioned to undertake an audit of health and safety practices in September 2008 following concerns regarding general compliance across the Council.

It was noted that since the original report, significant progress had been made but that there was still room for improvement in some areas and in some services.

Two significant pieces of planned work related to the revisions and implication of the Health and Safety Policy and Risk Assessment Procedures.

A summary of health and safety compliance across the Council's services, were set out in the report now submitted.

The Risk Assurance Officer provided an update in relation to Safety Liaison Officers and Work Station Assessor roles which were recognised as playing an important role in improving compliance statistics in relation to work and risk

assessments. Unison noted that 11 of the 14 services had undertaken risk assessments and asked why the remainder were not complete. The Risk Assurance Officer advised that there had been a shortage of volunteers in specific areas.

It was noted that the Health and Safety Officer was drafting a comprehensive audit programme with the intention of working towards best practice. It was anticipated that this might take approximately six months to complete and would then become an annual task.

Councillor J O Ranger referred to the recommendation within the commissioned report, to establish principles for the management of contractors and in establishing standards for choosing and monitoring contractors. He urged the use of apprentices. The Risk Assurance Officer advised that the audit programme could enable contractors to be further spot checked and would bring a report back to Members. It was anticipated that a further report would be brought back to Members at a future Local Joint Panel meeting.

Councillor J O Ranger also raised concerns about land management. The Risk Assurance Officer advised Members that where there were staff shortages, it was proposed that resources would be shared. This was a project for the Operational Risk Management Group.

The Panel noted the updated as now detailed and requested an update in six months.

DIS

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

(B) Local Joint Panel be provided with an update in six months.

8 TERMS AND CONDITIONS

The Chairman agreed that the Minutes of the last meeting be debated further as an urgent item of business specifically in relation to Minute 29 (Report by Secretaries to the Employer's Side (verbal update) and the Staff Side) in order to facilitate

the work of the Council in trying to reach a collective agreement on the proposed changes to Terms and Conditions of employment.

The Director of Internal Services referred to the grant reductions which had been announced in relation to a document prepared by the CLG on 10 June and the need to make £6.2B efficiency savings. He outlined which grants had been abolished and which would have a direct impact on the Council, e.g. Housing Planning Delivery Grant (£166,000); LABGI, a £50M national budget cut. It was noted that in relation to Local Area Agreements (LAA) these would reduce by 50% in award. The Director said that he would be happy to let Unison have a copy of the information available.

The Interim Secretary to the Staff Side asked that all up to date information be provided to Unison so that they could analyse the up to date figures. Councillor A P Jackson stated that all this information was publically available. He stated that the situation was getting worse and that he could see the situation worsening 15-18 months ago and what would happen. He asked whether Unison could move forward towards a collective agreement.

The Interim Secretary to the Staff Side said that the Staff Side was not "in denial" about what was happening in the economy but that it was a question of whether it had worsened sufficiently to necessitate a reduction of the Staffs' terms and conditions. He referred to the assumptions made by the Director in the Medium Term Financial Plan, e.g. a 2% pay increase and that there was no doubt that Staff in the Public Sector would be asked to take a pay freeze. He referred to the vacancy rate and the Government's freeze on Council Tax. The Interim Secretary to the Staff Side said that the consultation period did not end until 23 July 2010 and that Unison would review the matter at the end of the period. He queried the possibility of a compromise on the part of management. Unison had accepted the termination of the BUPA scheme.

Councillor J O Ranger referred to what was happening

regionally and that there had been changes to terms and conditions and that a number of staff had been made redundant. He urged both sides to be sensible. Unison requested a copy of the Management Report concerning cuts to Government spending.

RESOLVED – that the position be noted.

The meeting closed at 3:35 pm

Chairman
Date