

MINUTES OF A MEETING OF THE  
LOCAL JOINT PANEL HELD IN THE  
CONFERENCE ROOM, BISHOP'S  
STORTFORD ON MONDAY  
11 OCTOBER 2004 AT 10.00 AM

PRESENT: EMPLOYER'S SIDE

Councillor M G Carver (Chairman).  
Councillors H G S Banks, N C Poulton, M Wood.

STAFF SIDE (UNISON)

Robert Ball, Chris Cooper, Peter Otway,  
Jane Sharp.

OFFICERS IN ATTENDANCE:

Rachel Stopard	- Executive Director
Lorraine Blackburn	- Committee Secretary
Bernard Perry	- Assistant Director (Human Resources)

RECOMMENDED ITEMS

ACTION

**8 PENSION PROTECTION OF TUPE TRANSFEREES**

**The Secretary to the Staff Side submitted a report concerning the protection of pension rights in relation to TUPE transferees. Of particular immediate concern, were staff who would be affected by the TUPE transfers, both in Car Parks and Leisure Services and imminently, in relation to the Parking Enforcement Contract.**

**It was noted that under TUPE regulations, accrued pension rights in the scheme provided by the former employer were protected. However, future pension rights after the date of transfer would be excluded**

from the regulations. The Government's view was that staff transferring should receive at least, comparable pension arrangements. The Local Government Pension Scheme (LGPS) (Amendment Regulations) enabled contractors and other external providers to seek "Admitted Body Status" to the LGPS. This was considered to be the best option for transferred staff.

It was suggested that encouraging prospective tenderers to apply for admitted body status beyond the first contract would afford that protection. The Chairman shared UNISON'S concerns regarding the protection of employees' pension rights and assured UNISON that the Council would use its best endeavours to afford staff protection. Having said that, the Panel felt that asking a tenderer to apply for "Admitted Body Status" should not be seen as a condition of the tendering process. Such a request should be done after the award of a tender.

**RECOMMENDED** – that the Executive support a request that in order to provide additional protection for TUPE Transferees and that as part of the post tendering process, the successful tenderer be asked to seek admitted body status to the Local Government Pension Scheme.

AHR

## **9 RECOGNITION AGREEMENT**

The Secretary for the Staff Side explained the background to the new Schedule A1 of the Trade Union and Labour Relations (Consolidation) Act 1992 which gave unions a legal right to apply for statutory recognition if there was no voluntary agreement in place. It was noted that East Herts Council had a voluntary agreement with UNISON and that no signed agreement existed. A signed agreement between East Herts Council and UNISON would maintain the status quo and would ensure that both sides were clear about their rights and responsibilities.

The Local Joint Panel's Terms of Reference were attached to the report. It was noted that this required updating to reflect such changes as the deletion of the post of "Director of Central Services".

In relation to TUPE transferees, it was noted that whilst contractors were happy to negotiate with UNISON on behalf of transferees, they would require a signed recognised agreement as evidence that the union was recognised for collective bargaining purposes. The Panel was happy to support a request that the formal Recognition Agreement be pursued.

**RECOMMENDED** – that the Executive approve the formal Recognition Agreement for East Herts Council to be signed by the Secretaries to the Staff and Employer's Side.

AHR

**10 EQUALITY AND DIVERSITY SCHEME/HATE CRIME/  
RACE EQUALITY**

The Assistant Director (Human Resources) submitted a report concerning progress towards achieving level 2 of the diversity standard for local government by April 2005, and of plans to incorporate a race equality action plan and a racist incident recording procedure to meet the requirements of the Race Relations (Amendment) Act 2000. The consultation process was currently under way in relation to the draft equal opportunities policy.

The Race Relations Act 1976, amended by the Race Relations Act in 2000, placed a duty on the Council to promote race equality. Further, the Council was required to:

- eliminate unlawful racial discrimination;
- promote equality of opportunity; and

- **promote good race relations between people of different racial groups**

**A National Performance Indicator had been introduced to measure progress.**

**It was intended that the reporting process (attached to the report) now submitted, for the recording of all hate crimes would “go live” shortly.**

**The Panel noted the progress thus far, and welcomed the implementation of the policies.**

**RECOMMENDED - that the following policies, as attached as Appendices to these Minutes, be supported:**

- (A) the Diversity and Equalities Policy,**
- (B) the Race Equality Scheme, and**
- (C) the Hate Crime reporting procedure.**

#### RESOLVED ITEMS

11 MINUTES

**RESOLVED - that the Minutes of the meeting held on 17 May 2004 be confirmed as a correct record and signed by the Chairman.**

12 HEALTH AND SAFETY COMMITTEE - 24 MAY AND 26 JULY 2004 - MATTERS ARISING

The Panel received the minutes of the Health and Safety Committee meetings held on 24 May and 26 July 2004.  
Arising from:-

Minute 410 - DSE Awareness Course,

the Chairman expressed his disappointment that the course had been poorly attended and requested that officers who should attend, did attend.

RESOLVED - that the Minutes of the meetings held on 24 May and 26 July be received.

13 STAFF CAR PARKING IN BISHOP'S STORTFORD

The Executive Director provided the Local Joint Panel with an update in relation to the questionnaires on staff car parking. It was noted that 87 staff had requested a parking space at The Causeway. This was considered to be unmanageable. As such, staff would be approached again and asked to indicate an alternative preference. It was stressed that, as from 1 January 2005, Jackson Square could not be used for parking. The Assistant Director (Human Resources) commented that staff parking at Jackson Square was not a "contracted right" but that the Council did offer free car parking for staff based in Bishop's Stortford.

The Staff Side sought clarification on the issue of season ticket holders in Northgate End and how allocations to the Park and Ride would be determined. The Executive Director commented that there were no season ticket holders at Northgate End car park. Further, that allocations to the Park and Ride was a complicated process and that much would depend on staff and their second preferences.

The Staff Side sought assurances that the results of the second survey would be passed to UNISON so that further thought could be given to such issues as health, safety and time management.

RESOLVED - that the update be noted.

14 BASE BUDGET REVIEW

The Executive Director commented that the Council was undertaking a base budget review. To this end, each Assistant Director had been asked to undertake a review of service provision and highlight where savings could be achieved and where resources could be re-directed at priority areas. An action plan would be produced in November, 2004.

Assurances were given that any staffing implications would be the subject of further discussions with UNISON.

RESOLVED - that the update be noted.

15 HEALTH AND SAFETY AT WORK ACT 1974

*(A) Community Safety Pilot Scheme*

The Staff Side raised the issue of the Community Safety Pilot Scheme and the roles of certain officers perceived to be taking on an enforcement role. Concern was expressed that no Risk Assessment had been carried out.

The Executive Director gave assurances that the scheme was a Pilot Scheme and staff volunteers initially would be asked to take part. She explained that officers would not be taking on an “enforcement role” but would be asked to identify and follow up on issues such as anti-social behaviour, eg owners allowing their dogs to foul the pavements etc. Although it was recognised that there was a need to carry out more enforcement, overall, the aim was to become more involved in the community and to try and change behaviour patterns.

*(B) Alterations to Reception Area - Wallfields*

The Staff Side commented on the need to have a safe reception and interview room at Wallfields

## ACTION

reception and interview room at Wallfields.

It was acknowledged that there was a need to have a secure interview facility at Wallfields on the ground floor, preferably with two exits. This was currently being investigated.

The Assistant Director (Human Resources) undertook to provide an update.

AHR

### *(C) Team Brief*

The Staff Side raised an issue which had been discussed at the Team Brief concerning an allegation by a member of staff. Reassurances were sought that the issue had been fully investigated, further that all claims of bullying and harassment would be investigated.

The Executive Director confirmed that in view of the fact that there was no evidence, a decision was therefore taken to settle the issue, taking on board the possible cost of a tribunal. This would not be construed as setting a precedent.

RESOLVED – that the report be noted.

## 16 DATE OF NEXT MEETING

RESOLVED - that the next meeting be held on Thursday, 20 January 2005 at 10.30 am at Wallfields.

The meeting closed at 11.25 pm.