

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **GENERAL PURPOSES COMMITTEE** held at Room 14, Priory House, Chicksands, Shefford on Friday, 27 May 2011

PRESENT

Cllr Mrs J G Lawrence (Chairman)
Cllr R C Stay (Vice-Chairman)

Cllrs J G Jamieson
D Jones

Cllrs K C Matthews

Apologies for Absence: Cllrs J A E Clarke
M R Jones

Substitutes: Cllrs L Birt (In place of M R Jones)
Mrs C F Chapman MBE (In place of J A E Clarke)

Members in Attendance: Cllrs Dr R Egan
J N Young

Officers in Attendance: Mr G Alderson – Director of Sustainable
Communities
Mr J Atkinson – Head of Legal and Democratic
Services
Ms D Clarke – Interim Assistant Director People
Mrs C Jones – Head of Strategy
Mr L Manning – Committee Services Officer

Also in Attendance: Mrs J Fielding – Wragge & Co

GPC/11/2 **Minutes**

RESOLVED

that the minutes of the meetings of the General Purposes Committee held on 7 October 2010 and 19 May 2011 be confirmed and signed by the Chairman as correct records.

GPC/11/3 **Members' Interests**

(a) **Personal Interests:-**

None.

(b) **Personal and Prejudicial Interests:-**

None.

GPC/11/4 **Chairman's Announcements and Communications**

The Chairman referred to the final paragraph of minute 10/24 of the last meeting in which the Acting Assistant Director People (now Interim Assistant Director People) had undertaken to supply reports to the January and July 2011 meetings of the Committee on the payment of market rate supplements to employees. The Chairman stressed that, although the January meeting had been cancelled and the July meeting had been rescheduled to August under the current calendar of meetings, she would still expect regular reports on this topic to be submitted to the Committee, beginning with its next meeting.

The Chairman next referred to resolution 2 of minute 10/27 of the last meeting in which it had been agreed that the Head of Strategy prepare a dedicated Lone Working Policy document for Members following liaison with the Head of Legal and Democratic Services. As the document had not yet been produced the Chairman asked the officers make progress with it.

Last, the Chairman advised the trades union representatives and members of the public present that they would need to leave the meeting room when the exempt item was considered.

GPC/11/5 **Petitions**

No petitions were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 2 of Part A4 of the Constitution.

GPC/11/6 **Questions, Statements or Deputations**

No questions, statements or deputations were received from members of the public in accordance with the Public Participation Procedure as set out in Annex 1 of Part A4 of the Constitution.

GPC/11/7 **Determination of Amendments to Employee Terms and Conditions**

The Committee considered a report by the Interim Assistant Director People which asked Members to determine changes to the terms and conditions of

employment of certain groups of employees in order to achieve savings totalling £2M during 2011/12 and 2012/13.

Before considering the report representatives from the UNISON and GMB trades unions (Mr P Farley and Mr R O'Leary respectively) addressed the meeting. The representatives emphasised the unions' commitment to negotiation and referred to the Council's membership of the National Joint Council for Local Government Services (NJC) which they said bound the Council to the NJC's negotiating procedure. It was stressed that this negotiating procedure had not been exhausted and that conciliation could still be undertaken at the national level. On this basis the unions felt that taking action at this point was premature and asked for the status quo to remain in operation.

The trades union representatives then stated that they required additional financial information on various issues related to the proposals and referred to a number of financial questions which had been submitted. Reference was then made to the legality of both the Council's failure to achieve harmonisation of terms and conditions and the dismissal and reengagement of employees should they fail to consent to the proposed changes to their current terms and conditions. The union representatives stated that the introduction of a voluntary redundancy scheme would remove the need for the proposed 2% reduction in salaries. They felt that this proposal in particular had adversely affected employee morale and trust in the Council. In conclusion the union representatives stated that they would consult with their members regarding what action they would wish to take should the Committee approve the proposals before it.

At the conclusion of their address the trades union representatives left the meeting room.

The Director of Sustainable Communities then introduced the report before seeking comments and questions from Members.

In response to queries the Director stated that this was the first time that a request to seek conciliation at national level had been made. He reminded the meeting that despite concerns regarding the length of any delay management had acceded to a union request that the Joint Secretaries from the East of England Regional Council for Local Government Services visit the Council in order to seek an agreement between parties. The Joint Secretaries had subsequently been unable to obtain an agreement and had been obliged to register a 'failure to agree'. Further, whilst management was willing to consider adopting alternative measures to achieve savings, and that all such alternatives that had been put forward had been carefully considered and assessed, it was apparent that these would not deliver the required savings. Any further delay could not, therefore, be justified. He added that all trades union questions relating to financial issues had received a response with the exception of those on a list which had only been submitted the day before, though this contained some questions which had been raised previously.

The Interim Assistant Director People confirmed that the trades union representatives had not raised the possibility of national conciliation previously.

She explained that there was reference to national conciliation within the NJC 'Green Book' but this stated only that the Joint Secretaries could recommend such action. They had not done so following their visit. She confirmed that the unions had been supplied with the financial information that they had requested.

In response to further queries the Director stated that some 1700 staff currently received the Essential Car User allowance and all grades of employees would be affected by its termination. Fewer employees would receive the replacement lump sum which would be based on a sliding scale and dependent on work related mileage. Because fewer employees would receive the new allowance substantial savings would be generated.

In response to a query regarding the suggested introduction of a voluntary redundancy policy the Director reminded the meeting that the Council had already undergone restructuring reviews affecting approximately half the workforce and the employees involved had been given the opportunity at that time to raise the possibility of taking voluntary redundancy. He explained that, in relation to the remaining services not under review, the Council wanted to retain staff. As any employee taking voluntary redundancy would need to be replaced there would not be a genuine case for redundancy and therefore it could not be agreed.

Last, and with regard to a suggestion that the improved collection of unpaid Council Tax could reduce the level of savings required, the Director explained that there were always outstanding Council Tax payments and the Council already had a rigorous process to capture such sums.

(Note: At this point in the debate the Committee excluded the press and public so that consideration could be given to the report's exempt Appendix B prior to reaching any decision on the recommendations before it).

GPC/11/8 **Exclusion of Press and Public**

RESOLVED

that in accordance with Section 100A (4) of the Local Government Act 1972 the Press and Public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information under paragraph 3 of Part 1 of Schedule 12A of the Act:

Appendix B to the Determination of Amendments to Employee Terms and Conditions report referred to in Minute 11/7 above.

GPC/11/9 **Determination of Amendments to Employee Terms and Conditions - Exempt Appendix B**

The Committee considered exempt Appendix B to Item 7 (Determination of Amendments to Employee Terms and Conditions) which set out the Council's

risk assessment on the proposed programme to amend the terms and conditions of certain groups of employees.

Full debate followed as Members worked through the risk assessment raising queries, seeking clarification and amending the document through the inclusion of one additional risk.

The Director of Sustainable Communities and the Interim Assistant Director People outlined the implementation process for the amendment of employee terms and conditions should the Committee approve the recommendations before it.

Following discussion it was felt that the recommendation relating to the hourly rate of pay for casual employees should be amended for clarification purposes.

(Note: The meeting moved back into public session in order to pass its resolution).

RESOLVED

- 1 that the following changes to employee terms and conditions for all employees of Central Bedfordshire Council (apart from those on Teacher contracts, those based in schools and casual employees (resolution 2 below refers)), be adopted with effect from 1 October 2011:**
 - (a) reducing gross pay by 2% for staff above a full time equivalent salary of £21, 519**
 - (b) changing the mileage rate at which 'Appendix E' payments are made, as a result of staff moving offices, to Her Majesty's Revenue and Customs' rate (the HMRC rate), currently 45p a mile**
 - (c) reducing the period for which pay protection is paid where an employee is redeployed to a lower graded post to 1 year**
 - (d) stopping the provision of lease cars to employees, though with contracts currently in existence to be allowed to run to the end**
 - (e) terminating the current Essential and Casual Car User allowances and mileage rates and replacing them with a standard mileage rate at the HMRC rate (currently 45p a mile) and a new lump sum distributed on a sliding scale dependent on mileage**
 - (f) stopping the provision of Life Assurance to certain employees**
 - (g) introducing a contract clause which allows for variation of terms and conditions in certain circumstances.**

- 2 that casual employees have their hourly rate of pay reduced by 2% where the full time equivalent salary would be above £21,519;
- 3 that exempt Appendix B to the Determination of Amendments to Employee Terms and Conditions report be amended by the addition of one further risk to the risk assessment.

NOTED

- 1 that, following extensive consultation with trades unions and professional associations and employees of the Council, a package of measures to achieve £2m in savings has been arrived at which balances the need to deliver cashable savings with the aim of protecting the lowest paid employees of the Council and reflecting as far as possible a fair approach to the reimbursement of travel expenses;
- 2 that officers have delegated authority to apply the mechanisms needed to achieve the proposals which are; securing individual consent from employees, or dismissal and re-engagement;
- 3 that the changes to employees' terms and conditions set out in the resolutions above, and the need for them, will be kept under continual review up until implementation on 1 October 2011, so that if alternative proposals for achieving the savings appear, or if it becomes clear that the Council no longer needs to achieve these savings, a further report will be made to the General Purposes Committee.

(Note: The meeting commenced at 12.30 p.m. and concluded at 1.37 p.m.)

Chairman

Dated