

Overview & Scrutiny Committee Review of Cabinet Agenda

Agenda

Date

Tuesday 4 June 2019

Members of the Overview & Scrutiny Committee

Mr S Riley (Chairman) Mr A D Adams (Vice Chairman)

Mr S C Beadle Mr D King
Mr N J Brennan Mr M L Murrell
Mr P E Bulman Mr G K Nurden
Ms S J Catchpole Mrs S M Prutton
Ms N J Harpley Mrs C E Ryman-Tubb
Ms S I Holland Mr N C Shaw
Mr K S Kelly

Substitutes Conservative

Mr A D Crotch
Mr J F Fisher
Mr R R Foulger
Ms R M Grattan
Mr K G Leggett
Mr I J Mackie
Mr G F Peck
Miss J L Thomas
Mrs K A Vincent
Mr J M Ward

Substitute Liberal Democrat

Mr D Harrison
Mrs C Karimi-Ghovanlou
Ms K E Lawrence
Mr D Roper

Substitute Labour

Mrs B Cook

Time

10.00 am

Place

Council Chamber
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich

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If any Member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Head of Service.

The Openness of Local Government Bodies Regulations 2014

Under the above Regulations, any person may take photographs, film and audio-record the proceedings and report on all public meetings. If you do not wish to be filmed / recorded, please notify an officer prior to the start of the meeting. The Council has a protocol, a copy of which will be displayed outside of each meeting room and is available on request.

**The Chairman will ask if anyone wishes to
film / record this meeting**

A G E N D A

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|----------|---|------------------|
| 1 | To receive declarations of interest under Procedural Rule no 8 | |
| 2 | Apologies for absence | |
| 3 | <u>Minutes of meeting held on 2 April 2019</u> | 3 – 6 |
| 4 | Matters arising therefrom (if any) | |
| 5 | Chairman’s Announcements | |
| 6 | Public Speaking | |
| | <p>To consider representation from the members of the public who have expressed the wish to convey their views on items on this agenda.</p> <p>In accordance with the Constitution a period of 3 minutes is allowed per member of the public.</p> | |
| 7 | <u>Appointment of the Performance Management Sub-Committee</u> | 7 – 8 |
| | <p>To appoint seven Members to the Sub-Committee.</p> | |
| 8 | Cabinet Reports | To follow |
| | <p>To consider the Cabinet reports in respect of the 11 June 2019 meeting.</p> | |

Trevor Holden
Managing Director

Minutes of a meeting of the **Overview & Scrutiny Committee – Review of Cabinet Agenda** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 2 April 2019** at **10.00 am** when there were present:

Mr D G Harrison – Chairman

Mr A D Adams
Mrs C H Bannock
Ms S J Catchpole
Mr J J Emsell

Mr G Everett
Mr R F Grady
Mr G K Nurden
Mr V Ray-Mortlock
(from 10.46am)

Mr S Riley
Mr V B Tapp
Mr D C Ward

Also in attendance were the Assistant Director of Governance and Business Support, Head of Democratic Services and Monitoring Officer, HR and Customer Services Manager, UNISON Branch Secretary and the Committee Officer (JO).

The Chairman welcomed Emma Hodds, the Assistant Director of Governance and Business Support, to the meeting.

136 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Buck and Mrs Vincent.

137 MINUTES

The Minutes of the meeting held on 26 March 2019 were confirmed as a correct record and signed by the Chairman.

Minute no. 133 – Overview and Scrutiny Committee Work Programme

The Assistant Director of Governance and Business Support advised the meeting that she would be discussing officer support for the Committee with the Managing Director and would report back on this issue to Members in due course.

The Chairman of the EcoCube Time and Task Limited Panel informed Members that the Panel's report had now been reworked for a third time. He confirmed that he was disappointed that it had been circulated to senior officers for comment before he had given it final approval. The report should now be coming to the Committee in June 2019.

Other Members expressed concern that South Norfolk ways of working were taking precedence over those of Broadland and that the Council should reassert its position as a sovereign authority. For example, Members were

no longer receiving hard copies of the Budget Book, which was inconvenient. It was also emphasised that when policy documents were amended the changes should be highlighted for Members.

The Assistant Director of Governance and Business Support assured Members that she would take on the points that Members had raised. She also confirmed that Members would continue to receive the same level of support and access to senior officers at Thorpe Lodge, as they had previously enjoyed.

CABINET REPORTS

138 PAY POLICY STATEMENT

The Council was required to publish a Pay Policy Statement under the Localism Act 2011.

From January 2019 the Council had been working collaboratively with South Norfolk Council and during 2019/20 work would begin to bring together the workforces from both Councils to form a single workforce.

The report proposed new pay principles for Chief Officers in line with those to which the Managing Director was appointed. These included: to appoint on a salary point within a salary, range rather than within a Local Grade; for the salaries to be all inclusive and for the annual cost of living increase to be in line with Joint Negotiating Committee increases.

Members noted that Performance Related Pay currently differed between Broadland and South Norfolk, but would be aligned as the single workforce was brought together.

A Member suggested that Broadland should not have appointed three Cabinet Members to the Joint Appointment Panel, as only Cabinet Members could call-in an appointment.

The Committee was informed that the Localism Act 2011 required the Policy to clearly set out its pay principles. For example, that no bonuses would be paid. It did not, however, require an explanation of how bonuses would be calculated if they were paid.

It was confirmed that the Council currently paid more than the statutory minimum when making posts redundant. It was also confirmed that an HMRC online test would need to be passed for staff previously employed by the Council to be engaged under a contract for services, as well as approval by the Managing Director.

A Member emphasised that redundancy should only be undertaken as an efficiency and should not occur when staff retire.

The Assistant Director of Governance and Business Support advised Members that reference to redundancy in the Pay Policy Statement was a means of safeguarding the public purse by setting out a principle that the Council would not normally re-employ staff who had received such a payment. However, a principle to never employ staff who had received redundancy, would place an unnecessary restriction on the Council's ability to fill posts.

It was confirmed that any redundancy costs would be paid by each Council. In response, a Member noted that costs, as well as any savings, from collaboration should be provided in the Medium Term Financial Plan.

It was proposed and **AGREED** to amend paragraph 3.3 (4) of the Pay Policy Statement to:

- (4) Staff who have received a redundancy or compensation payment from Broadland District Council will not normally be re-employed by the Council. ~~Approval from the Managing Director will be required. If this occurs any re-engagement will be in accordance with 3.3 (3) above.~~

A Member also suggested that the salary of the Managing Director should be reviewed by both Cabinets, rather than the Leaders. However, it was explained that this was set out in the Managing Director's terms and conditions of employment, so was not subject to amendment.

The HR and Customer Services Manager confirmed that a new pay scheme for the single service was being developed.

RECOMMENDED TO CABINET

Option (1)

To **recommend to Council** to agree the 2019/20 Pay Policy, as amended.

139 UNISON TIME OFF AND FACILITIES AGREEMENT

The report proposed a formal arrangement for the treatment of facilities time to allow accredited union representatives to carry out their recognised duties.

Broadland currently had an informal arrangement for union representatives to have paid time off to carry out trade union duties. As South Norfolk Council had an existing formal agreement and on 1 January 2019 the UNISON

branches of Broadland and South Norfolk merged to become the Yare Valley UNISON Branch, it was considered an opportune time to formalise the arrangements at Broadland.

The agreement recommended that the Branch Secretary of UNISON be allowed to spend up to 15 hours per week, with pay, on trade union duties. Costs would be shared equally by Broadland and South Norfolk.

The UNISON Branch Secretary confirmed that she had drafted the agreement in consultation with the Managing Director and was happy for the arrangement to be adopted. A similar agreement had been adopted by West Suffolk Council.

In response to a query about any disagreement about additional facilities time, the UNISON Branch Secretary drew Members' attention to paragraph 20.4 of the agreement, which confirmed that unresolved disputes could be referred to the UNISON Eastern Regional Office.

It was also confirmed that the provisions of the agreement would apply to accredited and elected representatives of the union, as well as the Branch Secretary. The agreement would also support newly appointed union officials gain Employment Relations Act accreditation, so they could gain the skills to effectively represent union members.

A Member expressed surprise that the Equality Impact Assessment that accompanied the report did not list the agreement as having an impact on any protected characteristics. However, it was accepted that any individual union member could have a protected characteristic.

The HR and Customer Services Manager reported that approximately 40 percent of the workforce at Broadland were members of UNISON.

It was suggested that the commencement date for the agreement be amended to 1 February 2019.

RECOMMENDED TO CABINET

Option (1)

To **recommend to Council** to agree the UNISON Time Off and Facilities Agreement, with a commencement date of 1 February 2019.

The meeting closed at 11.28 am

PERFORMANCE MANAGEMENT SUB-COMMITTEE

TERMS OF REFERENCE

1. Constitution

- 1.1. The Performance Management Sub-Committee is a sub committee of the Overview and Scrutiny Committee and has been formed under the provisions of the Council's Constitution.
- 1.2. For the sake of clarity, should there be any conflict between these Terms of Reference and the Council's Constitution; the Council's Constitution shall apply.

2. Purpose

- 2.1. The Performance Management Sub-Committee has been established to carry out regular detailed reviews of the Council's performance, and to make recommendations to improve both the Council's performance and its performance management arrangements.

3. Responsibilities

- 3.1. To carry out a detailed examination of the performance and risk monitoring report, involving relevant Portfolio Holders and officers in the scrutiny of performance.
- 3.2. To scrutinise answers to questions raised by the Overview and Scrutiny Committee in response to the performance and risk monitoring report.
- 3.3. To scrutinise specific services in terms of performance and the management of that performance.
- 3.4. To scrutinise specific performance measures in terms of their relevance and appropriateness and the quality of the data.
- 3.5. To scrutinise the Council's performance monitoring and reporting arrangements.
- 3.6. To make recommendations on performance matters to the main Overview and Scrutiny Committee for reference back to Cabinet, Portfolio Holders, or officers as relevant.

4. Membership

- 4.1. The Performance Management Sub-Committee will not be politically balanced and shall have a membership of between five and seven Members.
- 4.2. All Members are eligible to be appointed to this Sub-Committee.
- 4.3. Appointments to this Sub-Committee shall be made by the Overview and Scrutiny Committee.

- 4.4. The Chairman and Vice-Chairman of this Sub-Committee shall be appointed by the Sub-Committee from among its Members at its first meeting.
- 4.5. This Sub-Committee may invite Portfolio Holders, Members and officers to address it, discuss issues of local concern and/or answer questions.
- 4.6. This Sub-Committee may invite people other than those people referred to in rule 4.5 above to address it, discuss issues of local concern and/or answer questions. It may hear from residents, stakeholders, Members and officers in other parts of the public sector and may invite such people to attend. Attendance is entirely optional.

5. Quorum

- 5.1. The quorum for this Sub-Committee shall be as set out for committees in rule 7 of the Council procedure rules in part 4 of the Council's Constitution.

6. Meetings

- 6.1. There shall be at least four ordinary meetings of this Sub-Committee in each year.
- 6.2. Ordinary meetings of this Sub-Committee shall normally be held two weeks after the pre-Cabinet Overview and Scrutiny meeting at which the performance and risk monitoring report has been discussed.
- 6.3. Meetings of this Sub-Committee will be conducted in accordance with the Overview and Scrutiny procedure rules set out in part 4 of the Council's Constitution.
- 6.4. Meetings of this Sub-Committee will be serviced by officers from the Democratic Services department.

7. Reporting Arrangements

- 7.1. This Sub-Committee shall normally report to the Overview and Scrutiny Committee after each meeting on the work it has undertaken, and shall submit an annual report to the Overview and Scrutiny Committee.
- 7.2. The Overview and Scrutiny Committee shall, on receipt of this Sub-Committee's annual report, carry out a review of the Sub-Committee, its membership, and these Terms of Reference.