

Cabinet

Agenda

Date

Tuesday 9 April 2019

Members of the Cabinet

Mr S A Vincent
Chairman (Leader) Policy

Mrs T M Mancini-Boyle
(Deputy Leader) Finance

Portfolio holders

Mrs J K Copplestone Economic Development

Mr J F Fisher Environmental Excellence

Mr R R Foulger Housing and Wellbeing

Mr I N Moncur Planning

Mr G Peck Transformation and
Organisational Development

Time

6.00 pm

Place

Council Chamber
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich

Contact

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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.



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**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 13 March 2019</u> | 3 – 7 |
| 4 | Matters arising therefrom (if any) | |
| 5 | Public Speaking

To consider representation from the members of the public who have expressed the wish to convey their views on items on this Agenda.

In accordance with the Constitution a period of 3 minutes is allowed per member of the public. | |
| 6 | Representations from Non-Cabinet Members

To receive the views from non-Cabinet Members on items on this agenda. Members are reminded to advise the Leader if they wish to attend and speak at the meeting.

In accordance with the Constitution a period of 3 minutes is allowed per non-Cabinet Member. | |
| 7 | <u>Overview and Scrutiny Committee</u>

To receive the Minutes of the meeting held on 26 March 2019.

The Cabinet will also be advised of views expressed by the Committee at its meeting on 2 April 2019 in relation to items on this Agenda. | 41 - 46 |
| 8 | <u>Pay Policy Statement</u>

To receive a report setting out the Council's Pay Policy for 2019/20. | 8 – 23 |
| 9 | <u>UNISON Time Off and Facilities Agreement</u>

To receive a report setting out a formal Agreement with the Union. | 24 – 39 |

Trevor Holden
Managing Director

Minutes of a meeting of the **Cabinet** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 13 March 2019** at **6.00 pm** when there were present:

Mr S A Vincent – Policy (Chairman)

Portfolio holders:

Mrs J K Copplestone	Economic Development
Mr J F Fisher	Environmental Excellence
Mr R R Foulger	Housing and Wellbeing
Mrs T M Mancini-Boyle	Finance
Mr I N Moncur	Planning
Mr G Peck	Transformation and Organisational Development

Mr Leggett and Mr Riley also attended the meeting for its duration.

Also in attendance were the Managing Director, Deputy Chief Executive, Head of Democratic Services and Monitoring Officer, Head of Corporate Resources, Head of Finance and Revenue Services, Environmental Protection Manager (Special Projects), Interim Revenues and Benefits Manager and the Committee Officer (JO).

105 MINUTES

The Minutes of the meeting held on 12 February 2019 were confirmed as a correct record and signed by the Chairman.

Minute no. 104 – Footway Lighting Contract

The Environmental Protection Manager (Special Projects) advised the meeting that following the 12 February 2019 Cabinet, advice had been taken from South Norfolk's Procurement Consortium Manager regarding the issuing of the modification notice. The advice received was that it would be more straightforward to issue a new one year contract to the existing provider, as opposed to extending the contract for one year, as this was under the EU threshold and, therefore, public procurement regulations did not apply.

The decision would, however, require Cabinet approval, as this would be an exception to the Council's contract procurement rules.

RESOLVED

to waive the requirement in the Council's contract procedure rules for three

quotes and to issue a new one year contract to the existing provider from 1 April 2019 and continue discussions with the parishes regarding the transfer of lighting stock.

106 REPRESENTATIONS FROM NON CABINET MEMBERS

The Chairman agreed that, at his discretion, all non-Cabinet Members in attendance be allowed to join the debate at the relevant point of the proceedings on request.

107 OVERVIEW AND SCRUTINY COMMITTEE

Members noted the draft Minutes of the Overview and Scrutiny Committee, which had reviewed the Cabinet Agenda on 5 March 2019.

108 BROADLAND BUSINESS PLAN 2019-2023

The report presented an updated Broadland Business Plan 2019-2023 following a small number of amendments agreed by Cabinet at its meeting on 12 February 2019. The Business Plan also included more narrative for the Ambitions of Broadland, as well as measures that underpinned the Objectives, which would be used to assess the performance of the Council.

Since the agenda was published, further discussion had taken place with the Portfolio Holder for Environmental Excellence and some additional amendments had been made to the section under Delivering Environmental Excellence in respect of climate change and recognising the contribution the planning system could make to maintaining and enhancing environmental excellence. Reference to landfill had also been removed from Objective three (enable and encourage our communities to recycle more) and Objective seven was to be amended to:

to maximise the delivery of the right homes in the right place to meet residents' needs.

Some minor typographical errors would also be corrected.

RECOMMENDED TO COUNCIL

to formally adopt the Broadland Business Plan 2019-2023, as amended (attached at Appendix 1 to the signed copy of these Minutes).

Reasons for decision

To adopt the Broadland Business Plan 2019-2023.

109 TREASURY MANAGEMENT STRATEGY 2019-20

The report presented the Treasury Management Strategy 2019-20, which set out the Council's approach to management of its borrowing, cash flows and banking and the prudent management of investments including its methods for assessing and managing the associated risks.

Revised reporting was required for 2019/20 due to revisions in financial guidance. The primary reporting changes included the introduction of a Capital Strategy, to provide a longer-term focus to the capital plans, and greater reporting requirements surrounding commercial activity undertaken under the Localism Act 2011. The Capital Strategy had been approved by Council in February 2019.

Uncertainty over Brexit continued to affect confidence in the finance markets and there was not expected to be a rise in interest rates until June 2019, at the earliest.

The Council's primary investment objective for 2019-20 remained security of cash above liquidity.

The Strategy covered all investment options available, but it was confirmed that the Council would only focus on the most appropriate investments.

The Portfolio Holder for Finance noted that the Council needed a wide range of investment options to choose from in order to maximise its income.

RECOMMENDED TO COUNCIL

to approve:

- (1) the Treasury Management Policy Statement (attached at Appendix 2 to the signed copy of these Minutes); and
- (2) the Treasury Management Strategy Statement 2019/20 (attached at Appendix 3 to the signed copy of these Minutes); and
- (3) the Annual Investment Strategy 2019/20 (attached at Appendix 4 to the signed copy of these Minutes).

Reasons for decision

The report was a factual account.

110 DISCRETIONARY HOUSING PAYMENTS

The report sought to revise the Council's current policy for determining Discretionary Housing Payments from 1 April 2019 in light of decreasing central Government funding.

A Discretionary Housing Payment (DHP) could be awarded when a local authority considered that a welfare claimant required further financial assistance towards housing costs. The budget for DHPs came from central Government and for 2019/20 this was £104,901; a decrease from the £129,145 received for 2018/19 of 18.8 percent.

DHPs were considered on a case by case basis and there was an element of conditionality placed on awards. It was proposed that the DHP Policy, therefore, include a 'Period of Award Matrix' to provide a guide on the maximum length and number of DHP awards and the conditionality attached to multiple awards.

It was confirmed that a report would be brought to Cabinet in six months to provide an update on progress with the revised DHP Policy.

The Portfolio Holder for Finance noted that the 18 percent reduction in Government funding made a revision of the Policy and the introduction of the Award Matrix essential.

RECOMMENDED TO COUNCIL

to adopt the revised Discretionary Housing Payments Policy and 'Period of Award Matrix' from 1 April 2019 (attached at Appendix 5 to the signed copy of these Minutes); and

RESOLVED

to note the Equality Impact Assessment.

Reasons for decision

To revise the DHP Policy to ensure that it was up to date and reflected current legislation.

111 EXCLUSION OF THE PRESS AND PUBLIC**RESOLVED**

to exclude the Press and public from the meeting for the remaining business

because otherwise, information which was exempt information by virtue of Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 would be disclosed to them.

112 FOOD WASTE PROCESSING CONTRACT

The report sought approval for awarding a two year contract for processing food waste.

It was confirmed that using the transfer station at Costessey and then transporting the food waste to Biogen's anaerobic digestion plants at Bygrave in Hertfordshire or Rushden in Northamptonshire remained a cost effective arrangement for the processing of food waste.

RESOLVED

to proceed with the award of a two year contract to Norse Environmental Waste Services Ltd for the processing of food waste.

Reasons for decision

To secure a new contract for processing food waste.

113 DISPOSAL OF COUNCIL OWNED LAND

The Managing Director requested that Members defer a decision on this matter, in order to undertake further negotiations.

The Chairman confirmed that this matter might also be considered by the Economic Success Panel to ensure transparency.

RESOLVED

to defer a decision on this item, pending further negotiations.

Reasons for decision

To explore further options before a decision was made.

The meeting closed at 6.27 pm

PAY POLICY STATEMENT

Report Author:	Dee Young, HR & Customer Services Manager tel: 01603 430526 email: dee.young@broadland.gov.uk
Portfolio Holder:	Transformation and Organisational Development
Wards Affected:	N/A
Purpose of the Report:	This report sets out the policy that the Council will take to pay. It specifically sets out its approach to pay for 2019/20 for all its staff as required by the Localism Act 2011.

Recommendations:

1. To **recommend to Council** to agree the 2019/20 Pay Policy as set out in Appendix 1; or
2. To amend the Policy prior to approval.

1 SUMMARY

- 1.1 The Council expects high standards of performance from its staff and believes a Pay Policy should reflect the contributions of its staff to the overall performance of Broadland and South Norfolk Councils. Each member of staff makes an individual and collective valuable contribution within their role to the effectiveness of Broadland District Council and to collaborative working with South Norfolk. The adage ‘the whole is greater than the sum of the individual parts’ is particularly relevant in describing the collective strength of the Council’s staffing resources and the ability of staff to work together collaboratively .

2 BACKGROUND

- 2.1 This Policy is required under sections 38 – 40 of the Localism Act 2011. The Policy aims to be transparent, coherent and relevant to current and future needs. These needs will include the ability to attract, retain and motivate staff to help achieve the Council’s ambitions to drive economic and housing growth and improve the services delivered to the residents.
- 2.2 From January 2019 the Council has been working collaboratively with South Norfolk Council. As part of this journey, during 2019/20, work will begin to bring together the workforces from both Councils to form a single workforce.

3 CURRENT POSITION

- 3.1 Currently the following pay principles apply to all staff **including** Chief Officers.
- 3.2 A local Performance Related Pay Scheme will apply to all staff.
- 3.3 There are 13 Local Grades within the Broadland pay scheme. Posts are evaluated onto these grades using the Inbucon Job Evaluation Scheme.
- 3.4 The local grades will generally be wider than NJC grades and overlap allowing greater scope for progression linked to performance within a post.
- 3.5 Salaries for all staff will recognise the need to pay at a sufficient level to recruit and retain quality staff on market related salary scales.
- 3.6 The principle of checking salary grades for all staff within the market will continue to ensure the competitiveness of the salary / grading structure is maintained. Any market-related increases applicable will be due in April each year and will be applied to the grade minima / maxima and to individual salaries. This increase will be recommended by external and independent pay consultants.
- 3.7 Pay for all staff will recognise and reward performance not service.

- 3.8 Performance payments for all staff will be made through the Council's Performance Related Pay (PRP) scheme, which agrees specific objectives that the employee is then assessed against. However, there may be occasions where performance is recognised through the use of honoraria in addition to PRP. These occasions are likely to occur where an employee takes on additional responsibilities often related to long term staff absences / vacancies.
- 3.9 Commencement salaries of staff will be made within the relevant local grade assuming the mid point of the grade to be the market rate for the role in most cases.
- 3.10 Market supplements will only be used where there is evidence that they are required.
- 3.11 Payments for fees, charges and allowances will be consistent across all staff.
- 3.12 The Council's policy on compensation payments for termination on the grounds of redundancy, early retirement and efficiency will be in accordance with the Adjustment to Staffing Agreement.
- 3.13 The Council's policy on flexible retirement, early payment of pension, the augmentation and / or award of additional pension will be in accordance with the Council's Pensions Discretionary Policy.
- 3.14 Staff in receipt of a Local Government Pension may be employed by the Council where there is a justifiable business case. This would be justifiable where the member of staff is the best match for the organisation's requirements. The salary level of the member of staff on appointment may be adjusted to reflect the payment of a pension through the Local Government Pension Scheme.
- 3.15 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 3.14 above
- 3.16 Staff previously employed by Broadland District Council may be engaged under a contract for services where there is a business case for doing so. This may be for financial, risk mitigation and / or skills shortage reasons. Approval from the Managing Director will be required. If this occurs any re-engagement will be in accordance with 3.14 above
- 3.17 Pay and benefits will be monitored and assessed to identify any discriminatory aspects and whether they benefit any group of employees with a particular protected characteristic(s). Protected characteristics particularly relevant include gender (Equal Pay issues) and age (Minimum Wage, and National Living Wage).
- 3.18 The Council will annually publish this Policy and associated pay data on the Council's website.

4 PROPOSED ACTION

- 4.1 To retain the above principles in full for 2019/20 for all staff **except** Chief Officers. Chief Officers are defined as the Managing Director, Directors and Assistant Directors and any other role that is created at this level within the Corporate Management Leadership Team.
- 4.2 To propose new pay principles for Chief Officers in line with those to which the Managing Director was appointed. These proposed principles to be as follows:
- (1) To appoint on a salary point within a salary range, rather than within a Local Grade;
 - (2) The salary range to be market attractive;
 - (3) The salary to be an all-inclusive salary. For the avoidance of doubt no other cash benefits will apply;
 - (4) The terms and conditions of employment for Chief Officers, except those relating to rate of pay, are covered by the National Scheme for the Joint Negotiating Committee (JNC) for Chief Executives and Chief Officers;
 - (5) Salary progression will be assessed annually as a minimum;
 - (6) Annual cost of living increases, where applicable, will be applied in line with NJC increases;
 - (7) Payment for membership of professional bodies will be paid where there is demonstrable benefit to the Council.
- 4.3 The Managing Director will also receive Returning Officer fees where applicable.
- 4.4 Information relating to Chief Officers' payments will be published annually to provide transparency.

5 REMUNERATION OF LOWEST PAID EMPLOYEES

- 5.1 The Council's lowest paid employees are those employees in trainee / apprentice roles. These roles will be paid within Local Grade (LG)13. These roles will be for employees who are joining as the first step in their career.
- 5.2 The lowest pay point will be that of LG13 and will be the National Minimum Wage (NMW) for 18 – 20 year olds. This will increase to £11,832 pa from April 2019.
- 5.3 Employees aged 25 years and over will be paid at least at a level equating to the National Living Wage (NLW) which will be £15,796 pa from April 2019.

- 5.4 The lowest point of Local Grade 12 will be the NLW.

6 OTHER OPTIONS

- 6.1 Retain the existing pay principles for all staff except for the Managing Director. However this will result in two different approaches to pay for Chief Officers, which may not support and help the Managing Director build a collaborative and cohesive senior management team.

7 ISSUES AND RISKS

- 7.1 **Resource implications** – A move towards a joint Corporate Management Leadership Team and ‘all inclusive’ salaries for Chief Officers will help manage the pay bill.

As part of the budget setting process for 2019/20, a two percent annual increase in the salary budget is currently modelled as part of the Council’s Medium Term Financial Plan.

Although the percentage increases to the NLW and NMW are over twice that budgeted for, these are statutory rates of pay that the Council is committed to paying.

- 7.2 **Legal implications** – Pay should be fair and non-discriminatory. The Council may amend its Pay Policy Statement, including an amendment in the financial year to which the amendment relates, however any amendment also requires a resolution. As soon as reasonably practicable after amending or approving the Policy Pay Statement the Council must publish the amended statement and this must include publishing on the Council’s website.

- 7.3 **Equality implications** – The approach to Chief Officers’ pay will be applied consistently regardless, for example, of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion / belief; sex or sexual orientation. However, as five out of six chief officers are currently male, this will have a disproportionate effect on males.

- 7.4 **Environmental impact** – There is no impact on the environment.

- 7.5 **Crime and disorder** – There is no impact upon crime and disorder

- 7.6 **Risks** – We are legally required to publish and annually update this Policy. Failure to do so could result in a reputational risk that we have not been transparent about how we approach pay for Chief Officers and staff.

8 CONCLUSION

- 8.1 The Pay Policy Statement has been consulted upon with union and non-union staff representatives who are members of Staff Side and the Pay Policy

Statement in Appendix 1 is the final version that Members are asked to approve.

9 RECOMMENDATIONS

- 9.1 To **recommend to Council** to agree the 2019/20 Pay Policy as set out in Appendix 1; or
- 9.2 To amend the Policy prior to approval.

Background Papers

None.

PAY POLICY STATEMENT

1 INTRODUCTION

- 1.1 This Policy is required under sections 38 – 40 of the Localism Act 2011. The Policy aims to be transparent, coherent and relevant to current and future needs. These needs will include the ability to attract, retain and motivate staff to help achieve the organisation's vision and ambitions to drive economic and housing growth and improve the services delivered to residents.
- 1.2 The Council expects high standards of performance from its staff and believes a Pay Policy should reflect the contributions its staff make to helping the organisation achieve its vision and ambitions. Each member of staff makes an individual and collective contribution within their role to the effectiveness of Broadland District Council and to working collaboratively with South Norfolk Council. However, the adage 'the whole is greater than the sum of the individual parts' is particularly relevant in describing the collective strength of the Council's staffing resource and the ability of staff to work together collaboratively.

2 SCOPE OF POLICY

- 2.1 As required by the Act and in response to associated guidance it covers:
- the Policy on the level and elements of remuneration for Chief Officers. Chief Officer being defined as in section 2 of the Local Government and Housing Act 1989;
 - the Policy on the remuneration of the lowest paid employees; the definition of the 'lowest paid employees' and the rationale for that definition;
 - the relationship between the remuneration of Chief Officers and other staff;
 - other specific aspects of Chief Officers' remuneration: remuneration on recruitment: increases and additions to remuneration: use of Performance Related Pay and bonuses; termination payments; and benefits in kind.
- 2.2 In addition the Policy sets out:
- the principles on pay awards for all staff;

- information on the responsibilities of Chief Officers to aid public understanding of their roles, in accordance with the Local Government Transparency Code 2015;
- thresholds for salaries on appointments.

3 PRINCIPLES

3.1 Pay Principles applying to all staff excluding Chief Officers.

- (1) A local Performance Related Pay Scheme will apply to all staff except Chief Officers.
- (2) There are 13 Local Grades within the Broadland pay scheme. Posts are evaluated onto these grades using the Inbucon Job Evaluation Scheme.
- (3) The local grades will generally be wider than NJC grades and overlap allowing greater scope for progression linked to performance within a post.
- (4) Salaries will recognise the need to pay at a sufficient level to recruit and retain quality staff on market related salary scales.
- (5) The principle of checking salary grades for all staff within the market will continue to ensure the competitiveness of the salary/grading structure is maintained. Any market-related increases applicable will be due in April each year and will be applied to the grade minima / maxima and to individual salaries. This increase will be recommended by external and independent pay consultants.
- (6) Pay will recognise and reward performance not service.
- (7) Performance payments for all staff except Chief Officers, will be made through the Council's Performance Related Pay (PRP) scheme, which agrees specific objectives that the employee is then assessed against. However, there may be occasions where performance is recognised through the use of honoraria in addition to PRP. These occasions are likely to occur where an employee takes on additional responsibilities often related to long term staff absences/ vacancies.
- (8) Commencement salaries of staff will be made within the relevant local grade assuming the midpoint of the grade to be the market rate for the role in most cases.
- (9) Market supplements will only be used where there is evidence that

they are required.

- (10) Payments for fees, charges and allowances will be consistent across all staff.

3.2 Pay Principles Applying to Chief Officers

- (1) Chief Officers will be appointed to a salary point within a salary range;
- (2) The salary range should be market attractive;
- (3) The salary will be an all-inclusive salary. For the avoidance of doubt no other cash benefits will apply;
- (4) The terms and conditions of employment for Chief Officers, except those relating to rate of pay, are covered by the National Scheme for the Joint Negotiating Committee (JNC) for Chief Executives and Chief Officers;
- (5) Salary progression will be assessed annually as a minimum;
- (6) Annual cost of living increases, where applicable, will be applied in line with NJC increases.

3.3 Pay principles applying to all staff

- (1) The Council's policy on compensation payments for termination on the grounds of redundancy, early retirement and efficiency will be in accordance with the Adjustment to Staffing Agreement.
- (2) The Council's policy on flexible retirement, early payment of pension, the augmentation and / or award of additional pension will be in accordance with the Council's Pensions Discretionary Policy.
- (3) Staff in receipt of a Local Government Pension may be employed by the Council where there is a justifiable business case. This would be justifiable where the member of staff is the best match for the organisation's requirements. The salary level of the member of staff on appointment may be adjusted to reflect the payment of a pension through the Local Government Pension Scheme.
- (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

- (5) Staff previously employed by Broadland District Council may be engaged under a contract for services where there is a business case for doing so. This may be for financial, risk mitigation and / or skills shortage reasons. Approval from the Managing Director will be required. If this occurs any re-engagement will be in accordance with 3.3 (3) above
- (6) Pay and benefits will be monitored and assessed to identify any discriminatory aspects and whether they benefit any group of employees with a particular protected characteristic(s). Protected characteristics particularly relevant include gender (Equal Pay issues) and age (Minimum Wage, and National Living Wage).
- (7) The Council will annually publish this Policy and associated pay data on the Council's website.

4 PUBLIC SECTOR EXIT PAYMENT CAP AND RECOVERY REGULATIONS

- 4.1 The Council will comply with any regulations aimed at capping public sector exit payments which may come into force in the next 12 months.
- 4.2 The Council will comply with any recovery regulations which may come into force within the next 12 months. These regulations being aimed at recovering exit payments from public sector employees who return to public sector employment.

5 CHIEF OFFICERS' REMUNERATION

- 5.1 Chief Officers within this Council will include the Managing Director; the Directors and the Assistant Directors and any other role that may be created at this level within the Senior Management Team.
- 5.2 Remuneration information for Chief Officers will include:
 - salary or where there is a contract for services, payments made by the authority for those services;
 - bonuses information;
 - any charges, fees or allowances payable (which would include election fees);
 - any increase in or enhancement of pension entitlement where that is the result of the resolution of the authority; and

- any amounts payable on ceasing to hold office or being employed by the authority other than amounts that may be payable by virtue of any enactment.
 - benefit in kind information.
- 5.3 Salary progression will be assessed annually as a minimum.
- 5.4 Annual cost of living increases, where applicable, will be applied in line with NJC increases.
- 5.5 The salary of the Managing Director will be reviewed at least annually by the Leader of Broadland District Council and Leader of South Norfolk Council.
- 5.6 The salary review of the other Chief Officers will be undertaken by the relevant line manager.
- 5.7 Payment for membership of professional bodies will only be paid where there is demonstrable benefit to the Council.
- 5.8 The Managing Director also receives Returning and Neighbourhood Planning Referenda Officer fees. The fees in respect of County, District and Parish Council Elections are set by the Norfolk Chief Executives Group and the fees for conducting European, Parliamentary and Police and Crime Commissioner elections are set by the Cabinet Office.
- 5.9 Information relating to Chief Officers' payments will be published annually to provide transparency. The information will include contextual data such as areas of responsibility, number of staff within the service, capital and revenue expenditure, salary ceiling, the contract type and identify any current vacancies.
- 5.10 For appointments on large salary packages, defined as ones in excess of £100,000 pa, Council approval will be obtained.

6 REMUNERATION OF LOWEST PAID EMPLOYEES

- 6.1 The Council's lowest paid employees are those employees in trainee / apprentice roles. These roles will be paid within Local Grade (LG)13. These roles will be for employees who are joining as the first step in their career.
- 6.2 The lowest pay point will be that of LG13. The bottom of LG 13 will be the National Minimum Wage for 18 – 20 year olds (£11,832 pa from April 2019).
- 6.3 All employees will be paid at least at a level equating to the National Minimum Wage legislation.

- 6.4 Employees aged 25 years and over will be paid at least at a level equating to the National Living Wage (NLW).
- 6.5 The lowest point of Local Grade 12 will be the NLW which will be £15,796 pa from April 2019.

7 RELATIONSHIP BETWEEN CHIEF OFFICER'S REMUNERATION AND OTHER STAFF

- 7.1 Pay relationships will be measured by the use of a pay multiple. This is defined as the highest paid taxable earnings for the year including base salary, variable pay, bonuses, allowances and the median earnings of the whole Council. The highest taxable earnings, will normally be no greater than 7 x the median earnings of the whole Council.
- 7.2 The pay multiple as at 1 January 2019 is 4.59. This is a decrease of 0.23 from 2018. The highest paid officer on 1 January 2019 was the Chief Executive and the taxable earnings of that post also include Returning Officer fees. No Returning Officer fees were paid during 2018, which accounts for the fluctuation in the multiplier.

8 RESPONSIBILITIES

- 8.1 This Policy will be approved by Council.
- 8.2 The appointment and appointment salaries for Chief Officers will be determined by Elected Members.
- 8.3 The appointment and starting salaries of staff new to the Council will be determined by an Officer Recruitment Panel, which will consist, as a minimum, of a management representative for the relevant service and a representative from HR.
- 8.4 The level of any annual pay awards will be determined in accordance with policy agreed by Council.
- 8.5 The level of any PRP awards will be agreed by Cabinet.

9 REVIEW OF POLICY

- 9.1 The Policy will be reviewed annually and the Council's approach for the following financial year will be confirmed.
- 9.2 However, the Council recognises that a variety of circumstances (foreseen or unforeseen) may arise and require the Pay Policy to be sufficiently flexible to

deal with these circumstances such as the use of market supplements. The Council will have regard to the extent to which the exercise of any flexibility could lead to a serious loss of confidence in the public service.

10 APPROACH FOR THE FORTHCOMING YEAR (2019/20)

- 10.1 As part of the budget setting process for 2019/20 a two percent annual increase in the salary budget is currently modelled as part of the Council's Medium Term Financial Plan.
- 10.2 The market related award applicable in April 2019 will be recommended by independent pay consultants. Any recommendation for a market related award will be applied to the Local Grades and to individuals' salary. Any market related award will be provided for as part of the two percent increase in the salary budget.
- 10.3 The Pay Scheme must be affordable taking into consideration the medium term budget implications for the Council. Therefore if, once the market related award has been applied, there is any excess budget this will be made available for PRP.
- 10.4 The lowest Local Grade (LG) of LG13 is identified as a trainee grade, specifically for those staff employed under apprenticeship / trainee arrangements. These arrangements are likely to apply where the employee is entering work with little and/or out dated experience.
- 10.5 Roles other than those evaluated as LG 13 may also be appropriate for apprentice employees. An apprentice employee will be someone who is studying for a recognised qualification that enhances and / or widens their skills and knowledge. Apprentices may study for a range of qualifications including National Vocational Qualifications (NVQs), degrees and professional qualifications. Apprentice employees will be paid within the appropriate grade for the role they are undertaking.
- 10.6 The minimum salary point for LG13 will be the National Minimum Wage for workers aged 18 – 20 years and will remain in line with this figure.
- 10.7 The minimum salary point for LG12 will be the NLW and will remain in line with this figure.
- 10.8 Work on the future design and funding options for the Council's Pay Scheme will be progressed as part of collaborative working.
- 10.9 Actual salaries of Chief Officers for the most recent financial year will be published on the website (as per the statutory code of recommended practice on data transparency).

10.10 No bonuses will be paid.

10.11 No benefits in kind will be made to Chief Officers.

10.12 An individual personal reward statement will be available for any member of staff where it is specifically requested by that individual. The statement will show the value of the individual's benefits package, including the value of the employer's pension contributions.

10.13 From 2 January 2019 Broadland and South Norfolk Council have appointed a Managing Director who will undertake to bring the two Councils together under one team. This means there will be a single officer team serving both independent Councils. As a result work will be undertaken throughout the year to achieve this including aligning terms and conditions of service.

Date	Ref	Comment
Feb 13	3.9	Replaced 'appointments' with 'commencement salaries.' Deletion of 'the midpoint is recognised as the salary reflecting the skills, experience, qualifications required for the role'.
	4.1	Replaced 'Head of Paid Service' with 'Chief Executive'.
	4.10	Inserted 'contextual'.
	6.1	Update to the year to show that the measure is still being met.
	9.1 & 9.2	Change to the year.
	9.6	Change to the benefits in kind figures and inserted the word 'innate'.
Aug 13	9.7	Reward statements will now only be produced where an employee requests their personal statement.
	2.1	Include 'associated guidance'.
	2.2	Insert fourth bullet point re thresholds.
	4.6	New point Performance assessments for DCE undertaken by CE.
	4.10	RO fees no longer agreed by Norfolk Branch of Assoc of DC but by CE group.
	4.12	New point re appointment of salaries of £100,000+.
	4.13	New point re severance packages of £100,000+.
	6.1	Updated to refer to 2014.
	9	References to year updated.
	9.6	Medical figures updated.
	3.6	Include principle of applying market award to grades and individual salaries.
Jan 2015	3.13	Pensions Discretionary Policy, 2008 removed.
	4.9	Deleted 'payments will be treated separately from salaries'.
	4.10	Additional info added (salary ceiling, contract type, vacant posts).
	4.11,	Inserted 'Full Council approval will be sought'.
	4.12	Inserted 'Full Council approval will be sought'.
	6.1	Definition of pay multiple added.
	6.2	Pay multiple as at Jan 2015 updated.
	7.3	Inserted new to the Council.
	9.1	Re-establish cost of living award.
	9.2	Market related award to be applied to individual salaries.

Date	Ref	Comment
	9.3	Efficiency savings becomes a permanent feature New point PRP pot calculation explained.
	9.7	Update to figures.
Jan 2016	3.15	New point Recovery of Public Sector exit payments.
	4.12	Reference that a new exit payment cap is likely of £95,000.
	5.4	Inclusion of National Living Wage.
	5.14	Removal of reference to other cash benefits e.g. car benefits
	6.2	Update on pay multiple.
	8.2	Appointments made by Elected Members (Appointments & Pay Panel removed)
	9.1	2 percent budget identified for salaries.
	9.3	Deletion of using efficiencies for PRP instead any excess from 2 percent budget to be for PRP.
	9.4	New point to work with staff reps to design a pay scheme for the future.
	9.8	Update on figures.
Jan 2017	2.1	Benefits in kind added to fourth bullet point.
	2.2	New point on public sector exit payments.
	2.3	Reference made to Transparency Code 2015.
	3.12	Added reference to Public Sector Exit Payment Regs.
	3.15	Reference to new Recovery regulations.
	3.16 3.17	Reference made to Public Sector Exit payment regs.
	3.18	New point.
	Sect 4	New section.
	Sect 5	Deletion of reference to exit payments in excess of £100,000.
	5.9	New wording fees set by Chairs of Norfolk Authorities Member Remuneration panels.
	6.5	Insert rate will be min of NMW for age.
	7.2	New multiplier figure.
	8.5	PRP agreed at Cabinet (not Council).
	10	Update to 2016/17 figures.
Jan 2018	2.1	New final bullet point re references to PS Exit Payments
	3.12	Removal of PS Exit Duty 2016
	4.0	This section contained details of how the PS exit payments and recovery regulations were to be applied but as these have not come into force, this section confirms the council's approach should the government progress these.
	7.2	Update to multiplier figure
	10	Year updated to 2018 /19
	10.4	LG 13 becomes an apprentice/trainee grade and comment re apprentices may be paid outside of LG13 deleted as not necessary
	10.5	Definition of apprentice explained
	10.6	Salary range of LG13 to be linked to NMW
	10.7	Salary minimum of LG12 linked to NLW
	10.11	Medical insurance decreased
Jan 2019	3.1 3.2 3.3	Separation of pay principles for Chief Offices and all other staff and new principles for Chief Officers
	5.1	Roles which are deemed Chief Officers
	5.4	Removal of reference to Local Grades. Removal of reference to additional benefits may be identified.

Date	Ref	Comment
	5.7	Payment for Professional membership may now be made where criteria met
	5.8	Inclusion of Neighbourhood Planning Referenda
	6.3 6.6	Update to figures
	10.8	Work on pay scheme now able to progress
	10.11	No benefits in kind, removal of reference of medical benefits and lease car
	10.13	New para

UNISON TIME OFF AND FACILITIES AGREEMENT

Report Author:	Dee Young, HR & Customer Services Manager tel: 01603 430526 email: dee.young@broadland.gov.uk
Portfolio Holder:	Transformation and Organisational Development
Wards Affected:	N/A
Purpose of the Report:	This report proposes a formal Time Off and Facilities Agreement between UNISON and Broadland District Council and South Norfolk Council.

Recommendations:

1. To **recommend to Council** to agree the UNISON Time Off and Facilities Agreement (as set out in Appendix 1); or
2. To amend the Agreement prior to approval.

1 SUMMARY

- 1.1 The UNISON branches of Broadland and South Norfolk Councils both have well established practices of working with their respective Union representatives to develop employment procedures and resolve employee relations issues. A formal arrangement for the treatment of facilities time allowing accredited Union representatives to carry out their recognised duties and activities will further enhance this relationship.

2 BACKGROUND

- 2.1 Union representatives have had a statutory right to reasonable paid time off to carry out trade union duties and to undertake trade union training since the Employment Protection Act 1975.
- 2.2 Union representatives and members were also given a statutory right to reasonable unpaid time off when taking part in specified trade union activities.
- 2.3 All the time off provisions were brought together in sections 168 – 170 of the Trade Union and Labour Relations (Consolidation) Act 1992.

3 CURRENT POSITION

- 3.1 Broadland Council currently has an informal arrangement for the treatment of union facilities time. There is no arrangement for the Branch Secretary to be paid for an agreed amount of time to undertake this role.
- 3.2 South Norfolk Council has an existing formal agreement which has officer and UNISON sign off.
- 3.3 On 1 January 2019 the UNISON branches of Broadland District Council and South Norfolk merged to become the Yare Valley UNISON Branch.

4 PROPOSED ACTION

- 4.1 To establish a formal Policy for dealing with Union officials and representatives engaged on recognised duties (attached at Appendix 1). The Policy to be applied consistently across both Councils. This will help support the merger of the two UNISON branches and the collaborative working journey of both Councils. Specifically, but not exclusively:
- the Branch Secretary of UNISON be allowed to spend up to 15 hours per week, with pay, on trade union duties;
 - additional facilities time for the Branch Secretary and/or other UNISON Branch Officers be subject to agreement between the Branch Secretary and the Managing Director;
 - for accredited representatives to be permitted paid time off during working hours to carry out duties that are concerned with any aspect of collective bargaining and representation of individual members;

- as per the Councils' duty, to permit appointed safety representatives such time off with pay as necessary for the specified union purposes;
- for accredited UNISON Life Long Learning Advisors/Learning Representatives to be entitled to take reasonable paid time off for specified union purposes;
- where they exist, Information and Consultation representatives to be entitled to take reasonable paid time off during working hours for specified union duties;
- to ensure that workplace meetings are fully representative, paid time off for trade union representatives and members may be considered for specified union meetings and duties;
- that, in the interests of the effective and democratic operation of the Union, representatives or officials participate in other activities as specified in the Agreement;
- for Trade Union representatives engaged on recognised duties, as indicated above and those included in the Agreement, to be paid in accordance with the proposed Agreement.

5 OTHER OPTIONS

- 5.1 Cabinet could choose to retain the current arrangements of both Councils. However, a new approach would complement collaborative working and the vision for Two Councils, One Workforce.

6 ISSUES AND RISKS

- 6.1 **Resource implications** – the cost of allowing the Branch Secretary 15 hours paid time per week for union duties will be approximately £15,500 per annum including on costs. This cost will be shared between the two councils. There will also be a need to recruit to the hours that the Branch Secretary vacates from her substantive role.
- 6.2 **Legal implications** – the Trade Union and Labour Relations (Consolidation) Act 1992 (S168 - 170) makes provision for employees to be given the right to time off under various circumstances. Section 43 of the Employment Act 2002 provides for Union Learning Representatives to take paid time off during working hours to undertake their duties and to undertake relevant training.
- 6.3 **Equality implications** – although Trade Union membership is not a protected characteristic the introduction of paid time off for trade union duties and activities demonstrates a commitment to supporting staff during their employment. An Equalities Impact Assessment is attached at Appendix 2.
- 6.4 **Environmental impact** – there is no environmental impact.

- 6.5 **Crime and disorder** – there is no impact upon crime and disorder.
- 6.6 **Risks** – at a time when both Councils are going through organisational change there is a risk that staff may not be as fully supported if there is not an Agreement for dedicated union time.

7 CONCLUSION

- 7.1 The introduction of a UNISON Time Off and Facilities Agreement will help demonstrate commitment and support to staff. This is currently particularly relevant as Broadland and South Norfolk Councils work collaboratively.

8 RECOMMENDATIONS

- 8.1 To **recommend to Council** to agree the UNISON Time Off and Facilities Agreement (as set out in Appendix 1); or
- 8.2 To amend the Agreement prior to approval.

Background Papers

None

Appendix 1



UNISON TIME OFF AND FACILITIES AGREEMENT

between

Broadland District Council
Thorpe Lodge
Yarmouth Road
Thorpe St Andrew
Norwich
NR7 0DU

South Norfolk Council
South Norfolk House
Cygnet Court
Long Stratton
Norwich
NR15 2XE

and

UNISON
130 Euston Road
London
NW1 2AY

1 DEFINITION OF TERMS

In this Agreement:-

The Organisations - refers to Broadland District Council and South Norfolk Council

The Union refers to the Yare Valley Branch of UNISON

Staff refers to all employees of the Organisations

2 COMMENCEMENT DATE

This Agreement commences on 1st January 2019

3 INTRODUCTION

- 3.1 The Organisations support the system of collective bargaining and the principle of solving employee relations problems by discussion and agreement.
- 3.2 All parties recognise that it is vital to good employee relations for the workforce to be properly represented by the recognised union. Furthermore all sides believe that a truly representative and effective union will enhance workforce employee relations.
- 3.3 The Trade Union and Labour Relations (Consolidation) Act 1992 (S168 - 170) makes provision for employees to be given the right to time off under various circumstances. The following sets out these provisions as agreed by the Trade Union and the Organisations in this respect.

4 REPRESENTATION

- 4.1 The provisions of this agreement shall apply to accredited representatives of the Union, who have been duly elected or appointed in accordance with the rules of the Union.
- 4.2 The Union will determine the appropriate number of representatives they wish to appoint, having regard for the size and location of its membership. The Union agrees to inform the Organisations in writing of the names of all elected representatives at the earliest possible opportunity and to notify the Organisations of any subsequent changes. Persons whose names have been notified to the Organisations shall be the sole representatives of the UNISON membership.
- 4.3 The union will issue written credentials and notify the Organisations of the number and location of constituencies for which each representative will be responsible.

5 TIME OFF FOR GENERAL TRADE UNION REPRESENTATION

- 5.1 This agreement seeks to establish a formal policy and procedure on trade union duties and activities in accordance with the legislative framework. It is recognised that it is not possible to be prescriptive about all duties, activities and the time required to carry them out. It is agreed that requests for time off will not be unreasonably refused.
- 5.2 Accredited representatives will be permitted paid time off during working hours to carry out duties that are concerned with any aspect of collective bargaining and representation of individual members, including:
 - terms and conditions of employment, including physical working conditions;
 - engagement, termination, transfer or suspension of employment;

- allocation of work or the duties of employment as between employees or groups of employees;
- discipline and grievance;
- activities associated with trade union membership;
- facilities for officials of the union;
- machinery for negotiation or consultation and other procedures; procedures for collective bargaining, disputes, joint consultation, communicating with members and other trade union branch officers.

6 THE FUNCTION OF REPRESENTATIVES AND OFFICIALS

6.1 The Organisations and the Union recognise that the industrial relations functions of representatives and officials are important duties in additions to their duties as employees of the Organisations. Their functions and responsibilities are as follows:

- To be responsible to and for a group of members;
- To undertake industrial relation duties operating within the policies of the Union. Issues may include members' grievances, discipline, learning, health and safety, equal opportunities, service conditions, and any matter listed in [section 5.2] of this Agreement;
- To promote Trade Union membership amongst all employees of the Organisations;
- To communicate with members and to communicate with Management, the Joint Negotiating bodies and with the relevant Union bodies;
- To represent the Union in the joint negotiating and joint consultative machinery at local, regional and national level;
- To meet with other representatives, officials or full-time Union officers on matters covered by this Agreement;
- To attend meetings of the Trade Union of which the person is a representative or of which he/she is an official, (such as Branch or Branch Committee Meetings);
- To seek to ensure that agreements are adhered to;
- To organise meetings of members during working hours in accordance with the ACAS Code of Practice and any prevailing local agreements.

7 TIME OFF FOR HEALTH AND SAFETY REPRESENTATIVES

7.1 The trade union is responsible for the appointment of health and safety representatives. The Organisations have the duty to permit safety representatives such time off with pay as necessary for the purposes of:

- Performing their functions under health and safety legislation;
- Undergoing such training as is reasonable;
- Attending Health and Safety meetings on local, regional and national levels where appropriate.

8 TIME OFF FOR UNISON LIFE LONG LEARNING ADVISORS/UNION LEARNING REPRESENTATIVES

8.1 Accredited UNISON Life Long Learning Advisors/Learning Representatives are entitled to take reasonable paid time off for the following specific purposes:

- Analysing learning or training needs;
- Providing information and advice about learning or training matters;
- Arranging learning or training;
- Promoting the value of learning or training;
- Consulting the employer in relation to such activities;
- Preparation in relation to such activities;
- Undergoing relevant training.

9 TIME OFF FOR INFORMATION AND CONSULTATION REPRESENTATIVES

9.1 Information and Consultation representatives, where they exist, are entitled to take reasonable paid time off during working hours for the following reasons:

- Performing their functions as such a representative, including preparing for meetings and consulting with their constituency;
- Undergoing relevant training.

9.2 Information and Consultation representatives shall not be subject to detriment or dismissal for actions related to their conduct as a representative.

9.3 These rights also apply to Information and Consultation representatives who are not union members, should they be elected or appointed.

10 TIME OFF FOR TRADE UNION ACTIVITIES

10.1 To ensure that workplace meetings are fully representative, paid time off for trade union representatives and members may be considered for:

- Attending workplace meetings to discuss and vote on the outcome of negotiations;
- Meeting full time officials to discuss issues relevant to the workplace;
- Conducting Union elections.

10.2 The Organisations and Union also recognise that it is in the interests of the effective and democratic operation of the Unions that representatives or officials participate in other activities of the Union. Reasonable time off during working hours will be granted for these purposes which may include:

- Participation, as a representative, in the following meetings of official policy making and consultative bodies of the Union:

Name of Meeting	Number of delegates	Frequency	Total number of working days
Regional Local Government Committee	1	5 times per year	5
Regional Council	2	4 times per year	8
Local government Conference	Up to 2	Annually	2
National Delegate Conference	Up to 2	Annually	8
Total number of working days			23

Subject to the approval of the Managing Director, reasonable time off during working hours will be granted with pay for the following, where there is a clear benefit to the business of the Organisations:

- Representing the Union on external bodies such as committees or working parties within the official union structure.
- Holding office on official bodies of the Union.

The Union will notify the Organisations at the beginning of each year of the anticipated calendar of such events wherever possible and the likely number of representatives who will be required to attend.

11 TIME OFF FOR BRANCH SECRETARIES AND SENIOR REPRESENTATIVES OF UNISON

- 11.1 The Branch Secretary of UNISON, or recognised deputy undertaking this role, will be allowed to spend up to 15 hours per week on trade union duties.¹
- 11.2 Additional facilities time for the Branch Secretary and/or other Unison Branch Officers (in addition to existing entitlement to time off where those Branch Officers are also accredited representatives) will be subject to agreement between the Branch Secretary and the Managing Director.
- 11.3 At the end of a period in office, the Branch Secretary shall:
 - 11.3.1 EITHER return to their substantive posts subject to: some other arrangement agreed either prior to or during a term in office: and the availability of the post, e.g. in circumstances where their work area has been restructured, in which case prior consultation will have taken place.
 - 11.3.2 OR: be redeployed to some other suitable post.
- 11.4 Representatives appointed as described in paragraph [4.1] will be given reasonable paid time off during normal working hours to carry out functions related to their representational responsibilities.

12 SPECIAL ARRANGEMENTS FOR TIME OFF

- 12.1 In the case of employees who work shifts or unsocial hours, the Organisations will allow reasonable time off for trade union duties and normally will make suitable arrangements when the duties fall outside their on-duty hours.
- 12.2 Where representatives attend meetings called by management, management will always try to ensure that the meetings take place while the appropriate representatives are on duty, either by adjusting dates of meetings, amending rotas where possible by agreement with the individual concerned.
- 12.3 When representatives, other than those with secondment, attend meetings called by management during their normal working hours which extend beyond normal finishing time, they will be paid at plain time rates for the additional hours worked, except that, where earnings vary with the work done, the amount will be calculated by reference to

¹ To be reviewed at the end of the organisational transition

the average hourly earnings for the work they are employed to do, including average bonus or contractual overtime payments.

- 12.4 Where representatives attend meetings called by management which occur in their off-duty time, they will be reimbursed for the hours spent at the meetings at plain time rates.
- 12.5 In the case of disabled representatives, the Organisations will allow additional time and facilities, if necessary, and make suitable arrangements to allow them to carry out their responsibilities.

13 TIME OFF FOLLOWING TRANSFERS OF EMPLOYMENT

- 13.1 Where a transfer of staff takes place through contracting out or internally to wholly owned subsidiaries, proportionate time off arrangements will be retained to allow representation of affected staff.

14 PAYMENT FOR TIME OFF

- 14.1 Trade Union representatives engaged on recognised duties as indicated above, will be paid either the amount they would have earned had they worked during the time taken or, where earnings vary with the work done, an amount calculated by reference to the average hourly earnings for the work they are employed to do. This amount will include average bonus or overtime payments where these are contractual.
- 14.2 Senior branch officers who spend the whole or part of their contractual time on trade union duties will be entitled to the full package of pay and conditions which they would normally have received had they been working, including all allowances and any rights to professional training or registration.
- 14.3 Travelling and subsistence costs will be reimbursed to accredited representatives for periods of work approved in accordance with this agreement as follows:
 - 14.3.1. Where the meeting is instigated by the Organisations, the employing Council will reimburse the travel and subsistence according to the individual representative's contract of employment;
 - 14.3.2. Where the meeting is instigated by the Union, the Branch will reimburse the travel and subsistence costs in accordance with UNISON's national guidance on expenses.

15 COVER AND BACKFILL

- 15.1 During the approved absence of UNISON workplace representatives carrying out their duties under this agreement, the Organisations will endeavour, wherever necessary, to provide alternative cover at the representative's workplace. In line with the ACAS

code on time off for trade union duties, alternatives shall include the allocation of duties to other employees, rearranging work to a different time or a reduction in workloads.

- 15.2 Where major projects [such as Agenda for Change in the NHS or Single Status in local government] require sustained time off for workplace reps, the project plan will take account of and fully fund backfill for the duration of the project to ensure that representatives can direct the full weight of their expertise throughout the process. The Organisations and the union will jointly agree the numbers of trade union representatives involved in each aspect of work and allow sufficient funds to be made available to facilitate the work as part of the project plan.

16 TRAINING

- 16.1 Reasonable time off with pay will be granted to attend training courses approved by the TUC or UNISON. The Organisations support the need for newly appointed trade union officials to be granted reasonable time off for initial training in basic representational skills as soon as possible after his or her appointment in order to gain ERA accreditation and for all trade union officials to complete their ERA re-accreditation every five years.

Following this further reasonable time should be considered:

- For further training, particularly where the official has special responsibilities;
 - To deal with changes in the structure or topics of negotiation, or where significant changes in the organisation of work are contemplated;
 - Where legislative changes affect the conduct of employee relations.
- 16.2 The Branch Secretary and/or Education Coordinator will oversee the training available for accredited representatives to perform their roles effectively. Due consideration will be given to the positive impact will have on the business of the Organisations.
- 16.3 The Trade Unions must give adequate advance notice of course dates in writing to relevant line-mangers and co-operate in making arrangements to cover jobs during the absence of Representatives on courses. Details of the course should be provided, upon request.
- 16.4 Part-time employees who are required to attend recognised training courses as detailed above will be paid for the whole of their attendance time, even if it exceeds their normal working hours.

17 PROCEDURES

- 17.1 Before taking time off, the accredited representatives must obtain the permission of their manager, informing the manager of the general purpose of the time off, the

intended location, the expected timing and duration of time off required.

- 17.2 Representatives will be required to complete and submit facility time-recording sheets on a regular basis to the Branch Secretary who will forward information to the appropriate HR office to fulfil the requirements of the Local Government Transparency Code and the Trade Union (Facilities Time Publication Requirements) Regulations 2017.
- 17.3 The employer will ensure that management at all levels are familiar with agreements and arrangements relating to this agreement.

18 TRADE UNION FACILITIES

- 18.1 The Organisations agree to provide defined facilities to the Union representatives to enable them to discharge their duties including: provision of secure office space; a notice board; access to confidential telephone, fax, internal mail and email; reasonable use of equipment such as telephones, franking machines, photocopiers, and PCs; reasonable accommodation for meetings and trade union education, and reasonable access to administrative support and secretarial services.

19 NO DETRIMENT AND CONFIDENTIALITY

- 19.1 Individuals will not be discriminated against during the course of their employment for membership of a trade union or activities as a union representative.
- 19.2 In line with the ACAS code on time off for trade union duties, the Organisations will respect the confidential and sensitive nature of communications between union representatives and unions members. There shall be no monitoring of union emails other than in a highly exceptional circumstance, as defined by the Information Commissioner. If the Organisations believe such exceptional circumstances apply, there reasons shall be set out to union reps for their consideration.

20 DISPUTES

- 20.1 The Organisations and the Union agree to make every effort to resolve disputes in relation to time off for trade union duties and activities.
- 20.2 Where permission to take time off is withheld, an explanation for the reason(s) will be given by the appropriate representative of management.
- 20.3 If the UNISON official is dissatisfied with the decision, the matter may be referred to the Managing Director.

- 20.4 If agreement cannot be reached, the matter may be referred to the UNISON Eastern Regional Office.
- 20.5 The Organisations recognise that individual union representatives have the right to take a claim to an Employment Tribunal if internal procedures fail to resolve a dispute related to time off for trade union duties.

21 REPORTING

- 21.1 Reporting and collection of facility time data will be limited solely to those details required under section 13 (3) of the Trade Union Act;
- 21.2 The Organisations will ensure confidentiality for union reps in publication of pay bill information by avoiding the naming of individual reps and applying the provisions of section 4 (3) of the Trade Union (Facility Time Publication Requirements) Regulations 2017 for substituting notional hourly rates for actual hourly rates where an individual might be identified if the actual hourly rates were published.
- 21.3 Alongside any publication of facility time costs, the Organisations will state its support for facility time and the net cost benefits it generates for taxpayers as follows:
- Facility time is a vital part of ensuring good employment relations.
 - Independent studies have found facility time to play a key role in resolving conflict before issues escalate into more serious and costly problems, as well as ensuring necessary changes to operations are managed efficiently²
 - Research has shown that for every £1 spent on trade union facility time taxpayers receive £2.31 back in savings³ and employee representatives in the workplace result in⁴:
 - 13,000 to 25,000 fewer dismissals each year across the UK, creating a benefit of £107m to £213m for employers.
 - 17,000 to 34,000 fewer voluntary 'exits', worth a saving of £72m to £143m to employers
 - 8,000 to 13,000 fewer injuries, equivalent to 161,000 to 241,000 fewer working days lost. Benefits range from £136m to £371m to society.
 - 3,000 to 8,000 fewer cases of work related illness equivalent to 125,000 to 375,000 fewer working days lost. Benefits range from £45m to £207m to society.

² NatCen, The Value of Trade Union Facility Time, June 2012

³ Professor Gregor Gall, University of Bradford, The Benefits of Paid Time Off for Trade Union Representatives, February 2016

⁴ TUC, Facility Time for Union Reps - Separating Fact from Fiction, June 2012

22 AMENDMENT OR TERMINATION OF AGREEMENT

21.1 Either side may submit proposals in order to amend this agreement. Such proposals will be in writing to the sides concerned will be the subject of joint discussions.

21.2 Both sides agree to review this Agreement in twelve months and annually thereafter.



Equality Impact Assessment

Name of Officer completing assessment:
Dee Young

Date of Assessment: 6 March 2019

1. What is the proposed Policy?

UNISON Time Off and Facilities Agreement

2. Which protected characteristics does this Policy impact: (please tick all that apply)

Age	<input type="checkbox"/>	Sex	<input type="checkbox"/>	Pregnancy/Maternity	<input type="checkbox"/>
Disability	<input type="checkbox"/>	Sexual Orientation	<input type="checkbox"/>	Gender Reassignment	<input type="checkbox"/>
Race	<input type="checkbox"/>	Civil Partnership/Marriage	<input type="checkbox"/>	Religion or Belief	<input type="checkbox"/>
Health	<input type="checkbox"/>	Rurality	<input type="checkbox"/>	Low Income	<input type="checkbox"/>
				None of the above	X

3. What do you believe are the potential equalities impacts of this policy?

Trade Union membership is not a protected characteristic. However, it is part of a healthy workplace that staff have the free will to join a union and do not receive any detrimental treatment for being a union member. Likewise individuals who do not wish to belong to a union should not receive detrimental treatment. Any individual member of the Union may have a protected characteristic.

There could be the possibility of indirect discrimination should a union official be part time. As part time staff are more likely to be female their ability to have time off from their part time working hours for official duties may disadvantage them. However section 12 of the Agreement covers this point and should be monitored to ensure it is practised.

Signed by evaluator:

Signed by responsible head of department:

Please send your completed forms to victoria.parsons@broadland.gov.uk to be reviewed and stored in accordance with our legal duty. You may also wish to contact the Housing, Health & Partnerships Officer if at any time you need assistance filling in your assessment.

CABINET

9 April 2019

Final Papers

Item	Details	Page No
7	<u>Overview and Scrutiny Committee</u>	41 – 46

To receive the Minutes of the meeting held on 26 March 2019

DEMOCRATIC SERVICES

Broadland District Council
Thorpe Lodge, 1 Yarmouth Road, Norwich, NR7 0DU
Tel: 01603 430428
Email: cst@broadland.gov.uk



Minutes of a meeting of the **Overview & Scrutiny Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Tuesday 26 March 2019** at **10.00 am** when there were present:

	Mr D G Harrison – Chairman	
Mr A D Adams	Mr J J Emsell	Mr S Riley
Mrs C H Bannock	Mr R F Grady	Mr V B Tapp
Mr D Buck	Mr G K Nurden	Mrs K A Vincent
Ms S J Catchpole	Mr V Ray-Mortlock	Mr D C Ward

Also in attendance were the Director of People and Communities, Interim Head of Housing and Environmental Services, Emergency Planning Manager, Pollution Control Officer and the Committee Officer (JO).

The Chairman welcomed Jamie Sutterby, the Director of People and Communities, to the meeting.

The Director of People and Communities advised the meeting that he had been Director of Communities and Wellbeing at South Norfolk Council for the last 18 months and had previously worked at Hertfordshire County Council and the NHS. His Directorate included housing, early help and leisure and had a common theme of health, wellbeing and social mobility running through it.

Members noted that collaboration would lead to significant changes to the structure of the Council and emphasised the importance of keeping staff fully informed about the new management arrangements, as it could be a very unsettling process.

126 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Everett and Mr O'Neill.

127 MINUTES

The Minutes of the meeting held on 5 March 2019 were confirmed and signed by the Chairman as a correct record.

128 AIR QUALITY IN THE DISTRICT

The Pollution Control Officer informed the meeting about the activities that Broadland undertook to monitor air quality in the District.

All local authorities were required to submit an Air Quality Status Report on an annual basis. These were produced by locating Nitrogen Dioxide monitoring tubes at 24 locations across Broadland in areas where traffic

regularly queued or was slow moving, such as the Pound Lane/Yarmouth Road junction, Wroxham Road and Boundary Road, Hellesdon. Other locations included Acle and Aylsham and areas around four schools. Funding for more monitoring points in locations near schools was to be sought as part of the Bike, Walk, Scoot programme. The monitoring tubes were located in appropriate and representative sites for a period of one month before being replaced by a new tube and the removed tube sent for analysis. Air quality in Broadland had been found to be generally good.

Broadland would produce a combined Air Quality Status Report with South Norfolk Council in future, although separate data would be gathered for each authority.

Broadland and South Norfolk were also part of the Greater Norwich Air Quality Group, which sought to reduce vehicle emissions and encourage better use of public transport. Although the Group had a focus on the urban area of Greater Norwich, it was anticipated that their work would also benefit the surrounding countryside.

Broadland was also a Member of the Norfolk Environmental Protection Group, which was developing an event for Clean Air Day on 20 June 2019 at The Forum in Norwich. The event would seek to help residents recognise the financial and health benefits of reducing emissions by doing straightforward things such as making better use of public transport and turning engines off when idling in traffic. The Group were also trying to link in with schools for Clean Air Day.

The Council was considering acquiring particulate emission monitors in partnership with South Norfolk Council, Norwich City Council and the County Council. These monitors had recently become more affordable and less obtrusive and would provide detailed and continuous monitoring.

In response to a query, it was confirmed that emissions from large factories, such as the British Sugar factory at Cantley, were regulated by the Environment Agency who published their own data. It was confirmed that a link to the Environment Agency website would be placed on the Council's Air Quality Reports webpage, so that the data could be reviewed.

It was noted that construction, such as that which took place for Broadland Northway could cause temporary peaks in emissions. It was anticipated, however, that in the longer term the road should reduce emissions on the inner ring road. Developers were also being increasingly required to produce air quality reports for the construction phase of larger sites to mitigate pollution.

The Interim Head of Housing and Environmental Services advised the meeting that a joint Environmental Strategy was being drafted with South

Norfolk Council that would articulate the ambition to access external funding for monitoring of particulates. The Strategy would be brought to Cabinet later in the year.

Members noted the report.

129 RESILIENCE UPDATE

The Emergency Planning Manager advised the meeting that since his last update, in July 2018, there had been no major incidents to report. A fire had taken place at Rackheath Industrial Estate in early March, but this had been contained by the Fire and Rescue Service with no requirement for additional support from the Council.

A lot of preparation had taken place for Brexit through the Norfolk Resilience Forum. Risks identified, such as disorderly demonstrations and disruptions to food and fuel supplies had all been assessed as 'medium'. Consumer behaviour in stockpiling goods was seen as the most likely cause of any shortages as a result of Brexit.

All local authorities had been informed that they would receive £35,000 contingency funding for Brexit, but this had not been forthcoming so far. [Following the meeting it was confirmed that £17,484 had been received on 4 March 2019 and the remainder would be received in 2019/20.]

Emergency Planning work was ongoing in preparation for the District Elections in May. The Space would be used for the Count this year, but in future joint Counts with South Norfolk might be held at the Royal Norfolk Showground.

The two Councils had worked collaboratively on Emergency Planning for a number of years, but once the management restructure was in place the alignment of Business and Continuity Plans would be looked at in greater depth. It was also planned to hold some joint Emergency Planning training exercises for staff and Members.

The Committee was informed that Thorpe St Andrew Town Council was currently drafting its Community Resilience Plan and Cantley Parish Council had just completed theirs.

Broadland also sought to support businesses through the Business Emergency Resilience Group (BERG), which aimed to help big businesses support small businesses in disaster recovery.

Members noted the report.

130 PARTNERSHIP REGISTER UPDATE

The report presented an annual update of the Council's Register of Partnerships, which gave the Committee the opportunity to assess partnership performance and identify any areas that they wish to investigate further.

The Committee considered the Register and raised the following queries that they wished to have clarified:

- What was the annual cost of the Council's contribution to the Greater Norwich Growth Board?
- Why was the Council contributing £7,000 per annum to the Local Enterprise Partnership, when it was accessing significant external funding itself?
- Was the Norfolk One Public Estate Board offering value for money for the £5,000 that the Council had paid for an initial two years?
- What was the cost to the Council over the last three years of being a member of the Norfolk Waste Partnership?

Responses to the above questions would be forwarded to Members following the meeting.

In answer to a query, the Interim Head of Housing and Environmental Services advised the meeting that the local safeguarding partnerships that the Council participated in were currently going through an internal review process the outcomes of which would be reported back when completed.

A Member recommended that a senior officer be appointed to the Norfolk Community Relations and Equality Board (this role had formerly been held by the Deputy Chief Executive).

Members were advised that the cost of participation in the Norfolk Housing Alliance, which assisted in the delivery and management of affordable housing in the District was officer time. Until recently non-stockholding local authorities had not participated in the Alliance.

The Committee was informed that Pathways Norwich Homeless Services delivered against the Greater Norwich Homelessness Strategy and replaced funding lost when County Council housing and support funding was cut. The £46,000 per annum that the Council contributed was used to prevent rough sleeping mainly in Norwich, which was where most rough sleepers from Broadland gravitated to. The service was due to be evaluated at the end of its

first year and the outcomes would be reported back to Members as part of the Housing Briefing in June 2019.

The Norfolk Fraud Hub, which the Council had joined in January 2019, would be added to the Partnership Register.

AGREED

to note the content of the Partnership Register.

131 COMMITTEE RECOMMENDATION RECORD UPDATE

The report presented a record of the Committee's recommendations in order to monitor their progress.

The Committee confirmed that they did not require any additional details on progress with the recommendations at this stage.

AGREED

to note the contents of the Recommendation Record.

132 NORFOLK HEALTH OVERVIEW AND SCRUTINY COMMITTEE UPDATE

The Committee noted the outcomes and actions from the 28 February 2019 meeting of the Norfolk Health Overview and Scrutiny Committee.

133 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME

The Committee received a paper which listed the following suggestions that Members had made for the 2019/20 Work Programme:

- Water – supply, management and climate change
- GP and Dentist provision in the District
- Traffic flows in the areas adjoining Broadland Northway
- Future Infrastructure Provision in Broadland
- Broadband and mobile phone coverage in the District
- Collaboration: the views of the respective Leaders and the Managing Director on how they envisaged shared services would develop over the next five years.

It was requested that reports on GP and Dentist provision, Infrastructure Provision (especially for the delivery of Beeston Park) and Water be given priority on the next Work Programme.

The following items were also suggested for the Work Programme:

- Staff turnover at Broadland District Council since 2015 to the present.
- Housing Allocations Policies at Broadland and South Norfolk – this might be carried out as a joint scrutiny investigation.
- Affordable housing provision – another possible joint scrutiny to compare and contrast how effectively each authority delivered affordable housing. This should also include an assessment of why Clarion Housing, the largest stock holder in Broadland, was no longer building affordable housing in the District.

It was confirmed that Scrutiny Training for Members was being arranged for the new municipal year.

In response to a question about providing support for the Committee by filling the vacant Overview and Scrutiny Research Officer post; the meeting was informed that this issue would be looked at once the Assistant Director of Governance and Business Support was in post.

AGREED

to note the proposed 2019/20 Work Programme.

134 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

to exclude the Press and public from the meeting for the remaining business because otherwise, information which was exempt information by virtue of Paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 would be disclosed to them.

135 EXEMPT MINUTES

The exempt Minutes of the meeting held on 5 March 2019 were confirmed and signed by the Chairman as a correct record.

The meeting closed at 11.51 am.