



THE LONDON BOROUGH
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DATE: 7 July 2011

To: Members of the
LOCAL JOINT CONSULTATIVE COMMITTEE

Employer's Side

Staff Side and Departmental Representatives

Councillor Nicholas Bennett J.P.
Councillor Eric Bosshard
Councillor Stephen Carr
Councillor Russell Mellor
Councillor Tony Owen
Councillor Ian F. Payne
Kathy Smith
Councillor Colin Smith
Councillor Diane Smith
Councillor Michael Turner

Adam Jenkins, Unison
Glenn Kelly, Staff Side Secretary
Peter Moorcock, GMB
Max Winters, Children and Young People
Services
5 x Vacancies

A meeting of the Local Joint Consultative Committee will be held at Bromley Civic Centre on **THURSDAY 14 JULY 2011 AT 6.30 PM**

Rooms have been reserved for Members and the Staff Side to meet separately at 6pm before the meeting commences at 6.30pm. The Assistant Chief Executive (Human Resources) will be available at that time to brief Members.

MARK BOWEN
Director of Legal, Democratic and
Customer Services.

A G E N D A

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**
- 2 APPOINTMENT OF A CHAIRMAN AND A VICE-CHAIRMAN**
- 3 DECLARATIONS OF INTEREST**
To record any declarations of interest from Members present.
- 4 MINUTES FROM THE PREVIOUS MEETING OF LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 10TH MARCH 2011 (Pages 3 - 10)**
- 5 MATTERS ARISING**

6 PENSIONS

7 PAY AWARD 2011

8 SINGLE STATUS APPEAL PROCESS

9 SICKNESS PROCEDURES

As discussed at the last meeting of the LJCC the Assistant Chief Executive, HR considers that the procedure is being applied appropriately, and has yet to receive details of the dozen or so cases that the Staff Side Secretary considers would indicate otherwise. However the Staff Side Secretary's concerns are noted, and the Assistant Chief Executive (HR) would therefore recommend that the requirement for a manager to make a written recommendation for action to the Chief Officer be deleted from the procedure. This will reinforce the Chief Officer's discretion to consider the full range of options available under the procedure including a further review period, redeployment or dismissal."

10 DATE OF NEXT MEETING

The Committee is requested to note that the next meeting will be held on 21st September 2011.

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LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.35 pm on 10 March 2011

Present:

Employer's Side

Councillor Russell Mellor (Chairman)
Councillor Nicholas Bennett J.P.
Councillor Eric Bosshard
Councillor Robert Evans
Councillor Tony Owen
Councillor Diane Smith
Councillor Michael Turner
Councillor Stephen Wells

Staff Side and Departmental Representatives

Kathy Smith (Unison) (Vice-Chairman)
Glenn Kelly, Staff Side Secretary
Geoff Wright, Adult and Community Services

13 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

An apology for absence was received from Councillor Stephen Carr.

An apology for late arrival was received from Councillor Eric Bosshard.

14 DECLARATIONS OF INTEREST

A declaration of personal interest was received from Councillor Diane Smith whose daughter had a part time job in one of the Borough's libraries.

A declaration of personal interest was received from Councillor Tony Owen whose daughter worked in a school in Bromley.

15 MINUTES FROM THE PREVIOUS MEETING OF LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 21ST OCTOBER 2010

The Committee noted that Councillor Diane Smith attended the meeting held on 21st October 2011. Councillor Diane Smith had replaced Councillor Graham Arthur on the Committee. The minutes were amended accordingly.

The Chairman noted that a question had been raised regarding the inclusion of Matters Arising on the agenda. It was noted that Matters Arising would mean matters outstanding from previous meetings that had not been dealt with and were still current. The Committee noted that there was no Constitutional reason while this matter could not be included on the agendas of future meetings.

The minutes of the meeting held on 21st October 2010 were received.

RESOLVED:

- (a) **that, subject to the addition of Councillor Diane Smith to those present, the minutes of the meeting held on 21st October 2010 were agreed; and**
- (b) **that “Matters Arising” be included on agendas for future meetings of the Committee.**

16 PAY FREEZE 2011

The staff-side Secretary reported that since the agenda had been published, the position had been clarified and there was therefore no need to discuss the matter.

17 CAR PARKING FEES

The Staff-side Secretary explained their opposition to the Council’s proposals to charge staff £20 per week to park their cars. The Committee was advised that this issue was causing some concern amongst staff. This was the third year of a pay freeze for Bromley Council staff that, taken together with the increase in the cost of living due to the economic climate, was affecting many staff to a high degree. The proposal to charge £20 per week for car parking would affect many staff including those that had to drive during their work hours and those who had to drive to work for one reason or another. The principle of the proposal was wrong at a time when wages were already squeezed and the Government intentions for pensions would cause further pressure. Councillors were asked to quash this proposal.

The Chairman advised that this was not a final proposal and that Councillors entirely understood the views of the Staff-side.

Following a question regarding whether there were more officers parking than car parking spaces available it was asked who was issued car parking passes and on what basis. The query was also raised on how many people brought their cars to work.

The Assistant Chief Executive HR advised the Committee that the Chief Executive had completed a review of the allocation of car parking during which the criteria had been widely consulted upon. The Staff-side Secretary was correct in that there was as yet no confirmed proposal. It was also noted that the ability of the Council to recruit and retain staff would also have to be taken into account as any proposal should not undermine this ability especially in relation to social workers.

A question was also asked if the review would also be applied to Councillors.

RESOLVED that the Committee would await a future report on proposals regarding Council staff being charged for car parking.

18 LIBRARY FUNDAMENTAL REVIEW

The Council's rationale for supporting the option of closing eight out of fifteen libraries, cutting staffing and the privatisation of the remaining service to a Trust was questioned by the Staff-side.

To assist debate of the subject a report of this subject that had been considered by the Renewal and Recreation Policy Development and Scrutiny Committee at its meeting on 15th February 2011 was attached to the agenda.

The Staff-side Secretary reported grave concerns regarding the library service proposal from staff and residents alike. A 2,000 signature petition had been received in protest of proposed closures together with an 800 signature petition on Anerley Library and a 500 signature petition to do with the proposals for the library at Burnt Ash School. This demonstrated the anxiety over the decisions made by Council on 28th February 2011. It was possible that 8 out of the 15 libraries in the Borough would be closed. This was over and above the anticipated job losses caused by the proposed merger of the library management team with Bexley Council. Bexley would control the library service in Bromley and the officer felt that this was back door privatisation trust. He had heard the trust idea might be stopped because of the changes in the tax rules. The Staff-side Secretary felt the trust option was a tax dodge and if this was no longer possible he asked that the option of bringing back MyTime in-house be considered before the contract with MyTime was renewed. The Staff-side sought a guarantee that there would be no compulsory redundancies and no service alterations as a result of the library review.

A Councillor advised that much had changed since libraries had come into existence. There was a 25% reduction in book lending as a result of cheaper prices for books and the popularity of electronic gadgets etc. People shopped in supermarkets rather than at local shops therefore did not visit the library as part of the trip. Freedom passes made it easier for people to travel – life had changed and the existing 1930's library structure was no longer sustainable. It was costing some libraries £6 to lend each book. This was too much and it would be cheaper to give books away. The world was changing and the library service must change with it such as being used as a gateway to other services.

Another Councillor disagreed and felt that the importance of books in life had not changed. The libraries did not just lend books but also provided a social service. Not all residents could access the central library in Bromley. The old, infirm and young mothers with children would rather use local libraries. It was very important to introduce books to children as the electronic age was too strong. This review should not just be considered in financial terms but also in the terms of value to the community.

The Chairman advised that, in relation to the suggestion to return MyTime to Bromley Council, the NNDR changes could be achieved on new businesses

only. In addition, MyTime was successful and brought a valuable economic contribution to the Council, bringing the service back in-house would be uneconomical. He reminded the Committee that the Government was making swingeing cuts and the next two years would be even more painful. The Council did not intend to abolish the library service and was trying to achieve a better, high quality service. The use of computers in libraries was absolutely germane.

The Assistant Director for Culture confirmed that the MyTime NNDR position would not change. The meeting of the Renewal and Recreation PDS Committee on 15th February 2011 had considered the proposed partnership with Bexley. Only back office staff would be affected and mainly senior managers. Part of the ambition for the proposal was to protect front line services. The historic structure and network of libraries was being looked at in an effort to come to conclusions about the future. A direction of travel report would be submitted to the Renewal and Recreation PDS Committee on 12th April 2011 which would explore the options open to the Council. Six informal meetings had been held with staff with more to come. After 12th April, Members would be asked to move to the formal consultation stage.

The Vice-Chairman felt it was very sad that certain Councillors thought that book lending levels were falling like a stone. The levels were falling because book funds had been raided in the last few years so book stocks had fallen so there were not enough books for people to borrow. Some book funds had been cut to protect the jobs of library staff. The recession would cause higher use of libraries and she was glad that some Councillors could afford to buy new books for themselves. Anerley library had been starved of books and staff and there were always queues of children waiting to use the library computers for their homework. Some libraries were shut at lunch time without notice because of lack of proper staffing. This was not good for the reputation of the library. There were all sorts of reasons that the library service was failing. All libraries provided all sorts of services from lending books to providing advice on how to fill in government forms, community groups and meetings etc. It had been proved that children who used libraries had higher IQ's than children who did not.

The Chairman noted that all this information would have to be incorporated in the review.

The Staff-side Secretary stated that library services had changed radically in the last 50 years and served the young and old alike. This included technology training for the retired or those seeking to retrain and providing support for schools and children. The Assistant Director for Culture had accused the Secretary of being disingenuous but option 4 (the closure programme) was set out in the report for all to see. The officer had been told that the merger with Bexley would involve 60 to 65 staff across the two boroughs and some of these were not senior managers but junior professionals who worked at the libraries themselves. He would look forward to the next report and warned that the Council would feel the wrath of the people of the Borough for the protection of what was a highly praised service.

In response, the Assistant Director for Culture advised that the figure of 60 to 65 was correct and that a combined management structure of 40 to 45 staff was being considered. This would mean that 20 jobs were potentially at risk. The review was not looking at staff who delivered the service and all Bromley libraries would continue to look like Bromley libraries.

The Chairman looked forward to the report being submitted to the PDS Committee on 12th April 2011 and asked that the LJCC be allowed to see it also.

RESOLVED that the report on the library review being submitted to the Renewal and Recreation PDS Committee on 12th April 2011 also be seen by the Local Joint Consultative Committee at its next meeting.

19 PARKS REVIEW

Further to the meeting of the Committee held on 21st October 2011, the Staff-side wished to debate the impact on the service and staff of the management proposal to delete up to 50% of the parks staff.

A letter from the Head of Parks and Greenspace (dated 2nd February 2011) that had been sent to all appropriate officers, was circulated to the Committee.

The Staff-side Secretary advised that there were plans afoot to further decimate the Borough's parks service which comprised 24 staff. The Borough had one of the highest percentages of parkland in London but one of the lowest ratios of park staff including not having park keepers anymore. The proposal could remove 30 to 40% more staff. This would pose a risk to and in the parks and result in a poorer service. There was now a park ranger style service that gave educational walks and talks to the public and to schools. The cuts were not considered acceptable and the Staff-side did not support management proposals.

Head of Parks and Greenspace reported that a final conclusion had not yet been reached. The proposals were being used as the parameters and rationale of the review of the service together with a timetable that was circulated to staff in February 2011. The review would have two phases starting with informal consultation comprising of two meetings with each of the three sets of staff, one meeting with all the staff together and the conclusions drawn from the consultation would result in a formal report. He would expect representations from the staff side at this point. The report would come before the appropriate Committee sometime near the start of the new municipal year.

The Staff-side Secretary responded that he had met with the Head of Parks and Greenspace who had not refuted the potential threat of 30 to 40% of the staff being made compulsorily redundant. This was already a tiny team who covered a large area of parkland. He asked that Councillors give a clear steer in defending the service and stop this initiative in its tracks.

The Chairman stated that since staff consultation was in process, the best solution would be for Councillors to consider the report when the consultation was concluded.

RESOLVED that Councillors consider the report on the review of the Parks Service when informal staff consultation had been concluded.

20 OVER PAYMENTS RE SINGLE STATUS

The Staff-side Secretary advised that this question had been resolved and therefore there was no need to discuss this item.

21 ILL HEALTH PROCEDURES

Concern was raised, by the Staff-side, with regards to breaches of the current procedures in relation to ill health which had been costing the Council unnecessary time and money. The Council's Procedure for Managing Employee Health was attached to the agenda.

The Staff-side Secretary explained a long established procedure delivered the lowest sickness rate for councils across London. He was however, concerned about the way in which one particular part of the procedure was being operated. With reference to paragraph 5.2 (b) and (c), when other sickness management processes had not achieved that necessary improvement in performance a manager could then refer the matter to their Chief Officer for consideration. This could have three outcomes – no further outcomes, an extension of the review period already in place to see if the required improvement could be achieved or dismissal on grounds of capability. Five officers were present at each review panel and the reviews were very time consuming for everyone involved and very stressful for the employee being reviewed. The Secretary stated that he felt that the criteria set out in paragraph 5.2 (c) should be met. Managers had been approaching their Chief Officers recommending an extension of the review period. This was a waste of the panel's time as each manager had the power to extend the review period without recourse to the Chief Officer. The Staff-side Secretary asked that managers be instructed to use the procedure correctly.

The Assistant Chief Executive, HR agreed that the Council had an excellent sickness record. He felt that the process was tough but fair as the procedure had to be defended at employment tribunals etc. Staff side were of the opinion that those staff members who maintain a good attendance record could become demoralised when sickness absence issues of other members of staff was not addressed.. Chief Officer's were part of the management structure and when managers came to the point where they felt they could do no more, then they could ask their Chief Officer to intervene. The Chief Officer might not agree. The Assistant Chief Executive, HR had no difficulty defending the balance of the procedure as it was right and fair in all cases. He

felt that it was right and proper to allow managers to ask their Chief Officer to make the ultimate decision.

The Staff-side Secretary reiterated that managers should not recommend a further review period to Chief Officers and should implement an extension of the review period themselves. It was not the role of the Chief Officer to call a panel simply to extend a review period.

The Chairman felt that since this was a criticism of the system it would be a good idea for officers to provide evidence for the Committee to assess and discuss and he asked if officers were agreeable to this.

The Vice-Chairman asked the Committee to remember that the people involved in these reviews were ill. She had represented officers who had been made more ill by the process. The procedure must only be undertaken when absolutely unavoidable as the current use of the procedure and the threat of a Chief Officer review, as described by the Staff-side Secretary, was causing people to come to work when they could be taking time off to recover. As it was a number of these cases had been thrown out by Chief Officer panels as untenable.

The Staff-side Secretary reiterated that he had no problem with the procedure and no problem with a manager asking for Chief Officer intervention when all other avenues of action had been exhausted. He was asking that Chief Officer reviews were only called into use when absolutely unavoidable. There had been at least a dozen instances in the last 12 months where an extension of the review period had been recommended when calling a Chief Officer panel.

RESOLVED a report, containing evidence on how the procedure set out in paragraph 5.2 (b) and (c) of the Council's Procedure for Managing Ill Health is used by managers and Chief Officers, be submitted in the first instance to the Local Joint Consultative Committee and then to the General Purposes and Licensing Committee.

22 DATE OF NEXT MEETING

It was advised that the proposed date of the next meeting of the Committee was 21st September 2011. However, as the programme of meetings for 2011/12 had not yet been agreed, the Committee noted the provisional nature of this date.

It was suggested by the Chairman that a number of the issues discussed at the meeting would need to be discussed sooner than the next meeting in September. He suggested a meeting be arranged in June/July to overcome this.

RESOLVED that a meeting of the Local Joint Consultative Committee be arranged to take place in June/July 2011.

Local Joint Consultative Committee
10 March 2011

Please note that according to the newly drafted programme of meetings 2011/12, to be considered at the meeting of the General Purposes and Licensing Committee on 7th April 2011, the next scheduled meeting of the Local Joint Consultative Committee is scheduled for 14th July 2011.

The Meeting ended at 7.50 pm

Chairman