



THE LONDON BOROUGH
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DATE: 28 August 2012

To: Members of the
LOCAL JOINT CONSULTATIVE COMMITTEE

Employer's Side

Councillor Nicholas Bennett J.P.
Councillor Eric Bosshard
Councillor Stephen Carr
Councillor Ellie Harmer
Councillor William Huntington-Thresher
Councillor Russell Mellor
Councillor Tony Owen
Councillor Colin Smith
Councillor Diane Smith

Staff Side and Departmental Representatives

Richard Harries, Unite
Adam Jenkins, Unite
Glenn Kelly, Staff Side Secretary
Peter Moorcock, GMB
Mary Odoi, Unite
Kathy Smith, Unite
Max Winters, Education & Care Services

A meeting of the Local Joint Consultative Committee will be held at Bromley Civic Centre on **WEDNESDAY 5 SEPTEMBER 2012 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 from 6.00pm to brief Members.

MARK BOWEN
Director of Resources

A G E N D A

1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

2 DECLARATIONS OF INTEREST

To record any declarations of interest from Members present.

3 MINUTES FROM THE PREVIOUS MEETING OF THE LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 22ND MARCH 2012 (Pages 3 - 8)

4 LOCALISED PAY AND CONDITIONS (Pages 9 - 32)

At the Committee's previous meeting on 22nd March 2012, it was explained that the proposal for localised pay and conditions would be discussed again when it came up for consultation (final sentence of Minute 44A).

The matter was due for consideration at the Committee's meeting on 12th July 2012 as the consultation period had by then started. This followed authorisation by the General Purposes and Licensing Committee on 29 May 2012 for the Assistant Chief Executive (HR) to progress the proposal to formal consultation with trade union and departmental representatives and staff.

The report to the General Purposes and Licensing Committee is attached for information along with the relevant minute from the meeting.

The Staff Side Secretary has requested that the attached Staff Side Secretary Report is also provided for the item.

5 STAFF CAR PARKING AND ESSENTIAL USER CRITERIA/ALLOWANCES
(Pages 33 - 48)

Please see documents attached.

6 COUNCIL POLICY ON USE OF VOLUNTEERS

This item has been requested by the Staff Side with the following text:

"The staff side is conscious of the national debate that is taken place with regards to the use of volunteers being extended into public services. This is of course taking place at a time of the biggest cuts in local government's history and the staff side are naturally concerned to ensure that the use of volunteers is not being used to replace exiting staff or services currently provided by public sector workers.

As such we believe that a clear policy needs to be agreed between the Staff Side, Unions and the Council to avoid any unnecessary conflict.

We believe that the model recently adopted by the Library Senior Management on this issue is a good template for any other services looking at this. This included:

- 1. a written set of principles being agreed with Management, Staff Side and the Unions using the London Consortium guidelines;*
- 2. a written set of job roles produced for agreement; and*
- 3. all affected staff given an opportunity to be consulted with.*

The Staff Side calls on the Council to instruct Management to sit down with the Staff Side and Unions to agree a corporate policy on this issue."

7 DATE OF NEXT MEETING

The Committee is requested to note that the next scheduled meeting will be held on 5th December 2012.

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Agenda Item 3

LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.30 pm on 22 March 2012

Present

Employer's Side

Councillor Russell Mellor (Chairman)
Councillor Nicholas Bennett J.P.
Councillor Eric Bosshard
Councillor Stephen Carr
Councillor Michael Turner

Staff Side and Departmental Representatives

Kathy Smith (Unite) (Vice-Chairman)
Richard Harries (Unite)
Glenn Kelly, Staff Side Secretary
Max Winters, Children and Young People Services

41 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

Apologies were received from Councillors Tony Owen, Colin Smith and Diane Smith. Councillor Mrs Anne Manning attended as alternate for Councillor Colin Smith.

When agreeing minutes of the previous meeting, it was advised that Mr Adam Jenkins represented Unite and not Unison (as recorded on the meeting agenda). Apologies for absence were provided for Mr Jenkins and Mr Richard Harries representing Unite attended as alternate.

42 DECLARATIONS OF INTEREST

There were no declarations.

43 MINUTES FROM THE PREVIOUS MEETING OF THE LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 21ST SEPTEMBER 2011

The minutes were agreed subject to Mr Adam Jenkins being recorded as a Member of Unite rather than Unison.

44 STAFF SIDE ITEMS FOR CONSIDERATION

A) COUNCIL PROPOSAL TO OPT OUT OF NATIONAL TERMS AND CONDITIONS

For this item, copies of power point presentation slides were provided with the agenda.

The Staff Side Secretary referred to anxiety amongst staff concerning the proposal to withdraw from national terms and conditions; there was staff suspicion on the proposal at a time of cuts, redundancies and a pay freeze. He considered that a 1st April pay award date and any backdating could be possible under local conditions and this could not, he felt, be a reason to withdraw from national conditions. Instead he was concerned that a 1st April pay award date would be imposed under local conditions along with a pay award.

Under national conditions, the Staff Side Secretary indicated that LBB can already pay over and above the grade to recruit and retain. He also indicated that local pay and conditions are not necessary for single status. Additionally, under national arrangements there was nothing to prevent the Council granting more leave or remuneration. It was necessary to ask why the Council should have local pay and conditions. The previous day's national Budget included reference to public sector regional pay bargaining and he asked why the matter could not be left within the remit of Government.

If it was intended to proceed with the proposal, the Staff Side Secretary warned that agreement would not be obtained and there would be large scale industrial action. If there were no real proposals to change and if flexibility was already available in national arrangements, he advocated withdrawing the proposal now rather than waste time and to avoid industrial action.

In response, the Assistant Chief Executive referred to coming out of the national framework on a status quo basis. The concept (of local terms and conditions) had been built on the basis that national arrangements for Bromley do not reflect local circumstances and the desire to realign employment frameworks. With reference to the budget (and references to regional pay bargaining) it was possible to see that the national arrangement could not go forward; the national framework had not given flexibility. The Assistant Chief Executive enquired of what staff were worried about concerning terms and other matters. The logic behind the proposal was that the Council could better align decision processes with financial arrangements; it was having the flexibility particularly to reward on a local basis better than was currently possible. Management was prepared to negotiate with Trade Unions and the Council was not taking the proposal forward with a desire to reduce terms of conditions – the Council would always remain competitive in the local market.

The Vice-Chairman felt that there was nothing outlined by the Assistant Chief Executive which gave a reason for taking the proposal forward. There was already flexibility under national terms and conditions, unless there were proposals to reduce current provision. It was necessary for the Assistant Chief Executive to explain why this was being undertaken. She enquired of the reasons for wanting to opt out of national arrangements if there was no intention of lowering current provision. This was causing major problems and she could not understand why such action to staff was being considered at this time. Mr Richard Harries enquired of what it was that management had not obtained from national arrangements and negotiations that was wanted.

The Assistant Chief Executive referred to the annual pay award process. There were some parts of national terms and conditions that needed to be brought up to date; the process was so protracted. It was necessary to make changes for the future and the Council needed to be in a position where its terms and conditions could change. National finances could change and it was necessary for employers to respond.

Councillor Stephen Carr referred to a culture change and a need for the Council to be master of its own destiny. He also referred to rewarding flexibility and singling out for rewarding, indicating that there would be no reductions for what people were earning in or out of national terms and conditions. He added that there was nothing sinister in the proposal. Councillor Nicholas Bennett indicated that there would not be national pay bargaining at Bromley if the Council were starting again. It was not proposed to cut away what staff had at the moment. But there was a desire for Bromley to be master of its own house and destiny. Councillor Bennett indicated that it should be the Council negotiating with its staff and that this should not be taken away by national arrangements. Councillor Michael Turner highlighted that the former London County Council was not part of national terms and conditions. He felt that a local authority as an employer should be completely in charge of its terms and conditions of employment. Councillor Eric Bosshard also referred to the Localism Act and highlighted that flexibility is needed.

The Staff Side Secretary suggested that it would be difficult for the Council to be in control of its future destiny as so much emanates from central government. He suggested that workers felt more security and less vulnerability with national arrangements.

Where there was no additional funding, the Staff Side Secretary suggested that the only way to pay a worker more was to take away from others e.g. one receives performance pay and others do not. In any consultation with staff he suggested there was no evidence that opting out of national terms and conditions would be supported.

Councillor Carr referred to the achievement of savings with approaches such as efficiency; savings had been imaginatively achieved to protect front line services.

The Chairman referred to the staff side in previous years requesting greater flexibility and it was flexibility that was now being offered, however, the Staff Side Secretary felt that the only conclusion his side could draw was that the employers wanted to go below the minimum. The Chairman referred to the Council wanting to obtain the best people and to reward accordingly.

In conclusion, it was explained that the proposal would be discussed again when it came up for consultation.

B) CHRISTMAS/NEW YEAR HOLIDAY 2012/13

The Staff Side raised their objection to a proposed enforcement of leave in the 2012 Christmas/New Year Holiday period. The date had been highlighted on the agenda as 30th December 2012 but as this was a Sunday it should have referred to Monday 31st December 2012.

The Staff Side Secretary objected to the date being imposed on staff. He felt that it was unnecessary and would not save on heating costs. He asked that staff be given the choice of day to take as leave.

The Assistant Chief Executive explained that 31st December was not dissimilar to 24th December and there had been no argument from the staff side about Council offices closing on 24th December. Organisations needed to be efficient and business like. A range of leave flexibility had been provided for staff on 31st December i.e. annual leave, time off in lieu etc. The proposals were also being suggested nine months in advance. The same arguments that apply for 24th December also apply to 31st December, except that the former is the discretionary concessionary leave. All essential services would remain open on 24th and 31st December.

Referring to private sector practice where companies could often close between Christmas and the New Year, Councillor Bennett was unsupportive of opening a building for one day and for it to then be closed again the next.

As a reward for staff, the Vice-Chairman suggested that one day additional leave be given for closing on 31st December. She suggested that this would be an example of showing goodwill to staff. Mr Harries supported this approach.

The Chairman advised that LJCC was a consultative Committee and as such did not possess the powers to decide on such matters. The Staff Side Secretary suggested that the initiative was a practice change for which there was no evidence base and he felt that it was unnecessary.

C) ATTENDANCE AT DEPARTMENTAL TRADE UNION DEP REPS MEETINGS

It was agreed that discussion on this item was no longer necessary as the matter had been satisfactorily settled.

D) COUNCIL PROPOSAL TO INTRODUCE CAR PARK CHARGING

The Assistant Chief Executive encouraged the Staff Side Secretary and others to respond to a forthcoming consultation on the introduction of car parking charges for staff.

E) COUNCIL POLICY AS TO THE USE OF VOLUNTEERS

This item was deferred to the Committee's next meeting as no prior briefing on the matter had been provided from the staff side.

45 DATE OF NEXT MEETING

The Committee's next meeting would be held on Thursday 12th July 2012.

The Meeting ended at 7.40 pm

Chairman

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Decision Maker: **General Purposes & Licensing Committee**

Date: **29 May 2012**

Decision Type: Non-Urgent Non Executive Non Key

Title: **LOCALISED PAY AND CONDITIONS OF SERVICE**

Contact Officer: Charles Obazuaye, Assistant Chief Executive (HR)
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Chief Officer: Charles Obazuaye, Assistant Chief Executive (HR)

Ward: Borough wide

1. Reason for report

- 1.1 The annual pay award and various other staff terms and conditions are currently determined via joint employer/trade union negotiations conducted at national (NJC) and regional (GLPC) level. However now more than ever before the various challenges facing local authorities differ significantly according to their local circumstances. One effect of this is that the NJC and GLPC negotiating frameworks are hampered by the inevitable difficulties arising from the need for them to attempt to reconcile the different policy approaches and financial circumstances of the various constituent local authorities.
- 1.2 Current challenges facing local authorities include operating with limited and decreasing resources and competing demands. It is therefore essential to ensure that decisions with significant financial implications are controlled locally, and aligned with budget setting processes and performance outcomes. Within this context this report sets out proposals aimed at withdrawing Bromley from the national and regional collective bargaining arrangements and introducing localised pay and conditions for all staff except teachers.
- 1.3 Subject to Members' endorsement of the proposals and agreement the Assistant Chief Executive (HR) will embark on a process of formal consultation with the relevant recognised trade unions, staff and staff representatives.

2. **RECOMMENDATION(S)**

2.1 **The General Purposes and Licensing Committee is asked to:**

2.1.1 **Note and comment on the proposals set out in this report; and**

2.1.2 **Authorise the Assistant Chief Executive (HR) to progress formal consultation with trade union and departmental representatives and staff.**

Corporate Policy

1. Policy Status: New Policy
 2. BBB Priority: Excellent Council
-

Financial

1. Cost of proposal: Estimated Cost
 2. Ongoing costs: Recurring Cost
 3. Budget head/performance centre: Council-wide staffing budgets
 4. Total current budget for this head:
 5. Source of funding: Existing Revenue Budget 2012/13
-

Staff

1. Number of staff (current and additional): The proposals affect all employees of the Council except teachers whose pay and conditions of service are currently governed by statute.
 2. If from existing staff resources, number of staff hours: The Officer Steering Group includes senior managers from service departments, and in addition to HR staff the project will also rely on the specialist input of a number of other staff across the Council including financial, legal and payroll services.
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Legal

1. Legal Requirement:
 2. Call-in: As this is a non-executive decision call in is not applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All staff covered by the proposals set out in this report are involved directly or indirectly in providing a range of front-line services.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 In December 2009 the Council and relevant recognised trade unions reached a collective agreement known as the Single Status Agreement. The main thrust of the Agreement was to harmonise pay arrangements across different sectors of the Council's workforce to address equal pay risks, whilst at the same time simplifying the pay structure to make it clearer, fairer and more efficient.
- 3.2 By means of Single Status the Council introduced a pay and grading structure specific to Bromley known as the "BR grades". Through local negotiations and agreement the Council was also able to introduce significant changes to certain other terms and conditions thereby ensuring that any enhancements to basic salary are offered only when there is evidence of a compelling business need to do so to deliver services.
- 3.3 However although Bromley has gone some way towards localised arrangements, the annual pay review and a number of other core terms and conditions are still determined at national or regional level. This impacts on the control that the Council has over its own employment framework and the link with other business priorities.
- 3.4 Following the implementation of Single Status there also remains a need to re-assess all management grade posts at grade MG6 to:
- ensure that there are no residual equal pay issues at the interface with the new BR grades; and
 - find a more appropriate remuneration mechanism for those staff in highly technical and/or professional posts which do not carry management responsibility but which evaluate higher than BR14 (the top BR grade on the Bromley scale)
- 3.5 Given the above context now is an opportune time for the Council to seek to extend its localised pay and grading arrangements in consultation with key stakeholders including trade unions and departmental representatives and staff. The key drivers behind the need for further change and localisation include:
- Gaining control over the annual pay review process and timetable at a time of significant financial challenge for the Council in order to achieve better alignment with budget setting processes and greater responsiveness to change;
 - Exercising local control in order to give greater emphasis to local circumstances, and improve the Council's ability to innovate and flex in ways not achievable within the nationally agreed terms;
 - Improving the Council's ability to align reward with staff and organisational performance;
 - Achieving efficiencies through harmonisation of the management grade and other Bromley staff pay review arrangements.

Proposals

- 3.6 A big challenge will be balancing the proposals for change with maintaining a motivated and skilled workforce. It is therefore proposed that the Council withdraws from the current national and regional arrangements broadly on an "as is" basis. This means that with the exception of the proposals regarding the annual pay review and the performance related payments for management grade staff, existing terms and conditions would be "frozen" at the point of withdrawal. Any future changes would be for the Council to determine locally in conjunction with the trade unions, staff and staff representatives.
- This approach would keep to a minimum the impact of the changes on existing staff whilst at the same time enabling the Council to exercise more control and improve the links between pay and performance.

3.7 If Members agree then the next steps are for the proposals summarised below and in the attached appendices to be the subject of detailed discussion with the relevant recognised trade unions, staff, departmental representatives and other key stakeholders. The outcome of these discussions and any subsequent changes will be reported to Members for consideration and approval.

3.8 In summary the proposals are to introduce:

3.8.1 A Single Local Annual Pay Review Mechanism (see Appendix 1)

A single local annual pay review mechanism to replace the separate arrangements that currently exist for Bromley employees under the NJC Green Book, Soulbury Committee, Local Joint Negotiating Committee for Bromley Adult Education lecturers, and Management Grade staff. This would involve withdrawing from the existing collective bargaining arrangements as well as ceasing to accept a recommendation from Inbucon on the market movement in salary for staff on the Bromley management grades.

3.8.2 A Scheme of Discretionary Non-consolidated Rewards for Exceptional Performance (Appendix 2)

A scheme which aims to improve the links between pay and performance by recognising and rewarding exceptional performers on an individual basis. In order to maximise the amount of money that can be targeted to reward performance, and to ensure that the value of the benefit is not affected by other considerations, it is proposed that the nature of the rewards payable under the scheme are non-pensionable. The options to deliver this objective are currently under consideration and include, for example, non-cashable vouchers.

3.8.3 A Professional/technical grade equivalent to management grade 6

For highly specialised/technical posts which do not carry any significant management responsibilities, but which evaluate above grade BR14.

4 POLICY IMPLICATIONS

4.1 The introduction of localised pay and conditions is consistent with the Council's objectives around an Excellent Council and the HR Strategy. It also reflects the Council's Core Operating Principles in particular the drive to be efficient and non-bureaucratic seeking to reduce interference and bureaucratic control.

5 FINANCIAL IMPLICATIONS

5.1 With the exception of the Scheme for Exceptional Performance and ceasing the annual pay increase for unsatisfactory performance, the proposals are based on an "as is" basis and can therefore be contained with existing budgets. Funding considerations related to any increase arising from the local annual pay review process and the one-off non consolidated rewards will be aligned with and considered as part of the Council's normal budget setting processes.

5.2 This reports seeks Members approval to proceed with formal consultation on the draft proposals. More details on the financial implications of the changes will be available once the final proposals, following the outcome of consultation, are known. Any final proposals will be reported to Members for their consideration.

6.0 LEGAL AND PERSONNEL IMPLICATIONS

- 6.1 The Council is required by law to constructively engage and meaningfully consult staff and their representatives and, in particularly, the recognised Trade Unions on the proposals. Therefore, a series of consultative meetings and briefing sessions will be arranged across the entire organisation, including schools, to present the “raison d’etre” (business case for change) to staff, Trade Union and Departmental Representatives and other key change leaders and managers (e.g. Head Teachers, governors, line managers, etc.) in the organisation.
- 6.2 The consultation process will not be easy, given the impact of the on-going pay freeze, pension changes and other budget related/cost cutting measures, at local and national levels on staff morale and the real or perceived level of trust amongst staff. The initial reaction from the Unions is not encouraging and, whether they are open to persuasion with a view to achieving a collective agreement, will be assessed during the initial two month consultation period.
- 6.3 If an agreement is not secured the Council may consider other legal options, including individual agreements by staff to vary their terms and conditions of service. As a last resort, the Council may consider the “dismissal and re-engagement” option but this will require a further consultation of one month or three months, depending on the number of staff affected (in line with Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992).
- 6.4 Also, the proposal reflects the provisions in the Localism Act, particularly as regards improving democratic accountability and transparency in senior staff pay.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]

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LONDON BOROUGH OF BROMLEY

OUTLINE PROPOSALS FOR A LOCALISED ANNUAL PAY REVIEW MECHANISM**1. Context**

- 1.1 Reward and recognition is a key theme of the Council's agreed HR Strategy. This includes establishing strong links between performance and reward, and celebrating individual and organisational achievements.
- 1.2 Local authorities currently face significant challenges including the need to reconcile competing priorities and demands on resources whilst remaining competitive in the marketplace for skilled labour. The Council therefore believes the time is right locally to extend its ability to determine its own employment framework, including remuneration, in conjunction with key stakeholders and with the involvement of the relevant recognised trade unions.
- 1.3 This paper should be read in conjunction with the paper setting out the Council's proposals for the introduction of a scheme of non-consolidated Rewards for Exceptional Performers as part of its local reward and recognition framework.

2. Objectives of the Annual Pay Review

- 2.1 The Council expects high standards of performance from staff at all levels as the norm. By means of the process of the localised annual pay review the Council aims to
 - ensure that staff are appropriately rewarded for the job that they do;
 - enhance the Council's ability to compete by maintaining a simple, fair, transparent and affordable pay and reward structure that attracts and keeps a skilled and flexible workforce;
 - improve the links between organisational efficiency, individual performance and reward; and
 - ensure that decisions on reward and recognition are better aligned with the considerations and timetable of the annual budget setting processes and timetable

3. Scope

- 3.1 The introduction of a single local annual pay review mechanism would replace the current arrangements for Bromley employees under the Green Book, Soulbury Committee, and Bromley local grades including Management Grade staff.
- 3.2 As part of consultation consideration will be given to whether teaching staff at Bromley Adult Education College should also be included within

the scope of these arrangements. The pay and conditions of this staff group are already determined locally by the Council's Local Joint Negotiating Committee

4. Proposed changes

- 4.1 The introduction of a localised annual pay review will mean that subject to consultation the Council would:
 - 4.1.1 Withdraw from the NJC, GLPC and Soulbury Committees and introduce an annual local pay review mechanism to replace the existing national and regional collective bargaining arrangements;
 - 4.1.2 Cease to accept a recommendation from Inbucon on the market movement in salary bands for staff on the Bromley Management Grades (MG). In future:
 - 4.1.2.1 the MG annual salary review would be undertaken via the same single local annual pay review mechanism as all other staff (except teachers whose pay and conditions are governed by statute); and
 - 4.1.2.2 The existing PRP scheme for MG staff will be discontinued.
 - 4.1.3 Introduce a scheme of discretionary non-consolidated non-pensionable Rewards for Exceptional Performance applicable to all staff; and
 - 4.1.4 Reinforce the link between individual performance and pay, by proposing to withhold pay increases for under performing staff.
- 4.2 The process of the local annual pay review would lead to a local decision taken by full Council as part of the budget setting process. The Executive and subsequently full Council would consider the recommendations of the General Purposes and Licensing Committee and determine the amount to be allocated to any increase in staff pay in the coming year on the basis of:
 - (a) a general cost of living increase;
 - (b) the amount available to support the Council's proposed scheme of non consolidated non-pensionable performance related rewards.
- 4.3 Consideration by all parties involved in the annual review process will have particular regard to:
 - Affordability; inflation
 - Market settlements elsewhere including the NJC, GLPC and Soulbury Committee
 - Organisational performance
 - Stakeholder views
 - Trade union and staff perspectives
- 4.4 Details of how the annual pay review mechanism might work and the key milestones in the process are set out in Table 1 attached.

TABLE 1

LONDON BOROUGH OF BROMLEY – LOCALISED PAY PROPOSED ANNUAL PAY REVIEW MECHANISM	
The staff falling within the scope of these arrangements are Bromley employees under the Green Book, Soulbury Committee, and Bromley local grades including Management Grade staff.	
TIMESCALE	ACTION
August/ September	Officers assemble the relevant information: <ul style="list-style-type: none"> • Affordability; inflation • Market settlements elsewhere inc NJC • Organisational performance • Stakeholder views • Staff representatives
October/ November	Officer led consultation meetings with Trade Unions to consider the information in the local context and to receive their annual pay submissions.
December	Officers present information to General Purposes and Licensing Committee which makes recommendations to Executive and full Council
December/ January	Recommendations considered by E&R PDS and Executive
Jan/Feb	GP&L and Executive recommendations presented to full Council which agrees amount and detail of any annual cost of living pay increase and the amount to be allocated to a non-consolidated performance payment “pot” to be included in the draft budget
Jan/Feb	Consultation on the draft budget including with staff and staff representatives
February	Executive and full Council receive outcomes of consultation and agree the budget
1 April	Effective date of any cost of living increase

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LONDON BOROUGH OF BROMLEY

**OUTLINE PROPOSALS FOR A SCHEME OF
DISCRETIONARY NON-CONSOLIDATED NON-PENSIONABLE
REWARDS FOR EXCEPTIONAL PERFORMANCE**

1. Context

- 1.1 Reward and recognition is a key theme of the Council's agreed HR Strategy. This includes establishing strong links between performance and reward, and celebrating individual and organisational achievements.
- 1.2 The HR Strategy is based on an assumption that all staff come to work to do a good job and make a difference. The Council expects high standards of performance from staff at all levels, and seeks in return to maintain a simple, fair, transparent and affordable pay and reward structure that attracts and keeps a skilled and flexible workforce. As part of the strategy the Council is committed to developing a scheme based on non-consolidated rewards for exceptional performance.

2. Objectives of the Scheme

- 2.1 The Scheme aims to enhance the Council's ability to recognise and reward exceptional performers, thereby improving the link between employees' remuneration and performance on a local and more individualised basis.
- 2.2 The Scheme offers all staff (except Teachers) the opportunity to be considered for a non-consolidated non-pensionable performance related reward. It replaces the existing PRP scheme for Management Grade staff, and supplements a range of other recognition and reward measures as set out in Table 2.

3. Eligibility

- 3.1 The Scheme is open to all employees except teachers who are excluded from the scheme on the basis that their pay is governed by statute.

4. Criteria

- 4.1 In order to be considered for a non-consolidated non-pensionable performance related reward the employee will have:

- **Delivered exceptional/outstanding performance which goes well beyond the normal expectations of the role; and**
- **Sustained a satisfactory attendance and disciplinary record.**

4.2 In applying the criteria the focus should be on outcomes i.e. what has been achieved as distinct from input/effort (e.g. hours worked). The scheme also seeks to avoid “double counting” in that it is a condition of the scheme that the employee has not and would not more appropriately be eligible to receive one of the pay enhancements set out in Appendix 1 for the same performance.

5. Amount of Payment

5.1 The value of the rewards needs to be considered, options could be to base them on a percentage of basic pay (excluding any enhancements for weekends, nights, public holidays, travel etc) with a specified minimum amount, or a fixed sum. The amount payable may vary from year to year depending on the number of recipients and organisational performance, and may be weighted in favour of frontline staff.

5.2 In order to maximise the amount of money that can be targeted to reward performance under this scheme, and to ensure that the value of the benefit is not affected by other considerations, it is proposed that the nature of the rewards payable under the scheme are non-pensionable. The options to deliver this objective are currently under consideration and include, for example, non-cashable vouchers.

5.3 Rewards payable under this scheme will be liable for tax and national insurance contributions in the normal way.

6. Frequency

6.1 Nominations for a reward under this scheme will be considered annually by a corporate panel of officers (see section 7 below).

Views are sought as to how this arrangement should be varied for school staff

7. Nomination Process

7.1 Nominations should be made to the appropriate Assistant Director by line managers or individuals; self nominations are allowed. Nominations will be informed by the outcomes of performance appraisal, but the scheme does not operate as an integral part of the performance appraisal process applicable to all staff.

- 7.2 The nomination should include a supporting statement as to why the individual(s) are considered to meet the criteria set out in section 4 above.
- 7.3 All nominations will be subject to moderation by the Assistant Director with nominees having a right of appeal to the Departmental Chief Officer. The Assistant Director will submit the final list of nominations to the Assistant Chief Executive (HR) by February each year .

8. Decisions

8.1 Staff below Deputy Chief Officer

- 8.1.1 All nominations will be considered at a Directors' meeting supported by HR. The Directors will be advised by an Officers' Panel consisting of one service representative from each of the Departments, a Chief Officer, and an elected staff representative.
- 8.1.2 The Assistant Director will attend to present his/her nominations to the Panel.
- 8.1.3 The decisions of the Panel will be final.

8.2 Chief Officers and Deputy Chief Officers

- 8.2.1 Chief Officers will present their nominations to the Chief Executive who will consult with the Leader and Portfolio Holders before reaching a decision which shall be final.

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TABLE 2

PERFORMANCE RELATED RECOGNITION AND REWARD MEASURES	
MEASURE	CRITERIA
Acting Up	Temporarily undertaking the full duties and responsibilities of a higher graded post for a continuous period of 28 days or more (except where covering for annual leave)
Honorarium	Temporarily undertaking duties and responsibilities outside the scope of the employee's substantive post where: <ul style="list-style-type: none"> • the additional duties and responsibilities are exceptionally onerous; and/or • the duties outside the scope of the post are undertaken over an extended period; and/or • the duties of a higher graded post are shared between two or more officers
Accelerated increment(s)	Where in the opinion of the Chief Officer an employee who is not on the maximum of the grade has demonstrated particular merit or ability
Progression through a Linked Grade	Where the employee has demonstrated to the satisfaction of the Chief Officer that s/he has satisfied the criteria to move to the next higher grade in the career path, and will be undertaking the duties and responsibilities at the level of the higher grade
Salary uplift for MG staff	Where in the opinion of the Chief Officer or Chief Executive in consultation with the Assistant Chief Executive (HR) an employee has taken on additional responsibilities and/or demonstrated particular merit or ability
Time off in lieu, Overtime or additional hours	Recompense for hours worked in excess of the employee's contractual hours under the arrangements agreed as part of the Bromley Single Status Agreement
Soulbury SPA points	Additional discretionary spine points for Soulbury staff based on LA service and a structured professional assessment to recognise their contribution to the Authority's role in raising standards in schools, improving involvement of young people in community activities, and the promotion of child development and learning

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Minute 11 from the Minutes of the General Purposes and Licensing Committee meeting held on 29th May 2012

11 LOCALISED PAY AND CONDITIONS OF SERVICE

The annual pay award and various other staff terms and conditions were currently determined via joint employer/trade union negotiations conducted at national (NJC) and regional (GLPC) level. However, now more than ever before, the various challenges facing local authorities differed significantly according to their local circumstances. One effect of this was that the NJC and GLPC negotiating frameworks were hampered by the inevitable difficulties arising from the need for them to attempt to reconcile the different policy approaches and financial circumstances of the various constituent local authorities.

Current challenges facing local authorities included operating with limited and decreasing resources and competing demands. It was therefore essential to ensure that decisions with significant financial implications were controlled locally, and aligned with budget setting processes and performance outcomes. Within this context the report set out proposals aimed at withdrawing Bromley from the national and regional collective bargaining arrangements and introducing localised pay and conditions for all staff except teachers.

The Assistant Chief Executive (HR) would embark on a process of formal consultation with the relevant recognised trade unions, staff and staff representatives.

RESOLVED that the proposals set out in the report be noted and the Assistant Chief Executive (HR) be authorised to progress to formal consultation with trade union and departmental representatives and staff.

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STAFF SIDE SECRETARY REPORT

**Staff Side office
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Civic centre
020 8313 4405**

August 2012

Proposed withdrawal From National Terms and Conditions

1. Introduction

This report is in response to the council's current consultation on the proposed setting up of local pay and conditions for all non teaching staff and removing staff from the National Joint council (NJC) terms and conditions and the Solbury terms and conditions.

The council have been (unsuccessfully) at pains to try and persuade staff that the proposals are not an attempt to attack the wages and conditions of staff.

Given that this exercise is being conducted in a climate of massive budget reductions, the biggest job cuts in Bromley's history with the promise of more to come, staff are rightly suspicious of the council's intentions.

This suspicion has further increased as detailed proposals have come forward and the failure of the council to offer any guaranteed assurances.

2. Overwhelming opposition from staff

The views of staff have been clearly demonstrated on a number of occasions to the council.

2.1 Council meeting 25th June 2012

The resolution moved by the Staff Side at the full council meeting on the 25th June required a minimum of 500 signatures from the staff this was easily exceeded.

2.2 Lobby of the Council 25th June

Over 120 staff attended the lobby called by just one trade union. This was the biggest lobby faced by the council since it started its cuts programme in the last two years.

2.3 Staff Side ballot

Despite a request from the Staff Side for the council to conduct a ballot the council refused. In light of this as the staff side secretary I have been conducting my own ballot of all affected staff. The question posed in the ballot is ***“Do you support the council’s proposals to come out of national terms and conditions”***.

To date 726 staff have voted with just 7 staff supporting the council’s proposals and 719 voting to oppose the proposals.

It should be noted that the ballot has been conducted **after** the council has issued the details of the proposals to all staff **and** at the same time as the senior HR officers have been travelling the borough conducting “road shows” to sell the proposals to the staff, road shows which the staff side and trade unions were not allowed to participate in.

Given that I have also had the obstacle of having to conduct the ballot at peak holiday time and with school staff not at work, It is clear from the massive response to the ballot so far that there is no support for the proposals even from the council own management.

It is my intention to run the ballot up to the 26th September council meeting to allow as many staff as possible to vote.

3. Why we are opposed to the specific proposals

3.1 The Annual Pay award

At the moment if a cost of living pay award is awarded nationally the council is contractually bound to pay it to every worker from the 1st April each year.

The council tries to state that we have nothing to fear from this yet during the consultation it has refused to give any assurances with regards to the pay award.

They have not stated for instance that any local pay award would either at least match the national pay award or that it would be based on a formula that was “RPI plus a %” like the ones that exist in the rail industry.

3.1.2 ***Bad Past experience***

Frankly Staff do not trust the council as they have already had the experience of what the council has done at a local level on pay in the recent past.

When the government announced a £250 pay rise for all public sector workers earning under £21k a year, what did Bromley do? They refused to pay it!

Some councillors appear to be under the misapprehension that they were not allowed to pay this, ***this is a myth*** a number of councils **did** pay it whilst still remaining in the national agreement if they can do it why didn't Bromley?

We have also seen what they did when the managers were supposed to get a contractual 1% pay rise last year. The council said it was not fair to pay to managers and not staff. I then asked that they pay 1% to all staff and they refused and instead effectively stole their own manager's money.

3.1.3 ***Timing of Pay award***

It is being suggested that one of the reason the council wants to have local pay awards is to help plan for in year budgets. I do not accept this argument. The council sets a budget for all services in March and regularly has to vary them in year according to service needs. This is no different to the pay award the council makes a provisional estimate and then pays the award once its agreed, backdated to the 1st April. Only on one occasion in the last 25years has the council had to make an in year additional payment. In recent years the trend is for the council to have to pay out **less** than it budgeted for. If this were the only real reason for local pay it is not beyond the wit of the council, staff side and unions to find a way of remaining in the National pay bargaining arrangements and getting budgeting certainty in April each year. For instance it could negotiate the award to be paid by March and then top it up and back date it, if the NJC award was subsequently greater without coming out of the NJC.

However the staff side feels that the budget timing issue is merely a smokescreen.

3.1.4 ***Imposition not negotiation***

Originally the council indicated that **all** it intended to do was to replace the national negotiations over pay and replace them with local negotiations.

However as the details emerged it is clear what we are being asked to accept is local “consultation” and then ***imposition not negotiations***.

3.1.5 **Double jeopardy “poor performers”**

The second and key problem over the pay award is **if** a pay award is agreed locally by councillors in February each year then it will be paid to all staff in April, **BUT** management will be able to withhold the pay award from **“underperforming staff”**.

This would mean a pay award that is supposed to deal with the increase in cost of living is now to be used as a stick to beat staff with to work harder or face having paid rises denied to them.

The Staff Side believes that this is a recipe for staff to be picked on or used as an excuse to save money for a department or section particularly when managers are under pressure to come up with another £25m to save.

If staff were “underperforming” the council already has policies and procedures it can use, ultimately it can discipline staff for poor performance. This proposal could lead to double punishment for staff.

The HR negotiators have alleged that there is often a call from staff that “under performance is not being dealt with by management”, (despite the fact that I don’t believe that there is any evidence to back this up), even if this was the case then that is the fault of management in not dealing with it, not an excuse to hold back a workers pay rise.

3.1.6 **Performance related Pay rises - “a life sentence”**

The council have failed to see the long term effect of with holding a pay rise in any one year. It would mean that if in one year of a workers working life with the council they were deemed to have “underperformed” their pay would be held whilst others increased. The effect of this would be they would end up earning less than their colleagues doing the same job forever, no matter how good their future work was. This is legally questionable let alone morally.

3.2 **The New Bonus scheme – A Divisive Dangerous Gimmick**

The council have now come forward with their bonus scheme proposals called **“A scheme of discretionary non consolidated non pensionable rewards scheme for exceptional performance”** They are proposing to make a payment for those deemed to **“delivered exceptional performance which goes well beyond the normal expectation of the role”**.

However it is **not** to be a pay rise or a re-grading, it is in fact **not** even going to be paid in cash but will be a **“Non cashable voucher”**! This voucher will not count towards a worker’s on going pay or pension.

There has been no budget set aside for this scheme and no figure placed on the bonus.

During the negotiations it has been suggested that this will be set each year by the council. It has **not** been decided whether it's a fixed figure or to be done as a percentage of a workers wage.

Having a limited pot one way or another will either mean smaller payments made from year to year or less people get it from year to year which would defeat the alleged purpose of paying for "exceptional performance".

To qualify staff have to deliver exceptional performance but this **won't** be measured by how much "effort" you put in or "hours worked" but on the "outcomes" of your performance.

Even if a staff member meets this superman status they could still be denied it if their sickness level is deemed unsatisfactory, so if a member of staff ends up making themselves sick working too hard, they lose out!

In the council meeting in June the leader of the council and the portfolio holder said they believed that the majority of staff were "hard workers and performing very well". However it goes without saying that for every one person given the "bonus" hundreds more won't get it. The effect of this would be to cause division and would act to demoralise the majority of hard working staff.

Given that no assurance has been given re the annual pay award the staff side believes that having the bonus scheme could be used to spell the end of pay rises altogether to be replaced by a non consolidated bonus scheme seeing our pay shrink further and further.

If the council is so wedded to the introduction of a bonus scheme it could introduce one without the need to opt out of the NJC or Solbury agreements as such I do not accept that this is a justification for the proposal.

3.2 Other terms and conditions not protected

Along side the Pay award, the proposal would mean placing all our other conditions (such as annual leave, sick pay, maternity and grading scheme) into a new Bromley set of terms and conditions.

Whilst the council has said that at the point of transfer to the new Bromley contract they would remain the same as they are now. However the consultation document states that they would be looked at on an "**as is basis**". The Staff Side believes that given the council has failed to give any assurances that all these terms and conditions would remain at least in line with the NJC agreement if not within the NJC then this proposal puts staff at risk of the council beginning to attack those terms and conditions as well.

3.3 Impact on Management Grade (MG) staff

At the time of writing whilst I am aware of the proposal to remove some professional based staff from the Management grades due to the fact that they don't manage staff. To date I have not been told which staff are to be removed from the MG grades and I have not been told what the proposed new grade for these staff is to be.

The management grade staff would of course be affected by the negative implications of removing them from the protection of the national agreements on annual leave, sick pay etc and will now also be affected by the new pay proposals and lose their current performance related pay agreement. As such all the above comments are equally applicable to these staff.

Glenn Kelly
Staff Side Secretary

DRAFT

**LONDON BOROUGH OF BROMLEY
CONSULTATION DOCUMENT
PROPOSALS FOR INTRODUCING CAR PARKING CHARGES
FOR LONDON BOROUGH OF BROMLEY STAFF AND MEMBERS
FROM 2012/13**

1) Introduction and Overview

This paper covers the reasons why car parking charges for staff are to be introduced, having been agreed by the Council as a budget option on a sliding scale over the next three years, starting in May 2012. The Consultation principles have been agreed by Chief Officers and the Corporate Management Team. The purpose of this document is to formally consult with those affected by the proposals and also, where appropriate, to communicate with staff who will be indirectly affected by the proposed changes.

In line with the Council's procedures for managing change, a copy of this proposal is also being sent to Trade Unions, Departmental Representatives and the Staff Side Secretary as part of the formal consultation process which will last for a period of 30 days. The Timetable for implementation of the changes if formally adopted is included in this document.

The Council is facing challenging times as it attempts to reduce its budget by over £30 million over the coming two years. A significant programme of change is underway with many services re-modelling and reducing costs. This work, and work on balancing conflicting demands, has, in many cases, led to significant budget reductions which have, in some instances, necessitated redundancies. These proposals are part of an underlying commitment to see whether some savings can be achieved without impacting directly on front line services or looking to make further staff redundant.

The proposals, if adopted, will lead to the generation of, initially, £150,000 worth of income rising to £300,000 which will alleviate the need for alternative savings to be taken from services or staffing.

In addition The Treasury is considering whether employees' parking spaces can be considered as a benefit in kind on which they could be taxed. Any contribution made by staff to this benefit would reduce their tax liability. The Treasury has not released any time lines around these changes.

If a car parking charge is introduced for staff, it may be possible to explore whether a salary sacrifice for car parking passes could be implemented. This could offset some of the costs (tax and National Insurance) of the new charge. It would be important that any scheme did not have high administrative costs. Any a scheme would require formal approval from HRMC who will not give a prior indication of approval.

Charging Elsewhere

Whilst availability of parking for staff and charging arrangements vary an increasing number of other local authorities and public bodies have introduced car parking charges for staff. Charging is becoming more common at London Boroughs and most NHS Hospitals/ PCTs and universities have charged for some time.

More local authorities are currently considering introducing car parking charges for staff which contributes to existing budget gaps and helps to remove the 'them and us' syndrome as most individuals who drive to work have to pay for parking rather than receive a taxpayer funded benefit. Some authorities have received media criticism for not bringing in charges at market levels.

Charges within the borough for off street parking vary depending upon the proximity of the car park to the shopping centre/high street. Some examples are given below:

- Station Road car park (off Tweedy Road past Bromley North Station):
£2.50 all day which equates to an average cost per month of £47.50 (assuming average of 19 working days per month after leave and bank holidays)
- Palace Grove and South Street car park
£2.80 for up to 4hours (max stay)
- Westmoreland Road car park
£6.00 over 5 hours
£312 three month season ticket - £104 p/mth
- Glades/Multi Storey car park £0.90 per hour
£10.00 for 6+ hours

Many people working in Bromley pay residents to park on their driveways; cost is usually £15 per week or £60 per month. This is considerably cheaper than the cost of parking in the car parks available and in some cases than the cost of using public transport.

Proposed Charging Principles

Appendix 1 sets out two models for charging which are being circulated for consultation. One Model sets out fees at a flat rate for all staff and Members with an enhanced fee for Directors. The second Model creates a sliding scale of fees dependent on grade.

It is proposed that all staff and Members will be charged to use relevant car parks, except for certain protected essential users and staff who have a space on medical grounds.. A separate consultation document has been sent around dealing with criteria for exempt essential users. A Panel of senior officers will determine who qualifies under the new criteria.

Car parking charges will apply to St. Blaise, the Multi-storey; South Street and Westmoreland car parks. The Council does have other staff parking facilities and views will be sought on whether these should be included.

Car parking permits will cover a full year and charges will apply during holidays, short periods of sickness and for days when an officer chooses not to use their car. However, charges will be suspended for extended periods of absence (20 consecutive days is suggested) with the agreement of a line manager and part time staff and equivalent would pay a pro-rata rate.

Car parking charges will be deducted from staff via the payroll system and it is proposed that any member of staff or any person who has accepted a permit should give one month's notice if they wish to end the arrangement.

Where individuals consider they would prefer to make their own parking arrangements rather than pay for a parking permit, it is proposed that any capacity created could be sold to staff on a first come, first served, basis at a rate to be agreed.

On the introduction of the scheme, visitors should be directed to pay and display car parks rather than being offered free parking.

All income generated from the car parking scheme will contribute towards savings targets.

2) Consultation

As outlined above, this is the start of the consultation process which will last 30 days. The work will be undertaken concurrently with the consultation on essential user status. The timeline will be:

- 30th March – issue of consultation document to current permit holders, Trade Unions, Staff Side Secretary and Departmental Representatives;
- Tuesday 7th May – close of consultation;
- 8th – 18th May – consideration of representations and responses produced;
- Implementation of scheme, if adopted, June 2012.

Any contractual issues will be dealt with through the consultation process. If further reports to members are required, then any consultation responses may be produced as background to those reports.

Mark Bowen
Director of Resources
29th March 2012

FEE PROPOSALS

**On Permits Allocated
Scenario 1 - Flat Rate A**

Grade	Staff Numbers	Less: estimated essential	Staff excl essential	Charge p/mth £	Months	Per annum £
Directors	5		5	40	12	2,400
AD	23		23	25	12	6,900
MG3	5	0	5	25	12	1,500
MG4	17	0	17	25	12	5,100
MG5	49	0	49	25	12	14,700
MG6	82	0	82	25	12	24,600
Pos	265	-136	129	25	12	38,700
Sos	125	-100	25	25	12	7,500
Scales	97	-60	37	25	12	11,100
Soulbury A	10		10	25	12	3,000
Soulbury B	10		10	25	12	3,000
Essential (incl above)		-296				
Essential Users'						
assumed to be charged						
as a result of the review	190		190	25	12	57,000
Members	60		60	25	12	18,000
Total	938					193,500

**On Permits Allocated
Scenario 2 - Mixed Rate**

Grade	Staff Numbers	Less estimated essential	Staff excl essential	Charge p/mth £	Months	Per annum £
Directors	5		5	50	12	3,000
AD	23		23	45	12	12,420
MG3	5	0	5	40	12	2,400
MG4	17	0	17	40	12	8,160
MG5	49	0	49	20	12	11,760
MG6	82	0	82	20	12	19,680
Pos	265	-136	129	20	12	30,960
Sos	125	-100	25	20	12	6,000
Scales	97	-60	37	10	12	4,440
Soulbury A	10		10	40	12	4,800
Soulbury B	10		10	20	12	2,400
Essential (incl above)		-296		see		
Essential Users'				below		
assumed to be charged						
as a result of the review	250		250	20	12	60,000
Members	60		60	25	12	18,000
Total	998					184,020

NOTE:

1. Included in the budget **2012/13**
Full year
£
150,000

2. Charges are inclusive of VAT @
20%

Motor bike charges £10 per month.

LONDON BOROUGH OF BROMLEY

REVISED ESSENTIAL USER CRITERIA – THE COUNCIL’S PROPOSALS

The NJC definition of an essential car user is anyone “whose duties are of such a nature that it is essential for them to have a motor car at their disposal whenever required”.

It is for Councils to determine locally how to interpret and apply this definition, and what the local criteria for an essential user should be. Local criteria may also be subject to change from time to time depending on local circumstances.

There are a number of factors which suggest that the Council’s current criteria (attached at Appendix A) may no longer be fit for purpose; these include:

- a recent review of car parking which has shown that some staff are receiving the essential car user allowance, albeit other data shows that they may not be using their cars for work on a regular basis;
- the situation whereby some staff in key posts who do not meet the current criteria have been awarded an essential car user allowance on the basis of a recruitment and retention incentive, eg some social workers;
- a view that the criterion based on the minimum number of miles driven could encourage unnecessary travel and discourage more efficient options for service delivery;

Given the current financial constraints it is important to ensure that resources are used to maximum effect. The more expensive essential car user option should therefore normally only be used when other travel and/or service delivery options have been considered and discounted on sound economic/business grounds.

For this reason it is proposed to:

1. Revise the Council’s criteria for the award of an essential car user allowance and apply it only to those employees where:
 - (a) driving a car/vehicle is an integral and regular feature of the job; and therefore**
 - (b) having a current driving licence and use of their own car/vehicle are deemed to be essential and compulsory for the performance of the job**

On this basis:

- an employee would be unable to continue in the job if they were to lose their driving licence or use of vehicle for any reason as no reasonable adjustments can be made which mean the job can be done another way; and
 - applicants without a driving licence and vehicle would not be considered for the job. This includes applicants who cannot drive because of disability, as it is deemed not possible to put reasonable adjustments in place to overcome this disadvantage.
2. Where those staff who have been awarded the essential user allowance as a recruitment and retention incentive do not qualify under the revised criteria in (1), the equivalent value of their current lump sum allowance will be redesignated as a “recruitment and retention allowance” in future, as long as the payment continues to be justifiable.

If, following consultation, the above criteria is agreed and adopted by the Council, then employees who are currently designated essential car users who no longer meet the new criteria will be given one month’s notice that the essential user allowance will be removed and replaced with the LBB agreed rate of casual car user allowance, with a right of appeal to the Assistant Chief Executive (HR).

Employees who do not meet the Council’s criteria for an essential car user allowance, but who use their car/vehicle on a different basis including irregular or ad hoc business journeys, will be entitled to claim a casual car user mileage allowance at the rate agreed by the Council.

CAR ALLOWANCES – CURRENT CRITERIA FOR ESSENTIAL USERS

Chief Officers should note that one or more of the following factors should apply when determining an essential car user allowance for a period:

- (1) The post requires that the officer frequently uses his/her car to visit different parts of the Borough, or outside it, thereby making certain the fact that travel by public transport would considerably reduce the effective working time; this would be evidenced by an average annual mileage of not less than 2000 per annum.
- (2) The officer in the post is subject to immediate call out to deal with emergency situations or is on regular standby duty rota; the criteria giving essential user status to officers who are subject to “immediate call out to deal with emergency situations” should be established by Chief Officers and the following list gives some indication of the factors which should be taken into consideration
 - (a) average number of call-outs in preceding 12 months;
 - (b) urgency of matter to be dealt with;
 - (c) availability of other transport arrangements.
- (3) The officer in the post regularly carries additional passengers who form part of a working team and averages not less than 1000 miles per annum.
- (4) That there should be an absolute minimum of 500 miles per annum below which only the casual user allowance be paid; where this particular criterion conflicts with that under the “immediate call-out” condition the mileage limitation takes precedence.

All these criteria are applied to all officers including Chief Officer posts.

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STAFF/MEMBER CAR PARKING AND ESSENTIAL CAR USER CONSULTATION

SUMMARY OF RESPONSES

Approximately 800 consultation emails were sent out to car park permit holders and their representatives as part of the Consultation exercise. 132 replies were received from staff or their representatives and 18 from Councillors. 34 staff responses commented on the choice between the tiered and flat fee charge rates. 19 considered the flat fee to be fairer, whilst 15 preferred the tiered rate for the same reason.

STAFF REPRESENTATION	RESPONSE
<p>1. Concern that the fee amounts to a pay cut; that it would be detrimental to morale and efficiency and lead to loss of good will. Concerns that parking would become unaffordable.</p>	<p>The majority of Council staff do not have a parking space or any contribution towards costs of travelling to and from work. The rate proposed will amount to a heavily subsidised parking charge which will often still be lower than the costs incurred by other staff without an allocated space. Whilst it is recognised any additional fee or charge will be unwelcome the rate is being kept as low as possible.</p> <p>A significant part of the rationale around charging is to generate income from non-essential users to mitigate the impact of other savings requirements on staff and services.</p>
<p>2. I am an essential user and the Council requires me to use my car to undertake my job. Therefore, I should not have to pay.</p>	<p>Essential users will not be charged under the car parking proposals. However, a review of all essential users is being undertaken as is outlined in the relevant Consultation Document. The review will ensure that genuine essential users i.e. those who meet the Council's criteria retain their allowance, whilst removing it from those where it can no longer be justified on business/operational grounds.</p>
<p>3. Can you give us more details on the criteria for "a protected essential car user" that would not have to pay to park? How many staff do you estimate will be "protected essential car users" and can you provide a breakdown of the numbers by grade/job?</p>	<p>It is not intended that there would be a separate "protected" group. The reference to staff who will be "protected" means those staff who will continue to retain the ECU under the proposed new criteria as per the consultation paper.</p>
<p>4. Not having a free parking space will impact on my productivity and ability to</p>	<p>This assumes that post holders who are not essential users will elect not to use their car for any work purposes. On site parking will still be available but at</p>

<p>undertake my job.</p>	<p>a charge c£1.15 per working day. Casual users will still be able to claim casual user mileage for business journeys. Mileage claims are received now from individuals who do not have car parking spaces but who occasionally use their car for work purposes. Anecdotally, fall out from spaces at other authorities who have introduced car parking charges has been low. There may be some circumstances where exceptions can be made based on a genuine service or other need. A modest investment in the pool car fleet may also mitigate against some of the impact. In several instances it would be more economically advantageous to pay for public transport or taxis where an individual's car is not available rather than maintaining the payment of an essential user payment plus mileage payments where there is limited business use for a vehicle.</p>
<p>5. Many UNISON members have told us that they currently see no alternative to using their cars to do their jobs. Is it fair to generate income from employees that are using their cars in order to perform their jobs?</p>	<p>The views of staff will be considered in deciding whether they should receive/retain the ECU. Where the Council does not deem the use of a car/vehicle to be essential, but agrees that an employee may still use their car for business journeys, they will be entitled to claim the casual car user (CCU) mileage allowance at the rate agreed by the Council.</p>
<p>6. I work part time or have flexible/home working arrangements and I am not in the office every day.</p>	<p>Charges can be applied on a pro-rata basis to suit individual circumstances. If the use of the car park is higher than estimated top up payments may be required. It may also be possible to reduce charges where someone does not drive to work every day, e.g., cycles, walks or uses public transport to come to work on a regular basis.</p>
<p>7. Most car parks do not charge for motor cycles, why will the Council be doing so?</p>	<p>It is agreed that the majority of car parks do not charge unless there are dedicated motor cycle spaces. On this basis the proposal to charge for motor cycles will be dropped.</p>
<p>8. Will the charges cover all other car parks as it is not fair to charge staff who park in some areas and not others?</p>	<p>This consultation specifically covers the Civic Centre and Bromley Town Centre car parks used by staff. A review will be taken of other car parking spaces which are available on a free rather than subsidised basis and a further consultation exercise undertaken in the near future.</p>
<p>9. Are the current proposals based on an equal number of car park users parking at the</p>	<p>The proposals do not envisage a reduction in the number of spaces available. If staff decide to relinquish their space then this will be offered to the</p>

<p>council's car parking facilities or have you factored in any potential drop in people using these facilities once charging is introduced?</p>	<p>wider workforce and there has been some interest already expressed.</p>
<p>10. Why are private business users charged £85 per year by the Council but staff potentially £300 per year?</p>	<p>The business charge relates to on street parking charges to allow some parking in controlled parking zones and is not a comparison of like with like. In practice a limited number of spaces are offered to businesses and the majority of their customers/employees have to pay the prevailing car parking charges if they cannot park on site.</p>
<p>11. Please explain why the charges in the consultation document are based on car parking rates used for members of the public at nearby 'shopping' car-parks? Would you accept that the purpose of using your car to do your job and using your car in your leisure time to be different?</p>	<p>Nearby car parks are used by shoppers, commuters and by those who come to Bromley to work. The figures in the consultation are there to give an indication of comparative parking charges.</p>
<p>12. There will be significant fall out from those who are not prepared to pay for parking, which means that income will not be generated and people will be displaced on to the roads.</p>	<p>Anecdotally, fall out appears low at other Councils who have introduced car parking charges. If there is fall out any permits which become available will be offered for sale to members of staff who currently do not have parking available on site. Initial feed back indicates that there will be good take up and as many of these individuals currently park on the highway near the Civic Centre at greater cost than the charges proposed, it is unlikely that there will be any significant increase in parking on residential roads. In response to some consultation comments, spaces which become available would be offered to those with the greatest identified need before becoming available for general release.</p>
<p>13. Can you tell us which of the 32 London Boroughs charge staff (casual car users and essential car users) to park in their car parking facilities?</p>	<p>16 of the Boroughs who have responded provide some parking facilities – with 4 advising this was very limited. Two provide no parking. Of these those Boroughs indicating that they currently charge or are introducing charges for (some) staff include: Newham, Sutton, Barking and Dagenham, Bexley, Greenwich, Havering, Richmond, Enfield, Haringey</p>

<p>14. Are options such as salary sacrifice schemes being considered?</p>	<p>Yes – these options will be looked at.</p>
<p>15. The costs for administering the scheme would exceed the benefits.</p>	<p>With a scheme based on 2 – 3 charging bands, the Council’s contractor has indicated they would not make an additional charge for managing payments.</p>
<p>16. I have to attend late meetings, therefore I need to be able to park on site.</p>	<p>One option is to make parking free on site after a set time, e.g. 5.30 p.m.</p>
<p>17. The proposals could potentially be discriminatory. Will an equality impact assessment be conducted? We are concerned that the proposals will disproportionately affect female staff.</p>	<p>Initial assessments do not disclose any material equality issues. However, a final Equality Impact review will be undertaken before any scheme is introduced.</p>
<p>18. Will the scheme be free for disabled staff/Blue Badge holders, etc?</p>	<p>The consultation document indicated that the likely option was that such spaces would be free. Not all responses favoured free spaces for disabled staff, although it is likely to continue as least in the short term.</p>
<p>19. I may have a contractual right to a free parking space.</p>	<p>This is not accepted.</p>

**STAFF/MEMBER CAR PARKING AND
ESSENTIAL CAR USER CONSULTATION**

SUMMARY OF RESPONSES

Essential Car User Allowance (ECUA) Criteria

A number of responses in this area amounted to submissions as to why particular jobs and/or individuals should be entitled to the ECUA as proposed, rather than comments about the criteria specifically; these will be responded to as part of the process of deciding who is eligible for the allowance in future once the ECUA criteria are agreed. Other comments reflected some of the concerns discussed above including the impact on staff morale at a difficult time generally and the potential impact on business efficiency if staff who lose the ECUA no longer use their cars to undertake their jobs.

A summary of other more specific comments relevant to the ECUA criteria review is set out below:

STAFF REPRESENTATION	RESPONSE
1. The wording of the proposed criteria would make it virtually impossible for anyone to be granted essential user allowance	The ECUA will continue to be paid where an employee is required to use their own vehicle in the performance of their job. However the ECUA is more expensive than other options and will only be used when these have been considered and ruled out for sound economic/business reasons.
2. Staff who lose the ECUA will suffer a pay cut of up to £900 per year and will therefore be unable to afford to use their car and could no longer be contractually required to do so. The financial loss will be exacerbated by the introduction of parking charges and overall has the potential to impact on pay differentials between Bromley and competing neighbours.	This reflects the position as it is currently i.e. staff who do not receive the ECUA are not contractually required to provide a vehicle that they use for work purposes. However staff who are not eligible for an ECUA but who continue to travel as part of their job and opt to use their car with the manager’s agreement will instead be eligible to receive the casual car user allowance which will offset some of the potential loss.
3. Loss of the ECUA will have a detrimental effect on services as staff who are no longer required to drive will not be able to carry out the same level of work. There is the potential for increased costs in public transport or taxi fares.	The ECUA will continue to be paid where for sound economic/business reasons driving is an integral and regular feature of the job requiring the employee to have use of their own vehicle for the performance of their job. Staff who use

	<p>their car less regularly or for ad hoc journeys will continue to be entitled to claim a casual car user allowance.</p>
<p>4. Have you undertaken any analysis of the risk with regard to lost hours / productivity that the proposals might lead to? And how would this impact on the Council achieving its Better Bromley Vision? Has any analysis been done of what public transport provision exists for non-essential car users to utilise and its viability as an alternative to using their own vehicles, especially in remote areas of the borough?</p>	<p>This will be taken into account in deciding on a case by case basis which posts retain the ECUA. The proposals recognise that whilst the essential car user option is more expensive than some other travel/service delivery options, there may be sound economic/business grounds for it to continue; alternatively for example use of a pool car may mitigate the impact. The scheme is also predicated on those having the greatest need for a vehicle to undertake their duties retaining free parking.</p>
<p>5. Have you estimated the cost of increased travel expenses incurred if more staff start using public transport / taxis to perform their duties?</p>	<p>This will depend in part on fallout rate. Anecdotally this has not been an issue elsewhere. There are costs being met at present, and in some instances where an individual may receive an ECUA plus mileage payments to cover a limited number of callouts then paying for public transport or a taxi on these occasions can be less expensive.</p>
<p>6. Those staff who currently receive the ECUA as a recruitment and retention (R&R) incentive will be worse off because whilst this will be converted to an R&R allowance of an equivalent amount they will be required to pay car parking charges.</p>	<p>In addition to the R&R allowance these staff will in future also be eligible to claim a casual car user allowance (CCUA) for any business mileage which, depending on the amount, will offset some or all of the parking charges.</p>
<p>7. Will social workers that currently receive the essential car user allowance be affected?</p>	<p>Social workers who currently receive the ECUA will be assessed against the new criteria for the ECUA. If they do not qualify as an ECU but currently have the allowance as a recruitment and retention (R&R) incentive, then the equivalent value of their current ECU lump sum allowance will be redesignated as an R&R allowance (RRA), and thereafter they will receive the CCU for business mileage. They will continue to receive the RRA as long as the payment continues to be justifiable on R&R grounds.</p>

<p>8. A number of staff linked their responses on the potential loss of the ECUA to the fact that they would in future be required to pay the charge for car parking.</p>	<p>The fact that someone currently has a car park space does not in itself meet the current nor revised criteria for the award of the ECUA.</p>
<p>9. If staff used public transport or had to walk to their cars parked away from the Civic Centre and there was an impact on productivity – can you confirm that the formal capability procedure would not be used to address this possible scenario?</p>	<p>Every case of poor performance warranting formal or informal intervention by management will be assessed on the merits of the relevant circumstances, including any relevant mitigating factors.</p>
<p>10. Staff have applied for employment on the basis that a full driving licence and access to a vehicle were essential and the ECUA would be paid.</p>	<p>It is for Councils to determine locally what the ECUA criteria are. These criteria may be changed from time to time depending on local circumstances and staff are entitled to the ECUA only for so long as they meet the criteria.</p>
<p>11. Some responses demonstrated a possible misunderstanding as staff appeared to think they will no longer be able to use their cars for work purposes if they do not meet the ECUA criteria.</p>	<p>Staff who are not eligible for an ECUA but who need to undertake journeys as part of their job and opt to use their car with the manager's agreement will continue to be eligible to receive the casual car user allowance.</p>
<p>12. Can the Council confirm that the revised criteria will apply to all officers including Chief Officers</p>	<p>Yes</p>
<p>13. A number of comments were received in general support of the revised criteria and/or the need to review the criteria. Such responses also reflected the need to recognise efficiency and for any review of the ECUA allowance criteria to be fair and justified and lead by the demands of the job description and not the demands of a need to save money.</p>	<p>The Council's ECUA criteria will focus on identifying staff whose duties are of such a nature that it is deemed essential for them to have a motor car at their disposal whenever required. A corporate panel will aim to ensure the criteria are applied consistently and fairly across the Council and if granted is justified on business grounds</p>
<p>14. The proposal that the ECUA allowance should be given only to those employees who would lose their jobs if they lost their driving licence/use of vehicle is too harsh and will result in genuine recipients of the ECUA losing it.</p>	<p>This reflects the recognised definition of an essential car user as someone whose duties are of such a nature that it is deemed essential for them to have a motor car at their disposal whenever required.</p>

15. Who will decide who is eligible for the ECUA? Who will monitor this across the council to ensure it is being applied equitably? Will there be a process for staff to appeal against the decision?

An initial assessment will be made against the new ECU criteria by each Departmental Management Team (DMT). DMT recommendations will be considered by a corporate Panel to ensure the criteria are operated consistently and equitably across the Council. The Panel will include a number of Chief Officers and senior managers drawn from across the Council together with Finance and HR specialists. There will be a right of appeal to the Assistant Chief Executive (HR).