

## LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.30 pm on 21 October 2015

### Present:

#### Employer's Side

Councillor Russell Mellor (Chairman)  
Councillor Stephen Carr  
Councillor Simon Fawthrop  
Councillor Tom Philpott  
Councillor Colin Smith  
Councillor Diane Smith  
Councillor Tim Stevens J.P.  
Councillor Michael Turner  
Councillor Angela Wilkins  
Councillor Colin Smith

#### Staff Side and Departmental Representatives

Glenn Kelly, Staff Side Secretary  
Gill Slater, Regeneration & Transformation  
Service  
Kathy Smith, Unite  
Tony Urquhart, Adult and Community Services

### **8 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Cllr Nicholas Bennett, and Cllr Colin Smith attended as substitute. On the Staff Side, apologies were received from Mary Odoi and from Max Winters; Gill Slater (LBB Regeneration and Transformation Service) and Mr Tony Urquhart (LBB Adult and Community Services) sat as substitutes.

### **9 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **10 MINUTES FROM THE PREVIOUS MEETING OF THE LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 16th JUNE 2015.**

The minutes of the previous meeting were agreed.

### **11 QUESTIONS CONCERNING THE NEW ARRANGEMENTS TO TRADE UNION FACILITY TIME**

The Staff Side wished to bring to Members' attention, issues that they perceived to be problematic concerning the changes in Trade Union facility time. The Staff Side requested a review of the new arrangements on the basis that it was now difficult for LBB staff members to receive adequate representation under the new system. They informed the Committee that there were lots of problems with the new system, especially for Unite. Kathy Smith (Unite) stated that she had to use her personal time to provide

representation, as she could not be released from her work responsibilities. She stated that she had recently passed two cases to departmental representatives as she was not able to deal with them herself. One of the representatives was a Planner, and the other was a Social Worker; the Planner could not be released due to workload, and the Social Worker could not be released as safeguarding issues required attention.

Ms Smith pointed out that the guidance concerning staff representation stated that employees could have Trade Union representation at hearings, but that in some cases this was being denied because of release issues. She asked if this was an unintended consequence of the new arrangements. Ms Smith referenced a previous conversation with Cllr Turner concerning the Library Service, and stated that he did not appreciate the effect that cuts had had on the service, which had affected her ability to be released for service on trade union matters. She stated that all areas in LBB had been cut to the bone, and requested a review of the current arrangements. She pointed out to the Committee that she was referring to members of their staff.

Mr Glenn Kelly (Staff Side Secretary) reminded the Committee that Cllr Ian Dunn had previously asked for a review, and that there was a lack of clarity in the process. Cllr Simon Fawthrop wondered if LBB could be in a vulnerable position at future tribunal hearings if adequate representation could not be provided at Disciplinary Hearings. He stated that he would be interested to learn how many people had not been represented previously, compared to more current figures. The Director of Human Resources informed the Committee that individuals could choose to be represented or not, and that they could use the services of external representatives. Cllr Fawthrop asked if individuals had employed the services of external solicitors at previous hearings. The Head of Human Resources responded affirmatively. He informed the Committee that staff were occasionally represented by external representatives including solicitors, friends and family members.

The Director of Human Resources explained to the Committee that the law required that if a representative was not available for an applicant on the first occasion, then the hearing may be postponed for a minimum of five days; the hearing would then proceed on the second occasion. The Director stated that he was not aware of a lack of trade union representation, and that of the previous seven hearings that he was aware of, there was only one case where a representative was not present, and that was due to the preference of the applicant. Ms Smith stated that regardless of LBB permitting a diverse range of representation, the point remained that if a person requested trade union representation, then this should not be denied. The Director of Human Resources added that trade union representation was not being denied, but any request for release had to be balanced against the impact on services consistent with the core principles behind the law, namely proportionality and reasonableness.

Councillor Stephen Carr confirmed that he supported the general direction of travel with respect to the new arrangements, and that he desired LBB to conduct itself in a manner that was reasonable, good and fair.

He was of the opinion that what had been done so far was not unreasonable and was not averse to having a review meeting of the current arrangements. Cllr Angela Wilkins asked if the LJCC made “resolutions”, and was informed that the LJCC did not make resolutions, but rather made recommendations. She stated that LBB should be facilitating trade union representation, and that she was in favour of a review meeting.

The Director of Human Resources informed the LJCC that the report on the new arrangements for this matter had previously been presented to the General Purposes and Licensing Committee, and that the report had referred to a review going forward. He did not agree to the view that the changes were disadvantageous to anyone. It was the case that a trade union representative would be made available, but it may be the case that sometimes this would be someone else other than Glenn Kelly or Kathy Smith.

Cllr Tim Stevens stated that the GP&L Committee had promised to review the matter, and this would take place, and Trade Union Members would be advised accordingly. The Chairman noted both viewpoints and proposed that a review be undertaken by the GP&L Committee at either the next GP&L meeting, or the subsequent one. Cllr Carr agreed with this and proposed that officers prepare the relevant papers for a review.

**It was RECOMMENDED that both sides prepare the necessary papers so that the matter of Trade Union facility time could be reviewed by the GP&L Committee in the near future.**

## **12 CONTRACT MONITORING AND COMMISSIONING DECISIONS**

Mr Glenn Kelly stated that it was the opinion of the Staff Side that LBB had adopted a dogmatic position as far as the commissioning process was concerned, and he requested a review of the current programme of outsourcing. He felt that it would be of particular use to have a look at recent ECHS outsourcing. Mr Kelly referred the LJCC to the 300-400 ECHS staff who had been outsourced in the last 12 months. It was his view that the savings made in this regard were marginal, and this being the case, he wondered why the outsourcing was undertaken. In addition to the financial issues, Mr Kelly asked if the appropriate service level issues were being delivered. He referred the Committee to the outsourcing of the Parks contract, and stated that in this case, staff had been dismissed.

Ms Lesley Moore (Assistant Director-Corporate Projects and Transformation) responded that commissioning was not about outsourcing, but about identifying the need, and then how best to meet this need which could result in outsourcing if that offered better value for money. If a service could be provided with no reduction in service levels at a cheaper price, then it would be correct to implement the process.

Cllr Simon Fawthrop asked if staff were made aware of savings when they were made, and felt that staff should be informed when savings were made. Cllr Carr stated that services would be reviewed on a case by case basis, and

that the process was not dogmatic. The aim of the Council was to deliver and protect services. It was the case that the YOT and Legal Services were brought back in to the Council. Cllr Carr stated that LBB would seek to correct mistakes and conduct reviews as appropriate. Ms Kathy Smith asked how many services had gone through the commissioning process without being outsourced. Ms Smith stated that loyal workers with long service histories had been dismissed, and that the Council were setting up workers to be made redundant. She also referenced concerns around the Landscape Group, by stating that some of their staff members were being asked to undertake dangerous work that they had not been trained for. The Council should ensure that workers had the relevant training to undertake work required of them.

The Assistant Director informed the LJCC that since 1990, only two contracts had come back in to the Council, so the commissioning process was doing well. Mr Tony Urquhart asked the Assistant Director if the Reablement Service was going to be outsourced. The Assistant Director responded that the service was being looked at in a different way, as part of a bundle, and that staff would be kept informed. The Director of HR pointed out that this was an evolving process. The Assistant Director concluded by informing the LJCC that there were a lot of cases that were looked at that were not commissioned because there was no business case to do so. Mr Urquhart requested that staff be kept informed.

The Assistant Director made the following points concerning outsourcing:

- The Adult Education Centre was reviewed and then not outsourced
- Regulatory Services was reviewed and then not outsourced
- The Reablement Service remained under review

The Assistant Director stated that given the current financial climate, all service levels would need to be reviewed whether they were provided directly by the Council or by a Third Party, which would therefore impact on staff.

Mr Kelly reiterated his early contention that outsourcing was not delivering savings, and stated that once the relevant infrastructure was gone, it would be difficult to replace. This had been a recurrent pattern, and the Staff Side were looking for an input.

The Chairman noted that LBB had set up a Contracts Working Party (chaired by Cllr Stephen Wells) to look into all of these matters. Mr Kelly stated that the staff side would be very keen to have an input into the Contracts Working Party. It was suggested that this being the case he should write to Cllr Wells.

The Chairman stated that input from the Staff Side had been requested previously, and he reminded Mr Kelly that he should write to Cllr Stephen Wells if he wished to input into the Contracts Working Group. It was hoped that time would be made available for Mr Kelly to attend.

**13            DATE OF NEXT MEETING**

The date of the next meeting was confirmed as December 8<sup>th</sup> 2015, and the Chairman reminded the Staff Side that if they required items to be heard at the meeting, then details should be provided to the Committee Clerk in plenty of time. Items for the agenda should be with the Committee Clerk seven working days before the meeting date.

The Meeting ended at 8.00 pm

Chairman