

LOCAL JOINT CONSULTATIVE COMMITTEE

Minutes of the meeting held at 6.30pm on 23 February 2017

Present:

Employer's Side

Councillor Russell Mellor (Chairman)
Councillor Stephen Carr
Councillor Simon Fawthrop
Councillor William Huntington-Thresher
Councillor Tom Philpott
Councillor Colin Smith
Councillor Diane Smith
Councillor Michael Turner
Councillor Angela Wilkins

Staff Side and Departmental Representatives

Kathy Smith (Unite) (Vice-Chairman)
Kelle Akala, Environment and Community Services
Duncan Bridgewater, Chief Executives
Jackie Goad, Chief Executives
Sandra Jones, Education, Care and Health Services
Nicola Musto, Environment and Community Services
Gill Slater, Unite Representative

45 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Kate Lymer and Councillor Tim Stevens.

Councillor Carr substituted for Councillor Lymer.

Councillor William Huntington Thresher substituted for Councillor Tim Stevens.

Apologies were also received from Jill Crawley.

46 DECLARATIONS OF INTEREST

There were no new declarations of interest.

47 MINUTES OF THE PREVIOUS MEETING OF THE LOCAL JOINT CONSULTATIVE COMMITTEE HELD ON 6th DECEMBER 2016

It was noted that the minutes of the meeting for October 26th 2016 had not been signed off by the Chairman. This was because the meeting on December 6th was cancelled as it was not quorate; because of this the October minutes were not agreed.

Kathy Smith (Unite) referenced the October minutes, and the Director of Commissioning's comments concerning the reason given for the delay in the signing of a contract with Amey and Cushman and Wakefield. The reason that

had been given by the Director was that clarification had been required concerning the final pension agreement. Ms Smith queried that if this was the only reason, why could staff not have been informed at the time.

Ms Smith stated that Unite had attended a TUPE meeting with Colin Brand (Director of Culture, Renewal and Recreation) and an Amey representative shortly after the October LJCC meeting. It was alleged that during this meeting, both Colin Brand and the Amey representative had alluded to additional problems in finalising the contract which were not pension related.

Ms Smith asked if the Director of Commissioning was unaware of the reasons for the delay and so just made up the pension response, or did she know and decided to give a reply to the LJCC that was misleading.

The Director of Human Resources replied that this was not an item that had been requested to be discussed on the agenda, and there were no issues concerning the accuracy of the October minutes. Because of this, the matter could not be progressed further at the meeting. If Unite wished to pursue the matter further, then it should be noted as an item for discussion at a future meeting.

Ms Smith also referred to the Risk Register, and it was similarly suggested that as this was not on the agenda for discussion, it would also need to be deferred to a future meeting. Cllr Fawthrop suggested that when issues concerning the Risk Register were due to be discussed at PDS meetings, then it may be good practice if Unite were informed.

The minutes of the meeting for October 26th 2016 were agreed as a correct record and signed by the Chairman.

The minutes of the meeting for December 6th were also agreed and signed. These were not full minutes in the usual sense as the meeting had been cancelled, but was rather a minute note advising that the meeting could not take place as it was not quorate.

48 UPDATE FROM DEPARTMENTAL REPRESENTATIVES

The update from Departmental Representatives was provided by Duncan Bridgewater and Jackie Goad.

They provided feedback on the following areas:

- Working Environment
- Health and Wellbeing
- Terms and Conditions
- Staff and Career Development
- Building Maintenance
- Style Manual
- Updating the Outlook Address Book

- Review of Civic Centre Smoking and Vaping areas

Councillor Carr was grateful for the positive dialogue that had taken place, and noted that as a result, better IT equipment had been provided for social workers.

The Chairman acknowledged the sterling work undertaken by Nicola Musto in providing mental health awareness and well-being training.

It was noted that the document that had been presented to the Committee was a 'living document' that would be updated as required.

Councillor Wilkins noted the reference in the document to some form of housing scheme for staff, as many staff could not afford to live in the Borough. She asked how this could be progressed.

Councillor Diane Smith commented on the matter of staff engaging with Councillors and stated that this should not just be a one way process, but that Councillors should also show some initiative in engaging with staff. She had done this herself in engaging with social workers and the Adoption Panel. Councillor Carr echoed the sentiment that it was important to develop a good working relationship between Officers and Councillors. The Director of Human Resources informed the Committee that LBB provided a course, 'Working in a Political Environment', which may be of use to both Officers and Councillors.

Councillor Fawthrop cautioned that Councillors were not employees, and that the segregation of powers should be acknowledged.

Councillor Turner stated that the document presented by the Departmental Representatives was excellent. He underlined the need for a common 'house style', a properly updated address book, and the need for the organisational charts to be updated on a regular basis. Councillor Fawthrop also highlighted the need for an updated Outlook address book with job titles.

The Director of Human Resources responded that the organisational charts (for key layers) were updated monthly. Councillor Turner stated that the charts should be updated regularly for all staff and not just the hierarchy.

Post meeting note from Emma Downie:

The organisation charts for all staff are updated on a quarterly basis and there is a link to the pdf documents on One Bromley (Under the Links section, 4th option). These are being worked on at the moment and will be published next in April.

Due to the work involved in producing these, which includes the departments reviewing and giving feedback on the draft charts, it would not be feasible to produce them on a more regular basis.

Ms Smith asked how many staff had responded to the survey sent out by the Departmental Representatives. Ms Goad clarified that 12 emails had been received, and most of these contained multiple responses. Ms Smith was surprised to hear that there had only been 12 responses. Ms Slater suggested that this may be because staff were afraid to engage and express dissatisfaction.

Ms Smith highlighted the reference in the report to the possibility of giving extra annual leave to staff that had no sickness in a year. She cautioned that such a policy could involve equality and discrimination issues.

Sandra Jones noted that changes would be made to the way that occupational health services would be provided, and stated that it would be a shame if the current counsellor could not be employed under the new arrangements.

The Chairman expressed the view that the Departmental Representatives were providing a valuable 'middle man' function, and looked forward to the next report.

The Director of Human Resources clarified that the Occupational Health Service was continuing, it was the provider that was changing. He added that the counsellor was employed by the current Occupational Health provider and not the Council. The counselling service would continue but under a different provider. Ms Jones responded by highlighting that the current counsellor had worked for LBB for 16 years, and it would be a shame if she could not be employed by the new contractor. Councillor Fawthrop suggested checking the TUPE arrangements. It was noted that the contract was being dealt with by the Commissioning Board. Councillor Carr encouraged the Director of Human Resources to be sympathetic to the request.

49 PAY AWARD

Ms Smith stated that it was not just the matter of 'pay' per se that the Union wanted to discuss, but other related matters like leave entitlement and redundancy payments. She expressed disappointment that requests for extra leave had been rejected.

Ms Smith stated that the level of redundancy payments in LB Croydon was double that of LB Bromley. She asked if this matter that could be looked into.

Concerning the main pay award, Ms Smith argued that a 1.2% pay increase was still a pay cut in real terms, and that the National Pay Agreement had not been finalised. Councillor Carr and the Director of Human Resources stated that the National Agreement had been settled for a two year period from 2016 to 2018. The Chairman felt that the 1.2% award evidenced a positive attitude to staff, and that it had to be borne in mind that a limited amount of money was available. He stated that Unite's pay claim would cost the Council £4m which it could not afford.

There was a brief discussion concerning statutory holidays and concessionary days. It was asked if the 'concessionary day' could be taken by staff in a more flexible manner, and the Director of Human Resources responded that this was a matter that he would investigate.

At a previous point in the meeting, Ms Smith had stated that the Director of Human Resources no longer met with her. The Director of Human Resources refuted these comments, and assured that he still met with the Union to discuss pay and also met with them at any other meetings that were a statutory requirement.

The Director of Human Resources informed the LJCC that a report had gone to the GP&L Committee regarding the Council's proposed pay award. A response had been requested from all three of the unions, but only Unison had provided a formal response.

The Director of Human Resources reminded Unite that if they wanted matters to be discussed on the LJCC agenda, then they should submit a report or more written information in advance of the meeting. This would then clarify the specifics of the matter to be discussed, as well as giving Officers the chance to look into issues and provide a response. Ms Smith responded that she required more time to write reports, and that it was not realistic that she be expected to write reports when she was only allocated two hours of facility time per week. Ms Slater commented that the lack of facility time was unfair. She asserted that the Departmental Representatives had the privilege of time off in lieu which was not afforded to the union representatives. The Director of Human Resources countered this by stating that union representatives were given adequate facility time.

Councillor Fawthrop advocated the use of flexible working as much as possible. The Director of Human Resources confirmed that flexible working arrangements were already in place.

Councillor Wilkins referred to the problems of recruiting and retaining staff, and suggested that a report be drafted on comparable pay. Similarly it was also suggested that the matter of redundancy pay be added as an agenda item for the next agenda. Although this was suggested, there was not a formal resolution to this effect.

50 PROCESSES RELATING TO THE COMMISSIONING OF SERVICES

The Staff Side wished to ask if Members were satisfied that the processes around the commissioning of services involved appropriate staff engagement in commissioning. To this end Unite referenced the Executive report that was scrutinised by the Environment PDS Committee on 24th January 2017. This was report number ES17002 on the Environmental Services Procurement Strategy.

The report set out the Council's procurement strategy for a range of environmental services, and sought the approval of Executive to commence the tendering process in April 2017. Most of the services had already been contracted to external suppliers, but there were still some in house services (provided by 32.5 FTEs) provided by Council staff. These were in the areas of Enforcement, Waste Administration, Environmental Campaigns, Public Protection Enforcement and Highways Inspection.

The point made by the Staff Side was that this report had appeared in the public domain without any consultation with the employees. Staff had to contact Mr Dan Jones (Director of Environment) to confirm whether these were in fact their jobs which were already out in the public domain to be procured before the staff themselves had been made aware.

The Director of Human Resources observed that the three bullet points noted under the main agenda item of 'Processes relating to the Commissioning of Contracts' were all linked to Mr Jones. He suggested therefore, that a meeting be convened between Unite and Mr Jones so that the issues could be looked at in more detail. Ms Slater responded that she wished the question relating to the monitoring of contracts to be addressed on the night. To this end she referred to report ES17015, 'Parks, Countryside and Greenspace Management-Contract Performance'. This was a report that was also presented to the Environmental Services PDS Committee on 24th January 2017.

The Executive had previously approved the variation to the current Grounds Maintenance Contract with English Landscapes Maintenance Limited (formerly The Landscape Group) and the company name had changed to Idverde Limited; the contract had been extended to 31 March 2019.

The report provided an annual review of the performance of the contract, valued at £36.59m, as required by CPR 23.3. The current performance of the contract was deemed to be satisfactory.

The Staff Side referenced section 4.6 of the report:

In addition to the Strategic Plan and accompanying Action Plan, the following plans and policies were completed and delivered within the agreed timescales

- *Biodiversity Action Plan*
- *Forestry Annual Plan*
- *Play Strategy and Annual Plan*
- *Sports Annual Plan*
- *Grants and Income Plan*
- *Events Policy*

The Staff Side expressed the view that the bulleted plans outlined above had not been completed and delivered as outlined in the report. They had drawn this conclusion as they had not seen any documentation to confirm that the various plans had been actioned, and also referred to an alleged conversation

that had taken place with Patrick Phillips of Idverde confirming that this was the case.

A response to this matter from the Director of Environment is appended to the minutes.

Ms Slater continued by encouraging Members to play close attention to what was being written in monitoring reports, and to use the Risk Register.

The Chairman suggested that a Lead Officer or the Director of Commissioning was required to properly answer the question. Councillor Wilkins suggested that the matter be referred to the Contracts Sub Committee, whilst Councillor Colin Smith felt that the matter was an issue for the Environment PDS Committee.

Ms Smith then produced a document entitled 'Audit Controls 2016' which was available to all LBB staff via the Intranet, but which was not on the LBB website. She referred to various matters outlined in the report relating to deficiencies in overall contract monitoring and contract documentation. The Chairman responded that it was the role of the Contracts Working Group to deal with any deficiencies in contracts when any such deficiencies became apparent.

The Director of Human Resources pointed out that the Staff Side had once again produced a document without any prior warning, and because of this he had been unable to invite Officers to respond. It was the case that the Council did not get everything right, but consideration should also be given to the size and number of contracts that the Council managed.

Councillor Colin Smith stated that the fact that the audit report was freely available via 'Doug's Page' showed that the Council were not hiding anything. Issues had been identified so that they could be dealt with.

Councillor William Huntington Thresher explained that a PDS Committee would look at services, but not specifically at contract details. He pointed out that not all service issues identified were related to commissioned contracts—some issues identified were internal. Some issues identified would be detailed in part 2 reports.

Councillor Fawthrop stated that Unite's policy was to oppose the contracting out of services; he felt that it would be more helpful if they assisted the Council in the commissioning process, instead of getting in the way of Council policy.

The Chairman moved to close the item. Ms Smith asked that it be noted that she would have liked to have spoken more on this item before it was closed. However, for clarity of context, it should be noted that the Chairman had previously given notice as to the number of speakers that he was going to allow to speak before closing the item, and Ms Smith had previously been allocated time to present her case.

51 SICKNESS PROCEDURE

Unite had asked for the sickness procedure to be brought to the LJCC as they felt that the sickness procedure was being used aggressively.

The Director of Human Resources stated that Unite had not clarified the specifics of their argument.

Councillor Fawthrop commented that it was important to get staff on long term sick back into work.

Ms Smith remarked that the ill health procedure was bad, and expressed concerns over the way that the procedure was undertaken and also the time it took. She asked if Members felt that it was a good use of Council resources.

The Chairman expressed the view that procedures had to be set in place to prevent abuses of the system. Councillor Diane Smith felt that the level of sickness allowance was generous.

The Director of Human Resources asserted that the Council's sickness procedure was fair, legal, and consistent with the ACAS Code of Practice. He noted that the Council had never lost any sickness cases in the Employment Tribunal. The sickness triggers were in place for a reason, and there was a cost attached to sickness. He refuted the idea that the sickness procedure was aggressive.

Ms Slater stated that managers knew their staff, but were not being allowed to manage. She stated that it was not about the relevance of the trigger, but rather the fact that in some cases the first meeting with a manager may be 'non-sensical'.

The Chairman stated that managers had to manage with the current processes. He suggested that Unite outline any issues they had with the sickness procedure in a paper. Ms Smith agreed to this and asked the Director of Human Resources if she would be allocated time to write the paper.

RESOLVED that Unite draft a paper for the LJCC, outlining their concerns over the Sickness Procedure.

52 DATE OF NEXT MEETING

The date of the next meeting was confirmed as Tuesday 20th June 2017.

Response from the Director of Environment to matters raised at the LJCC Meeting on February 23rd 2017 relating to the Parks Contract Plans:

Chairman

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Response from the Director of Environment to matters raised at the LJCC Meeting on February 23rd 2017 relating to the Parks Contract Plans:

Regarding the question raised at last night's Joint Consultative Committee meeting re: Parks Plans:

Appendix B in the Council's report to Environment PDS Committee in January was simply a chart abstracted from the preliminary contract documentation between the parties. As such, a parks strategy, biodiversity plan, fundraising plan and events strategy were produced. However, subsequent direction from the Member led Parks, Countryside and Greenspace Panel in early 2016, resolved that efforts going forward (subsequently agreed by the Client and the Contractor) were to be based on the creation of an over-arching Action Plan; that would be constructed by *idverde* covering all aspects of work. This is publically visible, from the green link at the base of our bespoke [website](http://bromleyparks.co.uk/about/) for the Authority <http://bromleyparks.co.uk/about/> which sets out a 12 month window of activity that's about to undergo its scheduled update. This is explained in some detail in paragraph 4.5 within the report.

In addition, the Appendix within that document entitled '*Summary of strategies, policies and initiatives undertaken by idverde since June 2015*', under the 'Play and Hard landscape' paragraph – outlines the extensive work carried out by *idverde* in producing the first comprehensive Asset Condition Survey of all play and hard surfaced areas; which informs the correct prioritisation of risks and ongoing repair/development works.

In closing, having spoken to Patrick Phillips of *idverde* he has no recollection of entering into this conversation that is alleged to have taken place on such a singularly detailed subject focus. If it did actually occur, he states he would certainly have explained how such matters were being dealt with as summarised above – simply because he was the designer and author of the plan.

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