

FINANCE AND MANAGEMENT COMMITTEE

17th June 2004

PRESENT:-

Labour Group

Councillor Wilkins (Chair), Councillor Pabla (Vice-Chair) and Councillors Bell (substitute for Councillor Southerd), Carroll, Lauro, Mulgrew, Richards (substitute for Councillor Southern) and Whyman, M.B.E.

Conservative Group

Councillors Harrison, Nalty, Mrs. Renwick and Mrs. Wheeler.

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Southerd and Southern (Labour Group) and Councillor Lemmon (Conservative Group).

FM/1. **MINUTES**

The Open Minutes of the Meeting held on 29th April 2004 were taken as read, approved as a true record and signed by the Chair.

FM/2. **MEMBERS QUESTIONS AND REPORTS**

The Chair advised that a Meeting of the Service and Financial Planning Working Panel would be held on 13th July 2004.

MATTERS DELEGATED TO COMMITTEE

FM/3. **2003/04 SERVICE PLANS – YEAR END MONITORING REPORTS**

It was reported that Service Plans were an important part of the Council's Performance Management Framework. Towards the end of 2002, the Committee approved Service Plans for the Economic Development, Human Resources, Legal and Democratic Services, Financial Services, Revenue Services, Internal Audit, IT Services, Customer Services and Policy and Best Value Divisions. These plans were intended to provide a basis for service delivery over the 2003/04 financial year. Service Plan Reports were submitted for each Division, which reviewed progress at the end of the Service Plan period. Each report provided a description of the Service, achievements, unfinished tasks, performance indicators and the lessons learnt.

The Committee gave consideration to the Service Plan for the Economic Development Division and the Chair advised that David Soanes, the Divisional Manager would shortly leave the Council's employment. He praised the Officer for the work he had undertaken.

Councillor Harrison referred to the year in context section of the report, specifically for tourism and partnership working within the National Forest. The Chair and Economic Development Manager responded to his concerns, advising of the difficulties experienced with the sub-regional approach to tourism. The Leader of the Council spoke of partnership work with the two adjoining local authorities in the National Forest area. He explained the specific provision made by the Derby and Derbyshire Economic Partnership and its support for the National Forest area. He referred to funding received for tourism related projects and recent meetings with North West Leicestershire and East Staffordshire Borough Councils. Reference was also made to the proposed National Forest rail line. The Leader confirmed the current difficulties and a possible way forward to seek provision of the Burton to Swadlincote part of the National Forest line. Councillor Harrison voiced his support for the rail link. He asked for further information to be provided to himself and Councillor Southerd, in order that they could pursue this issue with Derbyshire County Council.

Councillor Mrs. Wheeler referred to the closure of the Repton public toilets and the need for such facilities for tourists. She questioned when this issue would be resolved and felt it inappropriate that the costs of providing facilities should be included within the parish precept when they were not used by local residents. The Chief Executive confirmed the partnership position, which had been explained to the Repton Parish Council on a number of occasions. The Leader added that there was a clear policy and unless the Parish Council was willing to enter into a partnership agreement, the toilets would be demolished.

Councillor Mrs. Renwick commented that the percentage statistics included within the Personnel and Development Division's Service Plan would be more meaningful if they were supported by actual figures. The Chair agreed that this was relevant for all Service Plans. The Leader referred to the section on unfinished tasks and sought an update on the Single Status Job Evaluation Scheme. The Chair and Divisional Manager confirmed that there was a need to complete the Single Status Job Evaluation process by 2007, as this was a term of the current pay negotiations. Members recognised the need to revisit this issue with some urgency once the current 3-year pay deal had been agreed. The Leader and Councillor Harrison sought information about the Best Value Performance Indicator relating to "top earners" from black and ethnic minority communities. The Officer advised that the effective doubling of the target for this indicator equated to one additional person. Councillor Harrison sought an assurance with regard to the IIP Action Plan, that the Council would make every effort to ensure continued accreditation. The Divisional Manager explained the work being undertaken in accordance with the Improvement Plan. Following a question from Councillor Bell, there was a discussion about the Best Value Indicator relating to the number of working days lost due to sickness. There had been a genuine reduction in the number of days sickness and it was considered that the Council's performance was now upper quartile.

With regard to the Service Plan for the Legal and Democratic Services Division, the Chair sought an update on preparation for the transfer of Liquor Licensing. The Chief Executive outlined the approach being taken and spoke about the role for this Division and for licensing staff. Councillor Mrs. Wheeler referred to the recent European elections and was delighted at the increased turnout. She spoke about the additional pressures which had been placed on staff and questioned whether there were any cost issues.

Councillor Mrs. Wheeler also sought information on the types of issues which would be raised with the Regional Returning Officer when providing feedback on this all postal election. The Chief Executive confirmed that the Council would be making a response to the Regional Returning Officer and there had been significant demands on local authorities. A meeting would be held the following week and a further report would be made to Members in due course. The Leader noted that any election caused additional workload and strains for staff. Factual information was being sought on the strains and pressures experienced. The Chief Executive responded to a question from Councillor Mrs. Renwick about the rolling registration process and the ability for electors to “opt out”.

The Committee considered the Service Plan for the Finance Services Division. Officers responded to questions from Councillor Harrison about unfinished tasks on developing risk management and insurance arrangements and reviewing strategy for the collection of sundry debts. With regard to the Service Plan for the IT Division, the Leader recognised the terrific contribution made to partnership initiatives and he congratulated staff for the national recognition, through the National Land and Property Gazetteer Awards. The Leader also spoke on the Service Plan for the Customer Services Division, noting the considerable progress made. He hoped that attention would be given to other areas of customer service, referring particularly to the Reception Area. This issue had been recognised by Officers. The Deputy Chief Executive presented the Service Plan for the Policy and Best Value Division. The Leader paid tribute to the achievements of the Division’s staff and spoke particularly about their support to the scrutiny function. He looked forward to an increase in the staffing levels within this Division in the future.

RESOLVED:-

That the 2003/04 Service Plans, Year End Monitoring Reports be received and that Members’ comments be taken on board.

FM/4. **PROPOSED CHANGES TO POSTCODES**

It was reported that the Royal Mail had issued a consultation document on proposed changes to postal codes in the Derby “DE73 1” area. A copy of the letter of consultation had been circulated and the closing date for representations was 2nd July 2004.

It was confirmed that the geographical area affected included parts of Stenson, Twyford, Barrow-on-Trent, Ingleby, Swarkestone, Stanton-by-Bridge, Kings Newton, Melbourne and Ticknall. The Royal Mail had confirmed that restructuring of postal codes in this area was required due to the amount of development taking place.

At the Melbourne Area Meeting on 5th May 2004, this issue was raised by the Secretary to the Ingleby Parish Meeting. Residents were concerned about the requirement to change their postal code, particularly as there was no substantial development within many of the villages affected. The Area Meeting agreed to refer this matter to an appropriate Policy Committee and to seek the Council’s support, so that representations could be made to the Royal Mail.

Councillor Harrison spoke of the inconvenience for residents, but he recognised the difficulties for the Royal Mail. He was not aware of any planned or recent developments in many of the villages that would be affected. He felt that the current postcode should be retained for those villages within South Derbyshire and that the change should be applied in places such as Chellaston where more development was taking place. Councillor Carroll had received feedback from local residents and she supported the proposal to seek the retention of the current postal code. Councillor Lauro felt that the Royal Mail should seek to inconvenience as few people as possible. The Leader of the Council noted that there would be a twelve month period where mail would still be delivered to the original postal code, but he supported the comments made.

RESOLVED:-

That Members' comments be submitted to the Royal Mail in response to the consultation document on proposed changes to postcodes.

FM/5. **CODE OF PRACTICE ON WORKFORCE MATTERS IN LOCAL AUTHORITY SERVICE CONTRACTS**

It was reported that within the recently approved Procurement Strategy, it was identified that a Code of Practice on Workforce matters should be adopted, to follow during any procurement exercise that could involve the transfer of staff. It was also a requirement to certify within our annual Performance Plan that individual contracts complied with the principles of the Code and this had been noted in the current Plan.

Issued by the Office of the Deputy Prime Minister, the purpose of the Code was to prevent the existence of a “two tier workforce” within public sector services and contracts. The Code would set out principles to be applied in service contracts that involved the transfer of staff from a local authority to a service provider or on a re-tender of contracts. It would ensure that all staff working on public service contracts were treated fairly and received protection afforded by the TUPE Regulations.

It also re-enforced the involvement of employee representatives and trade unions throughout the procurement process. The Code offered an agreed procedure for employers and trade unions to use for resolving disputes that might arise during staff transfers. The Alternative Dispute Resolution Procedure (ADR) was seen as the last resort to resolving these matters after internal procedures had been exhausted.

An overview of the Code, provided as a list of frequently asked questions was appended to the report together with a Resolution Procedure. A range of model clauses to be used in tender specifications had also been drafted to assist local authorities in meeting the requirements of Part 1 of the Local Government Act 1999, that set out the duty of best value.

RESOLVED:-

(1) That the Committee notes the report and that the key requirements of the Code be observed in procurement matters that might involve the transfer of staff.

- (2) That local procedures to ensure compliance with the Code be developed jointly with recognised Trades Unions.**
- (3) That Managers be given an awareness of the Code and its principles.**
- (4) That the model clauses appended to the report be used as appropriate in any tender specification that is compiled.**

FM/6. **HOMEWORKING POLICY**

The Committee received a report which sought to recommend best practice guidance and a procedure for the operation of homeworking. It was reported that employers had a statutory duty to consider applications from employees for a change to the hours that they worked, a change to the times when they were requested to work and to work from home. This duty had been introduced by the Government as part of the work life initiative. Applications might be refused, but an employer must provide a clear business reason for this. The legislation provided eight business grounds that an employer could cite for refusing an application.

At its Meeting on 4th September 2003, the Committee approved a procedure for dealing with applications to change working arrangements. It was agreed to develop a separate procedure and guidance for Homeworking, because it was a more complex issue. Attached to the report was a proposed document that had been the subject of lengthy consultation with the Joint Negotiating Group. Rather than delay its introduction by waiting for the next Meeting of the Joint Consultative Committee, the Group had recommended that the report be presented to this Committee for its approval. The proposed document included practical advice on how to make homeworking work efficiently and effectively. It stressed that there must be a benefit to both the employee and the Council. The procedure should ensure that the Council met its statutory duties and that applications were considered on an individual basis, in a fair and transparent manner. The procedure would be supported by other documentation. Whilst the advice and procedure predominantly dealt with formal requests for homeworking, guidance was also provided on managing informal arrangements.

The Chair commented that this comprehensive document raised a number of issues. Councillor Bell recognised that there was a rigorous process to be completed to enable homeworking. He questioned whether those Officers who worked occasionally from home would have to cease this practice until the requirements of the Policy had been satisfied. Councillor Mrs. Renwick took a negative view of this proposal and she sought feedback after one year on the efficiency or inefficiency of the initiative. She felt that staff would not work as efficiently if they were not supervised. The Leader of the Council was content for a monitoring report to be submitted after twelve months, on how the scheme was working and any adverse effects. He questioned how many staff were likely to participate in the initiative. The Personnel and Development Manager confirmed that one employee was currently working from home on a trial basis. He was unsure of the number of applications that were likely to be submitted. Councillor Richards spoke in support of this proposal from experience of managing a service where a number of staff worked from home and he explained of the benefits of this approach. Another issue raised was the ability for Members to contact staff who

worked from home. It was felt that staff were sufficiently motivated to work without supervision.

RESOLVED:-

That the Committee approves the procedure and guidance submitted for homeworking, for adoption by the Council.

FM/7. **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meeting held on 29th April 2004 were received.

MEMBERS QUESTIONS AND REPORTS – GAS SERVICING CONTRACT (Paragraphs 8 and 9)

The Committee received an information report on the implications of the Transfer of Undertakings (Protection of Employment) Regulations relating to the above contract.

EXPRESSIONS OF INTEREST RECEIVED FOR FORMER SHELTERED HOUSING UNITS AT BASS'S CRESCENT, CASTLE GRESLEY AND SMALL THORN PLACE, WOODVILLE (Paragraph 9)

The Committee agreed a way forward for the disposal of two former sheltered housing schemes.

REDUCTION OR REMISSION OF THE NON-DOMESTIC RATE (Paragraph 5)

The Committee refused two applications for a reduction or remission of the National Non-Domestic Rate.

COUNCILLORS REQUIREMENTS FOR LAPTOP COMPUTERS (Paragraph 9)

The Committee approved expenditure for the provision of laptop computers and peripherals to Councillors.

P.J. WILKINS