

Employment Committee

Minutes of the meeting held on Wednesday 15 February 2017 at the Town Hall, Royal Leamington Spa at 4.30 pm.

Present: Councillor Mrs Bunker (Chairman); Councillors Doody, Harrington, Mobbs, Murphy, Noone, Parkins and Rhead.

24. **Apologies and Substitutes**

- (a) Apologies for absence were received from Councillor Barrott; and
- (b) Councillor Harrington substituted for Councillor Day.

25. **Declarations of Interest**

There were no declarations of interest.

26. **Revision to the staffing establishment structure – Housing & Property Services**

The Committee considered a report from the Deputy Chief Executive (BH) which set out proposals to revise the Council's staffing establishment structure, by removing the Assets Team and the functions it performed from the existing Housing & Property Services service area and placing this team within the Chief Executive's Office, to be directly managed by the Deputy Chief Executive (BH).

The two remaining teams within the existing Housing & Property Services service area would remain within a renamed Housing Services service area, and a new Head of Service would be recruited.

The existing Housing & Property Services service area, headed by a Head of Housing and Property Services, was created in 2007 following the adoption of a new corporate strategy and establishment staffing structure, under a set of proposals known as Building on Excellence. Until that year, the Council had operated for five years with separate Housing and Property units, each headed by a Head of Service.

The report advised that the post of Head of Housing and Property Services had been vacant since 1 November 2016. The vacancy, coupled with the previous history of recruitment and retention issues in relation to the post, had prompted a review of the role of the Head of Service and the structure of this key service area. As a result, the Corporate Management Team (CMT) concluded that a fundamental change of approach was required in terms of the establishment structure, and that better service outcomes would be obtained by splitting up the current service area.

A copy of the existing service area structure was attached as Appendix One to the report and the proposed establishment structure was detailed at Appendix Two to the report.

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With regard to the recruitment of the proposed new Head of Housing Services post, an indicative process and timeline was set out at Appendix Three to the report.

In response to a question regarding the Portfolio Holder for the Assets Team under the new proposals, Councillor Mobbs advised the Committee that the intention was for Councillor Phillips, the current Portfolio Holder for Housing and Property Services, to assist him as Portfolio Holder with any day-to-day business. This would be reviewed in May 2017.

In response to questions from the Committee, the Deputy Chief Executive (BH) advised that:

- CMT had concluded that it was necessary to split the role of Head of Housing and Property Services when the post became vacant.
- The proposed position, Head of Housing Services, would remain part of the Senior Management Team.
- The post of Asset Manager was currently being carried out by a member of staff on secondment, but the proposal was to make the post permanent.

In response to questions from the Committee regarding the recruitment process for the proposed Head of Housing role, the HR Manager advised that:

- The final interview panel would be made up of Members from the original Panel.
- The recruitment process was still being considered with a view to making it more robust and further proposals would be put forward to the Committee in due course.
- All current members of Employment Committee would be able to sit on the Employment panel.

In response to further questions, the Deputy Chief Executive (BH) confirmed that the proposed new staffing structure would not adversely impact on his existing workload.

Having considered the report and having heard from the officers present, the Committee

Resolved that revision to the existing Council staffing establishment structure is approved to:

- (a) delete the existing Housing & Property Services service area, as shown at Appendix One to the report, from the establishment structure;
- (b) delete the post of Head of Housing & Property Services;
- (c) create a new service area entitled Housing Services;
- (d) create a new post of Head of Housing Services;

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- (e) expand the remit of the Chief Executive's Office to include the Assets Team, moved from within the existing Housing & Property Services service area in the current establishment structure;
- (f) create the revised Council staffing establishment structure, as set out at Appendix Two to the report; and

Recommended that Council revises Part 7 of the Constitution (Management & Portfolio Holder Structure) to reflect the approved staffing establishment, as set out at Appendix 1 to the minutes.

27. Pre-Application Officer

The Committee considered a report from Development Services which sought approval for a new dedicated full time Senior Planning Officer post in the Development Management Team within Development Services.

In January 2017, Executive agreed to the permanent introduction of a pre-application charging scheme including the provision of an additional full time Senior Planning Officer post to undertake that role.

Prior to that, commencing in February 2016, the revised pre-application charging scheme had been trialled in order to establish whether it was attractive to Council customers in providing an enhanced pre-application advice service, and whether the income received was sufficient to fund an additional full time Senior Planning Officer post which was needed to undertake that work.

The Executive report confirmed that the trial had been successful on both counts and officers, therefore, requested authorisation to adopt the scheme permanently and to create the additional post.

In response to questions from the Committee, the Development Services Manager advised that:

- He was confident that the income from the pre-application charging scheme would continue to exceed the requirement for the post, considering the scale of development planned for the District.
- If the officer responsible for pre-application advice was absent, Planning Officers would be capable of sharing the workload and covering the post on a short-term basis.

Having considered the report and having heard from the officers present, the Committee

Resolved that the post of Senior Planning Officer is added to the Council's permanent staffing establishment.

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28. Additional temporary Property Maintenance Officer – Housing & Property Services

The Committee considered a report from Housing and Property Services which set out the proposal to recruit an additional Property Maintenance Officer (PMO) on a temporary basis for a period of one year, to undertake pre and post inspections of empty (void) council houses as part of the revised voids repair process introduced in 2016.

On 1 April 2016, the Housing and Voids Property Repairs Contract was changed from operating as an open book model to one based upon Schedules of Rates. In concert with this change, a one year fixed term property maintenance officer post was put in place to cover pre and post inspection of all the void properties. This approach had delivered greater cost certainty and improved quality control when undertaking void property repair works. The post, currently covered as a secondment, was due to expire on 17 April 2017.

The existing Housing and Voids Property Repairs Contract would continue to be run on the Schedule of Rates model until the 31 March 2018, when the current contract expired. As such, it was recommended that a new 12 month fixed term property maintenance officer post was approved, to commence on 17 April 2017, coinciding with the remaining duration of the existing contract period. This post would ensure continuity in undertaking the current void repair process.

In response to questions from the Committee, the Deputy Chief Executive (BH) advised that:

- The post would not require contract management/procurement experience; it was more of a technical role involving contract administration.
- The post-holder would visit a void property, specify the work that needed to be done, inform the existing contractor and inspect the work after it had been done. If the post-inspection failed, the contractor would be contacted. The aim was to ensure a good standard and quality of let for subsequent tenants.
- The current post-holder was seconded and this would end on 17 April 2017. A new post would be created from this date and the agreed recruitment process would be followed; the post would be offered to staff at risk and if no one was matched to the post the internal and external recruitment process would then follow.

Having considered the report and having heard from the officers present, the Committee

Resolved that the creation of an additional Property Maintenance Officer post for a temporary period of 12 months from 17 April 2017 is approved.

29. Sports & Leisure – Contracting Coaches

The Committee considered a report from Cultural Services which outlined a proposal to convert the casual coaches and swimming teachers that

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regularly delivered instructional activities each week within the Sports and Leisure service, into established contracted posts. The recommendation was based on the rationale that these employees worked each week and, therefore, could claim that they had a contractual relationship with Warwick District Council.

It was felt appropriate that this issue should be addressed in advance of the appointment of an external partner to manage the leisure centres and the transfer of staff to the external partner. Potential operators had been advised of the changes proposed in the report.

The table in section 2.1 of the report showed the total hours per week at each site for each role:

Job Role	NCLC	SNPLC	AFSP	CFRC	Rate of Pay
SWIM TEACHERS (Term time only)	47.75	22.5	43.5	N/A	£15.03
SWIM HELPERS (Term time only)	26	9	13	N/A	£8.25
GROUP FITNESS (52 WEEKS)	12	16	2	14.5	£18.79

Historically, the Council's Leisure facilities operated the extensive range of activity instructional programmes with casual coaches. Operationally, this approach had its advantages because it allowed the centres to be flexible about when classes ran, should the demand change. However, over recent years it had become more and more difficult to recruit coaches and, as a result, the number of coaches available had reduced greatly. This had resulted in a greater reliance on a small number of coaches and increased the risk to the service when coaches could not, or chose not to, work.

The report advised that the increased reliance on a small number of coaches to cover regular instructional activities could lead to an increased risk of claims from casual staff that they had accrued employment rights, and a potential legal challenge in relation to the Council's use of casual staff. This proposal sought to address and minimise that risk to the Council.

In summary, establishing these contracted posts would remove ambiguity regarding the employment relationship of these workers and would provide security of employment, in accordance with TUPE legislation, with the new operator.

The Sports and Leisure Contract Manager advised the Committee that the rates of pay detailed in the report included holiday entitlement.

In response to questions from Members, the Head of Cultural Services, the Sports and Leisure Contract Manager and the Senior HR Officer replied that:

- Leisure attendants had gone through a similar process previously.
- Staff were aware that Employment Committee was meeting to discuss the proposal, and would receive feedback from the meeting the following day.

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- The changes would not be enforced; staff would be offered a contract but were not obliged to accept it.
- The risk of staff choosing to remain employed on a casual basis and making a potential claim against the Council was mitigated by the offer of employment.
- Potential operators had asked for the contracts to be flexible to allow staff to work at any site, as was currently the case, but they had no other issues. Potential operators would be informed of the Committee's decision by the end of the week.
- There would still be a number of casual staff at Leisure Centres and at the Spa Centre.
- Set rates of pay meant that there would be no additional costs to the Council in relation to establishing the new roles.
- If coaches were in short supply, it would fall to the new management to resolve this issue through advertising.
- Casual and contracted staff had the option to opt-in or out of the Local Government Pension Scheme. There could be an increase in staff opting in under the new proposals, but at this stage this was unknown.

Following confirmation from officers that the establishment of these posts would be at no additional cost to the Council, Members requested that paragraph 5.3 of the report was included as a further recommendation for clarification purposes.

Having considered the report and having heard from the officers present, the Committee

Resolved that

- (1) the addition of 206.25 "teaching and coaching" hours to the establishment from 1 March 2017, as per the table in section 2.1 of the report, is approved;
- (2) casual workers who currently carry out identified hours on a regular basis are offered a contract of employment; and
- (3) there are no additional costs relating to the establishment of the roles as outlined in the report.

30. Leamington Visitor Information Centre Staff Transfer

The Committee considered a report from Cultural Services which sought approval for four Visitor Information Assistant posts to be added to the Council's staffing establishment.

The Royal Leamington Spa Visitor Information Centre (VIC) was currently provided as part of an agreement between Warwick Town Council and Warwick District Council. The Town Council managed the service on behalf of the District Council in return for an annual grant. In addition to this

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grant, the direct costs of providing the service (such as staffing and stock) were also charged back to Warwick District Council.

The primary purpose of the VIC was to offer visitors to the area a comprehensive, face-to-face information service.

A report which reviewed the VIC arrangement was considered at a meeting of the Executive on 5 January 2017. The Executive approved the report's recommendations which, in summary, were:

- a) to conclude the current agreement with Warwick Town Council to manage the Royal Leamington Spa VIC from 31 March 2017;
- b) for the operation of the Royal Leamington Spa VIC to be brought in-house as soon as was practicable and for that service to be placed under the management of the Arts section of Cultural Services; and
- c) that, following full consultation with staff, the roles of Visitor Information Assistant, Senior Art Gallery Assistant and Box Office Supervisor be combined into a single team with the aim of providing an enhanced service and extending the opening hours of both the Box Office and the VIC.

In order for the service to be brought in-house, it was necessary for the employment of the current Visitor Information Assistants to be transferred from Warwick Town Council to the District Council under the Transfer of Undertakings Protection of Employment Regulations (TUPE).

The Arts Manager introduced the report.

In response to questions from Members, the Senior HR Officer advised that:

- Under TUPE legislation, staff had to be transferred on their existing zero hours contracts and discussions were taking place to make them mainstream in line with other Warwick District Council employees. A consultation process would follow.
- The length of service of the majority of staff was approximately two years.
- Members of staff were aware of the proposed changes.

Resolved that

- (1) four Visitor Information Assistant posts are added to the Council's staffing establishment; and
- (2) the four current 'zero hours' workers are transferred from the employment of Warwick Town Council to Warwick District Council under their existing terms, with effect from 1 March 2017.

(The meeting ended at 5.31pm)