

Runnymede Borough Council

CORPORATE MANAGEMENT COMMITTEE

Thursday, 7 November 2002, at 7.30 p.m.

in the Council Chamber

at the Civic Offices, Addlestone



Members of the Committee

Councillors G.B. Woodger (Chairman), J.M. Edwards (Vice-Chairman), D.P. Easton, R.K. Habgood, J.E. Haas, H.W.V. Meares, C.J. Norman, R. Pate, Mrs. E.E. Price and P.B. Tuley.

and all other Members for information

AGENDA

Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- ii) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr. J. Gurmin, Committee Section, Borough Secretary's and Leisure Services Department, Civic Offices, Station Road, Addlestone (Tel. Direct Line: 01932 425624).**
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr. B.A. Fleckney on 01932 425620.
- iv) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

COMMITTEE SECTION



LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

	<u>Page</u>
1. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP	3
2. MINUTES	3
3. APOLOGIES FOR ABSENCE	3
4. DECLARATIONS OF INTEREST	3
5. DRAFT COMPREHENSIVE PERFORMANCE ASSESSMENT FRAMEWORK FOR DISTRICT COUNCILS - RESPONSE TO CONSULTATION PAPER	3
6. BEST VALUE - MUNICIPAL STORES AND DEPOT SERVICES SCOPING AND CHALLENGE REPORT	3
7. FREEDOM OF INFORMATION ACT – DRAFT PUBLICATION SCHEME	5
8. LOCAL LAND CHARGES – PROGRESS ON CONTINUOUS IMPROVEMENT PLAN	6
9. REVIEW OF SALARIES 2002	6
10. FIXED TERM EMPLOYEES (PREVENTION OF LESS FAVOURABLE TREATMENT) REGULATIONS 2002	7
11. SPECIAL RESPONSIBILITY ALLOWANCES – REVIEW BOARD	9
12. WRITE OFFS	11
13. EXCLUSION OF PRESS AND PUBLIC	11

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

- a) Exempt Information
14. PRINTING AND DESIGN SERVICES - AWARD OF CONTRACT 12

b) Confidential Information

(No reports to be considered under this heading)

1. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

2. MINUTES

To confirm and sign as a correct record the Minutes of the meeting of the Committee held on 8 October 2002 (attached at Appendix 'A').

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room, if the interest is personal and prejudicial.

5. DRAFT COMPREHENSIVE PERFORMANCE ASSESSMENT FRAMEWORK FOR DISTRICT COUNCILS - RESPONSE TO CONSULTATION PAPER (CEO)

This was to be discussed by the Local Government Act Member Working Group on 28 October, and a report will follow.

6. BEST VALUE – MUNICIPAL STORES AND DEPOT SERVICES SCOPING AND CHALLENGE REPORT (BT)

1. Purpose of Report

1.1 **To review the objectives of the Municipal Stores and Depot and consider the challenge phase of the Best Value Review.**

2. Introduction

2.1 The Committee needs to consider whether the service continues to meet the Council's aspirations, whether it needs to be provided at all, and if so, in what form.

3. Report

3.1 Core information about the service is given in the boxes below in Section 1. The process and future phases are detailed in the following Sections.

Section 1. - Core Information

<u>Area Subject of Service Review</u>	
	<u>Depot</u>
<u>DSO Functions</u>	<ul style="list-style-type: none">• Facilities for the secure storage of vehicles, plant and materials.• Offices and Mess Room facilities for the DSO
<u>Ancillary Functions</u>	<ul style="list-style-type: none">• Back up Switch Board for the Civic Offices and Radio Communications.• Pest Control Store for BTSO Department• Secure parking for the Yellow Buses associated with the Transport to Schools Initiative.• Vehicle Washing Facilities.• Wheeled bin store• CCTV Camera Coverage with dial up facilities for Safer Runnymede.• Workshop and offices let to a private printer.• Election equipment store.
An area surplus to requirements following reorganization of the depot is in the process of being sold to Snow and Rock.	
	<u>Municipal Stores</u>
	<ul style="list-style-type: none">• Bulk purchasing and Municipal Stores facilities (including diesel pumps, a general store and stationery store).• Emergency Store

5.6 The Lead Officer will be present to answer questions on the papers, the view reached on the challenge stage and the arrangements for future phases, as well as any general questions or concerns as to the service area under review.

6. Section 4 - Future Phases

6.1 The compare part of the process will involve taking relevant comparative service, quality and financial data and looking at similar service areas in the other four North West Surrey Authorities, who have formed a Benchmarking Group (Spelthorne, Surrey Heath, Woking and Elmbridge) and other Surrey Districts. In addition, data will be drawn from nationally published figures, where available, and other similar service providers (public or private), particularly where they are identified as appearing to provide a good quality service in the upper quartile of comparison.

6.2 As far as consultation is concerned, it is proposed to consult Budget Managers by means of questionnaires. The results will be reported to the Committee in March, with recommendations for the Best Value Performance Plan.

THE COMMITTEE IS ASKED TO -

- i) review the objectives of the Depot and Stores to determine whether they continue to reflect the Council's aspirations for the provision of this service;**
- ii) approve the challenges set out in Appendix 'D' for further investigation and add to those challenges as the Committee sees fit; and**
- iii) endorse the scope of this review and the challenge phase.**

(TO RESOLVE)

Background Papers

Best Value Service Review Guide

7. FREEDOM OF INFORMATION ACT 2000 – DRAFT PUBLICATION SCHEME (BSLSO)

1. Purpose of Report

1.1 To seek approval of the Council's Draft Publication Scheme as required under the Freedom of Information Act 2000.

2. Report

2.1 The Committee, at its meeting on 5 September 2002, considered a report attached at Appendix 'E' regarding the implications of the Freedom of Information Act 2000 for the Council and the need to adopt a Draft Publication Scheme.

2.2 The Scheme content is subject to a number of mandatory requirements and it is hoped that the Scheme attached at Appendix 'F' fulfils those requirements and will be approved by the Information Commissioner.

OFFICERS' RECOMMENDATION that -

- i) the Draft Publication Scheme at Appendix 'F' be adopted and submitted to the Information Commissioner for approval; and**
- ii) the Borough Secretary and Leisure Services Officer be authorised to make any necessary changes to the Scheme suggested by the Information Commissioner or as otherwise seem appropriate, from time to time.**

(TO RESOLVE)

Background Papers

None

8. LOCAL LAND CHARGES – PROGRESS ON CONTINUOUS IMPROVEMENT PLAN (BSLSO)

1. Purpose of Report

1.1 **To inform Members of progress on the Continuous Improvement Plan for Land Charges.**

2. Background Information

2.1 The Continuous Improvement Plan for Land Charges approved by the Council in October 2000 contained five targets. The five day turnaround time for searches, the introduction of a 24 hour expedited service and ISO 9000 quality accreditation have all been achieved.

2.2 In addition, it was considered that there may be scope in the future to reduce the search fee and to this end the search fee should be reviewed to ensure that it has regard to the cost of the service. The introduction of electronic access to the service by external organisations was also considered as a corporate and longer term target.

3. Current Position

3.1 The Corporate Management Committee at its meeting on 30 May 2002 approved the migration of the present ARCLLC system (a Geographic Information System (GIS)) to TLC (Total Land Charges) at a cost of £80,000 with £7,000 per annum maintenance charge. This new system will facilitate electronic access to the service which complies with the Government requirement to have electronic access to local authority services by 2005 and also achieves the Continuous Improvement Plan target. Currently a limited measure of electronic access is possible.

3.2 The budget for Land Charges including GIS in 2001/02 forecasted a deficit of £23,000 but in fact a surplus of £68,000 was achieved. Income projections for the service are difficult as much depends on the state of the housing market and of course on the number of searches received during the year.

4. Conclusion

4.1 In view of the cost of providing the service and particularly the cost of providing electronic access to the service, it is not considered appropriate at this time to reduce the search fee.

4.2 Should the Committee agree this recommendation, this will dispose of all the targets with the exception of full electronic access. If Members are content, future reporting on the Continuous Improvement Plan will accordingly be restricted to this one outstanding issue, the achievement of which will follow the introduction of the new software.

OFFICERS' RECOMMENDATION that -

the search fee should not be reduced at present.

(TO RESOLVE)

Background Papers

None.

9. REVIEW OF SALARIES 2002 (CEO)

(Ref: Minutes of Corporate Management Committee, 30 May 2002, page 26, para. 54).

1. At the meeting of this Committee on 30 May 2002 it was resolved that -

- 1) with effect from 1 July 2002 individual salaries for staff on the Local Contract be adjusted by 3%; and

- 2) if the National Award is settled at a higher level, the Local award be adjusted accordingly and necessary supplementary budgetary provision authorised and reported to Members.
2. Following a breakdown in national negotiations and subsequent industrial action, the Advisory Conciliation and Arbitration Service (ACAS) has brokered a solution which both sides have accepted.
 3. The agreement is:-
 - a) a 3% increase or a minimum of £5.00 an hour from 1 April 2002;
 - b) a 1% increase from 1 October 2002 with an additional 1% increase for staff on spinal points 4 and 5*; and
 - c) a 3.5% increase from 1 April 2003 to 31 March 2004 with an additional 1% increase for those on spinal points 4 and 5*.

* £9,267 and £9,588 respectively
 4. Local Runnymede salary scales will need to be further adjusted by 1% with effect from 1 October 2002 at a cost of £53,600 (£48,000 to the General Fund and £5,600 to the Housing Revenue Account) in the current financial year by way of supplementary budgetary provision and budgetary provision will need to be made for a 3.5% pay review in the 2003/4 financial year. The decisions concerning spinal points 4 and 5 and the £5.00 minimum wage will have minimum impact on Runnymede salaries.

(FOR INFORMATION)

Background Papers

None stated.

10. FIXED TERM EMPLOYEES (PREVENTION OF LESS FAVOURABLE TREATMENT) REGULATIONS 2002 (CEO)

1. **Purpose of Report**

1.1 **To apprise Members of the implications to this Authority of these regulations and to seek approval to arrangements to ensure compliance.**

2. Background Information

2.1 The above Regulations came into force on 1 October 2002 and are aimed at preventing staff employed on a fixed term or most kinds of temporary basis being treated less favourably than permanent employees doing the same or similar work and also to limit the use of successive fixed term contracts.

2.2 Employers are expected to ensure that staff employed on a fixed term basis are not disadvantaged in terms of their pay or terms and conditions by virtue of the fact that they are not permanent employees.

2.3 The termination by the employer of a fixed term contract is a dismissal. Refusal to renew a contract is now treated in the same way. After one year's service an employee may make a claim to an Employment Tribunal for unfair dismissal and after two year's employment may claim a redundancy payment. The use of unfair dismissal and redundancy waiver clauses in contracts is ineffective in contracts made after 1 October 2002.

2.4 In dismissing fixed term and temporary staff who have acquired protection an employer will be expected to demonstrate reasonableness in their approach and as a minimum will be expected to demonstrate that they have made efforts to redeploy the individual member of staff whose contract is coming to an end.

- 2.5 Staff employed on a continuous fixed term basis for four years will be regarded as permanent upon any renewal after the four year period, unless the employer can demonstrate 'objective justification' for continuing the fixed term status. For the four year rule, service only counts from 10 July 2002 so potentially the first individual to qualify for permanency would be in 2006. A break in employment of one month breaks continuity but it is understood that employers who merely use this as a device to break service and deny staff access to entitlements are likely to fall foul of the law in due course.
- 2.6 Whilst claims to an Employment Tribunal for unfair dismissal are restricted to those staff who are dismissed after one year's continuous service the right to complain to an Employment Tribunal about less favourable treatment in terms of pay and conditions has no such qualifying period. The individual must, however, raise the matter formally with their employer in the first instance.

3. Report

Areas of Potential Non-Compliance in Runnymede

- 3.1 The Council's greatest area of vulnerability for a successful claim against the Authority is in the area of "casual" staff. True casual staff are "employed" only when they work for the employer and there is no mutuality of obligation between the employer and the individual, i.e. the employer is not obliged to offer work and the individual is not obliged to accept it, if offered. There are some instances where staff employed on a "casual" basis are genuine casuals, such as bank staff used in Community Services to provide ad hoc cover in Day Centres or staff available for short term assignments such as issuing bus passes. However, it is likely that a significant number of "casuals" are not technically casual workers and that they are in fact staff on short fixed term contracts who work (and are expected to work) on a regular basis throughout the year. Such staff would, under the new Regulations, be entitled to claim parity of treatment with permanent staff doing the same or similar work in terms of pay and conditions of employment, unless objective justification existed for the differential. A number of casual appointments are made for staff above retirement age who are currently not covered by unfair dismissal provisions. Such arrangements will need to be reviewed if rights for such staff are introduced.
- 3.2 Differences that currently exist are:-
- an hourly rate of pay rather than an annual salary;
 - a rate of pay that might not mirror the equivalent hourly rate of a permanent employee;
 - no access to salary progression/reward (Performance Related Pay/Direct Services Organisation Bonus);
 - a lesser paid holiday entitlement;
 - no payment for public holidays when not worked;
 - no entitlement to occupational sick pay;
 - no access to formal disciplinary and grievance procedures;
 - no access to general staff benefits such as private health insurance, counselling service, reduced price Sports Centre membership, etc.;
 - limited access to training;
 - irregularity of working hours;
 - no periods of notice;
 - limited access to permanent vacancies;
 - non automatic access to pension scheme

Implications for Runnymede

- 3.3 The potential impact of this legislation would fall on those service areas currently employing the 100 or so casual/temporary staff. A full list of current "casuals" is shown at Appendix 'H'. Many of these are engaged on a six monthly renewable basis. For ease, most of these staff will have been engaged on an ad hoc basis, without competition and without medical or reference clearance. With the potential of full terms and conditions and permanency of employment the procedures for engaging any other than short term "casuals" will need to be reviewed.

- 3.4 It is proposed that in all cases of employment with Runnymede, unless the assignment is of a genuinely "casual" nature or there is objective justification, the approach set out in Appendix 'G' be adopted.
4. Resource Implications
- 4.1 The above proposals would add administration and staffing costs to the services concerned and could increase the Authority's permanent staff establishment.
5. Legal Implications
- 5.1 The proposals would meet the requirements of the Regulations and consequently reduce the risk of successful claims being made against the Authority at an Employment Tribunal.
6. Consultations
- 6.1 UNISON have been consulted and concur with the recommendations.

OFFICERS' RECOMMENDATION that -

with immediate effect, unless there is objective justification

- i) **all staff appointments (whether permanent or fixed term within the meaning of the Regulations) be made on a full terms and conditions basis subject to:**
1. **the necessary Committee approval of changes in establishment for appointments exceeding nine months;**
 2. **medical and reference clearance;**
 3. **the appointment not being on a genuinely casual basis;**
- ii) **the approach set out in Appendix 'G' be adopted; and**
- iii) **staff currently employed on a temporary basis whose working arrangements are identified in Appendix 'H' as falling within the Fixed Term Regulations be appointed on a full terms and conditions basis.**

(TO RESOLVE)

Background Papers

Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 (SI 2002/2034).

11. SPECIAL RESPONSIBILITY ALLOWANCES – REVIEW BOARD (CEO)
(Ref: Minutes of the Council 19 July 2001, page 225, para.172, 20 December 2001, page 699, para. 448, Corporate Management Committee, 8 November 2001, page 505, para. 340).
1. **Purpose of Report**
- 1.1 **To advise Members of the considerations of the Independent Remuneration Panel on Members' allowances with regard to the Review Board Chairman and Vice-Chairman.**
2. **Background Information**
- 2.1 The Local Authorities (Members' Allowances) (England) Regulations 2001 require the Council to pay a basic flat rate allowance to all Members and provides discretion for special responsibility, childcare and dependent carers' allowances.
- 2.2 In the Summer and early Autumn of last year an Independent Remuneration Panel, consisting of three representatives from the local community, gave consideration to the appropriate level of basic allowances for all forty-two Members, together with Special Responsibility Allowances. These were approved by the Council in December last year. The resulting scheme is reproduced on page 206 of the Council's Constitution.

3. Report

- 3.1 The revised Constitution came into effect in May this year. Two Review Boards, each consisting of five Members, were created and discharged the statutorily required overview and scrutiny Committee functions.
- 3.2 Members gave further consideration to the arrangements for overview and scrutiny at the cross party Local Government Act Member Working Group on 28 May 2002, at which the Chairmen of both Review Boards were present. On the subsequent recommendations of the Corporate Management Committee, Council approved that a single Review Board of nine Members be constituted with effect from 1 September 2002. In addition, the Independent Remuneration Panel on Members' Allowances was asked to reconsider the Responsibility Allowances for the Review Board Chairman, its Vice-Chairman and any Lead Members designated.
- 3.3 Members of the Independent Review Panel were written to at the end of September, outlining the proposed new arrangements, reminding them of the previous recommendations, relativity of allowances, the fact that one Review Board was now replacing two previous Boards, and the anticipated work programme for the remainder of the Municipal Year. The unanimous view of the Remuneration Panel members was that the Chairman of the Review Board should have a responsibility allowance of £1,600 (previously £1,200) and the Vice-Chairman £800 (previously £600). This brings the Review Board Chairman and Vice-Chairman in line with the Chairmen and Vice-Chairmen of the Policy Committees.
- 3.4 At this stage there are no proposals to identify lead Members, their workload or the length of time for which they would be engaged in a particular task. Should a lead Member or Members be appointed, then the details of their tasks, likely time of commitment and length of role, will be put to the Remuneration Panel for further guidance.

4. Resource Implications

- 4.1 The proposed uplift in the Special Responsibility Allowances for the Chairman and Vice-Chairman of the single Review Board can be contained within existing budget provision, as the total previously provided for the Chairmen and Vice-Chairmen of the two Review Boards total £3,600. The recommended amounts for the Chairman and Vice-Chairman of the Review Board total £2,400.
- 4.2 The Council recommended the creation of a single Review Board of nine Members with effect from 1 September 2002. It is therefore suggested that the revised Responsibility Allowances for the Chairman and Vice-Chairman become operative from 1 September 2002.

OFFICERS' RECOMMENDATION that -

- i) the Scheme of Members' Allowances be revised to provide for Special Responsibility Allowances as follows:**

Chairman of the Review Board	£1,600
Vice-Chairman of the Review Board	£ 800

- (ii) these revised Special Responsibility Allowances be effective from 1 September 2002.**

(TO RECOMMEND)

Background Papers

The Report of the Independent Remuneration Panel - October 2001
Borough Treasurer's File on the Independent Remuneration Panel
The CEO's Letter to the three Panel Members - 20 September 2002

12. WRITE-OFFS (BT)

1. Council Tax

1.1 Set out at Appendix 'I' is a schedule containing three cases that are in excess of £1,000, totalling £4,265.73. These have proved to be irrecoverable for the reasons shown. Authority is sought to have the debts written off. They will then be passed to Credit G Limited to recover on the Council's behalf.

2. Non-Domestic Rates

2.1 Set out at Appendix 'J' is a schedule containing two cases that are in excess of £1,000, totalling £23,115.24. These have proved to be irrecoverable for the reasons shown. Authority is sought to have the debts written off. They will then be passed to Credit G Limited to recover on the Council's behalf.

3. Rent Arrears

3.1 Set out at Appendix 'K' is a schedule containing two cases that are in excess of £1,000, totalling £2,946.08. These have proved to be irrecoverable for the reasons shown. Authority is sought to have the debts written-off. They will then be passed to Credit G Limited to recover on the Council's behalf.

OFFICERS' RECOMMENDATION that -

- i) the Council tax arrears, totalling £4,265.73, as detailed in Appendix 'I', be written off as irrecoverable;**
- ii) the non-domestic rates arrears totalling £23,115.24 as detailed in Appendix 'J', be written off as irrecoverable; and**
- iii) the rent arrears totalling £2,946.08, as detailed in Appendix 'K', be written off as irrecoverable.**

(TO RESOLVE)

Background Papers

Borough Treasurer's Council Tax write-off file (exempt)
Borough Treasurer's Non-Domestic Rates write-off file (exempt)
Borough Treasurer's Rent Arrears Write-Off file (exempt)

13. EXCLUSION OF PRESS AND PUBLIC

OFFICERS' RECOMMENDATION that -

the press and public be excluded from the meeting during discussion of the following report under Section 100A(4) of the Local Government Act 1972 on the grounds that the report in question would be likely to involve disclosure of exempt information of the description specified in paragraphs 7, 8 and 9 of Part 1 of Schedule 12A of the Act.

(TO RESOLVE)

PART II

Matters involving Exempt or Confidential information in respect of which reports have not been made available for public inspection

a) **Exempt Information**

Paras

14. PRINTING AND DESIGN SERVICES - AWARD OF CONTRACT

7, 8 and 9

b) **Confidential Information**

(No reports to be considered under this heading).