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HUMAN RESOURCES COMMITTEE

6 DECEMBER 2012

Present:- Councillor A J Mitchell (Chairman), Councillor R Callender (Vice-Chairman), Councillor C D Amos, , Councillor C Callender, Councillor G W J Calver, Councillor C W Griffiths, Councillor R A Heaney, Councillor J Henderson, Councillor D R Mayzes, Councillor G L Mitchell and Councillor I P Tracey

In Attendance:- Chief Executive (Ian Davidson), Strategic Director (David Appleby), Human Resources Manager (Anastasia Simpson), Workforce Development Manager (Stuart Brian) and Democratic Services Officer (Elizabeth Ridout)

(7.30 p.m. - 9.17 p.m.)  
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12.. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were made on behalf of Councillor Broderick, Councillor Chapman, Councillor Colbourne (with Councillor G L Mitchell substituting, Councillor S A Honeywood (with Councillor D R Mayzes substituting) and Councillor Scott.

13. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on 19 September 2012 were approved as a correct record and signed by the Chairman.

With reference to Minute 6, Councillor Tracey expressed disappointment that more detail had not been recorded with regard to the questions raised by Members. The Democratic Services Officer noted Councillor Tracey's comments and undertook to feed these back to the Democratic Services Manager for his consideration and response.

14. MATTERS ARISING FROM THE ABOVE-MENTIONED MINUTES

Minute 10 – Subsistence Policy

Councillor Tracey requested an update from the Human Resources Manager with regard to the Council's approved policy of retaining the existing subsistence allowances and the response from Unison, if any. The Human Resources Manager responded confirming that UNISON had accepted the changes made by the Human Resources Committee, held on 19 September 2012.

15. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 15.3 (IF ANY)

There were none.

16. PROGRESS UPDATE - OFFICER RESTRUCTURES

With reference to Minute 21 of the Committee's business, a further update on officer restructures was provided.

Since the last update to the Committee, the implementation of the second phase Senior Management Structure had been completed. It was now in a 'business as usual' mode with recruitment taking place as vacancies arose. However, a resignation had offered the opportunity to make a further reduction in the number of Heads of Department and this was

currently being considered.

The Committee was advised that first Fundamental Service Review (FSR) had taken place in the Planning Service and this had been completed and fully implemented.

In addition, a number of other Section-level reviews had been undertaken and completed, the largest being in Revenues and Benefits.

The Committee was advised that FSR's in Corporate Services, Life Opportunities, Public Experience and the remaining parts of Resource Management were now underway and had either reached the formal staff consultation phase or were expected to do so in the near future. In addition, it was noted that a number of both formal and informal meetings and discussions had taken place between Group Leaders, Cabinet Members, Unison and the Chief Executive throughout the restructuring process.

The Chief Executive expressed his thanks to the Strategic Director and the Human Resources Manager for their hard work throughout the process. It was noted that, after the festive season, it was planned to recommence the forum for staff suggestions and ideas.

The Chief Executive also advised that an assessment from Investors in People had recently been completed and, although awaiting official feedback, it was indicated that the Council had retained the existing standard.

Members asked questions covering workforce skills gained or lost, voluntary and compulsory redundancies, Unison and staff reactions, absence rates, training, compromise agreements and staff morale, to which the Chief Executive, Human Resources Manager and the Workforce Development Manager responded, as appropriate.

The Chief Executive said that the impact of the changes at both Senior Management and as part of the FSR's will be monitored and adjustments made as required. The Chief Executive agreed to a further update for the Committee at the end of March 2013.

It was moved by Councillor D R Mayzes, seconded by Councillor Heaney and:

RESOLVED that

- (a) the progress made towards designing and implementing new staffing structures within Tendring District Council be noted; and
- (b) a further report be presented to the Human Resources Committee upon completion of the fundamental service reviews and the implementation of the new structures.

## 17. HOMEWORKING POLICY

The Committee gave consideration to a Homeworking Policy for the Council, incorporating guidance which included occasional and regular homeworking.

Members were made aware that the proposed homeworking policy was new to the Council and, if approved, would form part of Tendring District Council's flexible working arrangements and the Human Resources suite of employment related policies. It aimed at transforming the way employees worked for the Council, would improve service delivery, promote work life balance and offer the potential to allow office space to be used more effectively.

The policy included practical guidance for both managers and staff including how to assess suitability for homeworking, health and safety implications, IT considerations and a regular

review of the homeworking arrangements to ensure that the Council, as an employer, was satisfied that work was being produced to the specified standard and that the employee was still agreeable with the homeworking agreement.

Members discussed questions covering tax implications, concern of abuse of the scheme and subsequent enforcement, isolation of staff, health and safety, IT issues and public liability insurance. The Chief Executive identified how the policy would be managed. The Committee also discussed how the scheme played a positive role for TDC as a good employer.

With an agreed amendment to Section 6.1 of the policy to read 'regular homeworkers only' it was moved by Councillor Tracey, seconded by Councillor J Henderson and:

RESOLVED that

- (a) the Homeworking Policy, as amended, be adopted with immediate effect and form part of the terms and conditions of employment for Tendring District Council employees; and
- (b) delegation be given to the Head of Resource Management to update the Policy with any future administrative and/or legislative changes.

18. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 9.17 p.m.

19. CONFLICT RESOLUTION AND GRIEVANCE POLICY AND PROCEDURES

The Committee gave consideration to an updated Grievance Policy for the Council incorporating guidance regarding conflict resolution.

The current Grievance Policy was introduced in 2007, and dealt with grievances in a very systematic and formal manner, moving rapidly into formally processes and structured meetings rather than trying to deal with conflict situations at a much more informal level within the organisation. The updated policy was aimed at reaching conclusions at the earliest possible stage using informal processes.

It was moved by Councillor Scott, seconded by Councillor Tracey and:

RESOLVED that (a) the Conflict Resolution & Grievance Policy and Procedure, as set out in Appendix A to item A.2 of the agenda, be adopted with immediate effect and form part of the terms and conditions of employment for Tendring District Council employees; and

(b) authority be delegated to the Head of Resource Management to update the Policy with any future administrative and/or legislative changes.

20. AGENCY AND CASUAL WORKER POLICY

The Committee gave consideration to an Agency and Casual Worker policy for the Council.

Members were made aware that the Council had a preference to undertake its own recruitment and agency staff would only be used in circumstances where all other attempts to fill a vacancy had been exhausted.

This policy was designed to provide guidance to managers regarding the usage of agency

and casual workers and the statutory regulations that now applied to agency and casual workers.

The policy also aimed to provide a co-ordinated approach across the Council in particular to the use of agency workers.

It was moved by Councillor Scott, seconded by Councillor Heaney and:

RESOLVED that (a) the Agency and Casual Worker Policy, as set out in Appendix A to item A.3 of the agenda, be adopted with immediate effect and form part of the terms and conditions of employment for Tendring District Council employees; and

(b) authority be delegated to the Head of Resource Management to update the Policy with any future administrative and/or legislative changes.

21. SUBSISTENCE POLICY

The Committee gave consideration to a locally negotiated agreement, regarding subsistence allowances.

Members were made aware that subsistence allowances did not form part of the National Terms and Conditions of Employment for Staff (commonly known as the Green Book). It was expected that any agreement regarding subsistence would be negotiated with recognised unions locally e.g. UNISON. The agreement reached was known as a 'local agreement'.

Currently within the Council, some departments were reimbursing employees for subsistence and others were not permitting claims to be made. As this position was not sustainable, the policy was designed to rectify this situation and provide a fair process for the reimbursement of Officers who had incurred additional expenditure for subsistence, as they carried out their duties.

It was moved by Councillor Scott, seconded by Councillor Griffiths and:

RESOLVED that (a) the Subsistence Policy, as set out in Appendix A to item A.4 of the agenda, be adopted with immediate effect and form part of the terms and conditions of employment for Tendring District Council employees, subject to the existing subsistence allowances being retained, and Unison being given the opportunity to reopen negotiations on this policy if they so wished; and

(b) authority be delegated to the Head of Resource Management to update the Policy with any future administrative and/or legislative changes.

22. ANY OTHER ITEMS THE CHAIRMAN DECIDED WERE URGENT

There were none.

The meeting was declared closed at 8.25 p.m.

23. THE LATE COUNCILLOR M J BRAGG

The Chief Executive formally reported with sadness the death of Councillor Mary Bragg. Notice of the vacancy in the St Bartholomew's Ward would be given shortly.

The Chief Executive reminded Members that the cortege for Mary Bragg's funeral would be leaving her house at 1.30 p.m. on Friday 10 February and would pass by the front of the Town Hall in Clacton-on-Sea shortly thereafter. He requested of anyone who wished to pay their respects that they should be outside the front of the Town Hall shortly after 1.30 p.m. Councillor Bragg's funeral would then take place at 2.00 p.m. at Weeley Crematorium.

Council noted the foregoing.

24. PETITIONS

In accordance with the provisions of Council Procedure Rule 35 the Chief Executive formally reported the receipt of petitions in respect of the following:-

- (i) Review of the Council's Cash Collection Service
- (ii) Land Exchange and Disposal at The Hangings, Dovercourt

Council noted the foregoing.

25. URGENT NEED FOR ROAD SAFETY MEASURES ON THE ENTIRE LENGTH OF THE A120 FROM HARE GREEN TO RAMSEY

The Council had before it for its consideration the following motion, notice of which had been given by Councillors Nicholls and Heaney pursuant to Council Procedure Rule 16:-

"That this Council

- is appalled that another serious accident has occurred on the A120, this time involving a double decker bus full of school children,
- recognises that plans are currently being drawn up by the Highways Agency to improve safety on the A120 and calls on the Highways Agency to urgently review safety on the entire length of the A120 from Hare Green to Ramsey and to publish its plans for improvements as soon as possible,
- demands that the Highways Agency take urgent action to immediately reduce the speed limit and introduce such other safety measures as are possible to reduce the risk of further such incidents,
- calls on the County Council and local Members of Parliament to support this motion and to do everything possible to ensure that the A120 is made safe for all road users, especially children travelling home from school."

Councillor Candy declared a personal interest in the subject matter of this item insofar as she was also a County Councillor for the Tendring Rural West division.

Councillor Nicholls moved the motion and Councillor Heaney seconded the motion.

The Chairman informed Members that it was his intention to allow the motion to be dealt with at this meeting.

Councillor Nicholls' motion on being put to the vote was declared unanimously CARRIED.

26. MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS

At the beginning of this new Municipal Year, Members were reminded of their obligations regarding "personal" and "prejudicial" interests. Those were contained in the Members' Code of Conduct which had been adopted by the Council on 26 June 2007 and which were set out in the Council's Constitution. Members were also reminded of the need to ensure that their Register of Interest forms were kept up-to-date.

It was moved by Councillor Stock, seconded by Councillor Talbot and:-

RESOLVED – That Members note the obligations contained in the Members' Code of Conduct and act accordingly.

27. ANNUAL REVIEW OF THE SCHEME OF MEMBERS' ALLOWANCES BY THE INDEPENDENT REMUNERATION PANEL

The Council had before them a report that submitted for their approval a scheme of Members' Allowances based on the recommendations of the Independent Remuneration Panel.

The Chairman of the Independent Remuneration Panel (Mr Frederick Abbott) attended the meeting and answered Members' questions.

Attached as Appendix 'A' to item A.3 of the Report of the Head of Financial Services for the Council's consideration was the Independent Remuneration Panel's report on their review of Members' Allowances.

Members had circulated to them the Conservative Group's amendment to the recommendations contained in Appendix 'A' to item A.3 of the Report of the Head of Financial Services.

Having had regard to the report and the recommendations of the Independent Remuneration Panel, together with the amended recommendations which had been circulated, it was moved by Councillor Halliday, seconded by Councillor Stock and:-

RESOLVED - (a) That the allowances recommended by the Independent Remuneration Panel, as set out in its report to the Council be approved except that:-

- i. The Special Responsibility Allowance for the Chairman of the Scrutiny Committee be deleted following the removal of that Committee.
- ii. The Special Responsibility Allowance for the Deputy Leader of the Council (both with and without Portfolio) be deleted as it is not considered appropriate to add this additional allowance in a period of financial austerity.
- iii. The allowances for the Chairman and Vice-Chairman of the Council be set at £6,070 and £2,140 respectively and are not increased by inflation to bring them in line with the other member allowances.
- iv. The Chairman and Vice-Chairman of the Council are not able to claim both the Chairman or Vice-Chairman allowance and a Special Responsibility Allowance. If any member is entitled to claim both the Chairman or Vice-Chairman of the Council allowance and Special Responsibility Allowance(s) only the higher allowance will be payable.

(b) That the Council adopts a principle of indexing of allowances for the following three years, and that Tendring District Council Members' Allowances commencing in May 2012, May 2013 and May 2014 be increased in each of those years in accordance with the officers' agreed pay award commencing in April of each of those respective years and that

the same principle of indexation be recommended to the Tendring Parish Councils in each of those years. In the event that the officers' pay award is settled after 1st April in any year, the subsequent Members Allowances be calculated and paid backdated to 1st of May in that municipal year.

(c) That subsequent to (b) above Council does not wish the Independent Remuneration Panel to meet prior to the Annual Council Meetings in 2012, 2013 and 2014 but requests that a full review is undertaken and report prepared in relation to the district and parish schemes of allowances to commence on 1 May 2015.

(d) That Officers bring forward to a future Council meeting a report on the options for the provision of an Independent Remuneration Panel following the expiry of the term of appointment of the current members of the Tendring District Council Independent Remuneration Panel.

(e) That the separate Broadband Allowance ceases to be paid with effect from 1 May 2011.

(f) That the Council's Scheme of Members' Allowances incorporated in Part 7 of the Constitution be amended accordingly and to reflect Council's decisions and that the approved amended Scheme Allowances be advertised as required by the Regulations.

(g) That in accordance with the approval given for the last three years, the Chairman and Vice-Chairman of the Council continue to be allowed to claim reimbursement in respect of in-district mileage when attending functions and duties in accordance with the remit set out in the Constitution, the mileage rate to be the same as that paid for general approved duties.

28. OVERVIEW AND SCRUTINY COMMITTEES: PROPOSED WORK PROGRAMME FOR 2011/2012 AND A REVIEW OF THE WORK CARRIED OUT DURING THE PERIOD APRIL 2010 TO MARCH 2011

The Council considered a report which sought their approval to a proposed work programme for the Community Leadership and Partnerships Committee, the Corporate Management Committee and the Service Development and Delivery Committee for the 2011/2012 Municipal Year and which reviewed the work carried out by those Committees and the Scrutiny Committee during the period April 2010 to March 2011.

RESOLVED - That the proposed work programmes for the Community Leadership and Partnerships Committee, the Corporate Management Committee and the Service Development and Delivery Committee for the 2011/2012 Municipal Year and the review of the work carried out by those three committees and the Scrutiny Committee in the period April 2010 to March 2011, as set out in Appendices "A4A" and "A4B" to item A.4 of the Reference from Committees, be approved.

29. PROGRAMME OF MEETINGS: 2011/2012 MUNICIPAL YEAR

The Council gave consideration to a proposed timetable of meetings of the Council, the Audit Committee, the Community Leadership and Partnerships Committee, the Corporate Management Committee, the Council Tax Committee, the Planning Committee and the Service Development and Delivery Committee for the 2011/2012 Municipal Year.

RESOLVED - That the programme of meetings for the Council, the Audit Committee, the Community Leadership and Partnerships Committee, the Corporate Management Committee, the Council Tax Committee, the Planning Committee and the Service Development and Delivery Committee, as set out in the Appendix to item A.5 of the

Reference from Cabinet, be approved.

30. SUB-COMMITTEES OF THE LICENSING AND REGULATORY COMMITTEES AND THEIR CHAIRMEN AND VICE-CHAIRMEN

To avoid the need for formal meetings of the Licensing and Regulatory Committees to be held to appoint their Sub-Committees and the Chairmen and Vice-Chairmen of those Sub-Committees:-

It was moved by Councillor Stock, duly seconded and:-

RESOLVED – (a) That the Appeals Sub-Committee be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows:-

Councillor Aldis  
Councillor Bragg  
Councillor S A Honeywood  
Councillor Nicholls  
Councillor Platt  
Councillor Simons

(b) That Councillor S A Honeywood be elected Chairman of the Appeals Sub-Committee for the 2011/2012 Municipal Year.

(c) That Councillor Platt be appointed Vice-Chairman of the Appeals Sub-Committee for the 2011/2012 Municipal Year.

(d) That the Licensing (General Purposes) Sub-Committee be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows:-

Councillor Casey  
Councillor De-Vaux Balbirnie  
Councillor Downing  
Councillor Fawcett  
Councillor V E Guglielmi  
Councillor Powell  
Councillor Pugh  
Councillor Skeels

(e) That Councillor Downing be elected Chairman of the Licensing (General Purposes) Sub-Committee for the 2011/2012 Municipal Year.

(f) That Councillor Fawcett be appointed Vice-Chairman of the Licensing (General Purposes) Sub-Committee for the 2011/2012 Municipal Year.

(g) That Premises/Personal Licences Sub-Committee 'A' be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows, with the appointment of a third member from the Labour Group, which appointment to be dealt with by the Chief Executive in accordance with the authority delegated to him to appoint a member at the request of the Group Leader:-

Councillor Downing  
Councillor Powell

(h) That Councillor Downing be elected Chairman of the Premises/Personal Licences Sub-Committee 'A' for the 2011/2012 Municipal Year.

(i) That Premises/Personal Licences Sub-Committee 'B' be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows:-

Councillor V E Guglielmi  
Councillor G L Mitchell  
Councillor Shearing

(j) That Councillor V E Guglielmi be elected Chairman of the Premises/Personal Licences Sub-Committee 'B' for the 2011/2012 Municipal Year.

(k) That Premises/Personal Licences Sub-Committee 'C' be, and is, hereby appointed and that the members thereof for the 2011/2012 Municipal Year be as follows:-

Councillor De Vaux-Balbirnie  
Councillor Fawcett  
Councillor Platt

(l) That Councillor Platt be elected Chairman of the Premises/Personal Licences Sub-Committee 'C' for the 2011/2012 Municipal Year.

31. TENDRING DISTRICT LOCAL PLAN PREFERRED OPTIONS CONSULTATION

Council's approval was sought in respect of the Tendring District Local Plan Preferred Options Consultation.

The Local Plan Committee had considered the consultation document at its meeting held on 9 June 2016 and Council had before it the Committee's recommendations.

Council also had before it a report of the Head of Planning Services which informed Members of major as well as minor changes to the consultation documents in order to make the Plan up-to-date prior to public consultation and to be consistent in not allocating sites for housing which had been refused permission. Some of those changes were a result of decisions made by the Planning Committee at its meeting held on 14 June 2016. The changes had been made to the Plan attached as Appendix A to the report of the Head of Planning Services and a schedule of those changes was provided in Appendix C thereto.

Members had had circulated to them prior to the commencement of the meeting amended maps in relation to Great Bentley and Frinton, Walton, Kirby-le-Soken, Kirby Cross and Great Holland. Those maps had been altered as a result of the recent refusal of related planning applications.

Councillor Stock, Chairman of the Local Plan Committee, thanked the Members of that Committee and the Officers, particularly the Head of Planning Services (Cath Bicknell) and the Planning & Regulation Manager (Simon Meecham), for their hard work and dedicated effort in getting the Local Plan to its current position. He also thanked the members of the public and representatives of parish councils who had participated in the public speaking scheme at meetings of the Local Plan Committee.

Councillors Stock, Turner, Scott, Winfield, Parsons, Stephenson, Calver, Bray, V E Guglielmi, Howard, G V Guglielmi, Coley, Broderick and M Brown participated in the debate.

It was moved by Councillor Stock, seconded by Councillor Turner and RESOLVED that Council:

(a) approves the content of the Tendring District Local Plan Preferred Options consultation document, attached as Appendix A to the Report of the Head of Planning Services, which incorporates the changes set out in Appendix C thereto and including the amended maps for Great Bentley and Frinton, Walton, Kirby-le-Soken, Kirby Cross and Great Holland, as circulated, for public consultation for a period of eight weeks;

(b) delegates authority to the Head of Planning Services, in consultation with the Chairman of the Local Plan Committee, to make minor amendments to the text of the Local Plan consultation documents up to the point of publication for consultation purposes. Such amendments are to be circulated to all Members of the Council prior to the commencement of the public consultation; and

(c) delegates authority to the Head of Planning Services, in consultation with the Chairman of the Local Plan Committee, to agree the content of the Sustainability Appraisals for the Local Plan Consultation Documents for public consultation for a period of six weeks. The content of the Sustainability Appraisals are to be circulated to all Members of the Council prior to the commencement of the public consultation.

NOTES: (1) in accordance with the provisions of Council Procedure Rule 18.5, Councillors Bray, Broderick, Parsons and Whitmore each requested that they be recorded in the minutes as having voted against the above decisions; and

(2) in addition, Councillor G V Guglielmi requested that he be recorded in the minutes as having abstained from voting on the above decisions.

32. URGENT MATTERS FOR DEBATE

There were none on this occasion.

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There were none on this occasion.

Chairman