

---

HUMAN RESOURCES COMMITTEE

26 FEBRUARY 2015

Present:- Councillors R Callender (Chairman), Griffiths (Vice-Chairman), C Callender, Calver, Chapman, J Henderson, D R Mayzes, Richardson, Scott and Tracey

In Attendance:- Corporate Director (Corporate Services) (Martyn Knappett), Human Resources and Business Manager (Anastasia Simpson), Work Based Learning Manager (Debianne Messenger), Human Resources Consultant (Marcia Fuller), Business Support Manager (Katie Wilkins) and Senior Democratic Services Officer (Ian Ford)

(7.30 p.m. - 8.17 p.m.)  
-----

6.. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Amos, Broderick, Heaney and Miles (with Councillor D R Mayzes substituting).

7. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee held on 7 July 2014 were approved as a correct record and signed by the Chairman.

8. DECLARATIONS OF INTEREST

Councillor Griffiths declared a non-pecuniary interest in the agenda items insofar as he was a member of the GMB Union and a Shop Steward.

9. PAY POLICY STATEMENT 2015/2016

There was submitted a report by the Corporate Director (Corporate Services), which presented to the Committee the proposed Pay Policy statement for 2015/2016.

The Committee was reminded that Section 38(1) of the Localism Act 2011 required local authorities to produce a pay policy statement and that those matters which were required to be included in the statutory Pay Policy Statement were as follows:

- A local authority's policy on the level and elements of remuneration for each Chief Officer;
- A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition);
- A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers; and
- A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.

Members were aware that over the past two years the Council had been moving incrementally towards the 'Living Wage'. In 2013/14 the Council had removed spinal column points 4-6, three spinal column points on the pay band and in 2014/15 the Council had removed a further one spinal column point, point 7, making the minimum starting salary, spinal column point 8 (£12,915 per annum, £7.19 per hour).

The Committee recalled that, at its last meeting held on 7 July 2014 (minute 5 [A.3] referred), it had noted the progress made by the Council in moving towards the Living

Wage during 2013/14 and 2014/15 and had resolved that the Council would continue to aspire towards paying the Living Wage.

Members were advised that the draft Pay Policy Statement 2015/16 was recommending that the Living Wage be now introduced in order to support staff employed on the lower pay bands (spinal column point 10 and below). This would ensure that all staff received a minimum payment of £7.85 per hour (which equated to £15,145 per annum). The Committee was aware that there could be some staff that could query pay differentials; however it was being recommended that the Living Wage was paid as a non- consolidated lump sum payment so that there was no impact on the Council's pay line or job evaluation.

It was reported that the cost of introducing the Living Wage would be £25,955. However, with a voluntary contribution from the Chief Executive, who had decided not to take his personal inflationary pay award, the cost could be reduced to £23,289. Employees that would benefit from the implementation of the Living Wage included Cleaners, Theatre Staff and Leisure Attendants. It was further reported that UNISON had been consulted and were supportive of the Council introducing the Living Wage.

The Committee was aware that the Pay Policy Statement needed to be approved by the Council before the end of March 2015.

The Human Resources and Business Manager informed the Committee that Standby Payments were currently being reviewed.

After discussion, it was moved by Councillor Scott, seconded by Councillor Richardson and:

RESOLVED that:

(a) the Pay Policy Statement 2015/16, as set out in Appendix A to item A.1 of the Report of Corporate Director (Corporate Services), be approved and forwarded to Council for its consideration, at its meeting to be held on 24 March 2015; and

(b) recommends to Council that costs be met from existing salary/vacancy provision within budgets.

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

RESOLVED that:

(c) the Chief Executive's gesture be acknowledged and he be thanked but that this Committee recommends to Council that the full cost of the introduction of the Living Wage be funded from the General Fund budget.

#### 10. DOMESTIC VIOLENCE/ABUSE AND THE WORKPLACE POLICY

There was submitted a report by the Corporate Director (Corporate Services), which set out a new policy giving guidance to managers and staff regarding domestic violence and abuse.

It was reported that the aim of the new policy was to provide practical advice and support to employees and managers in situations where a member of staff was suffering from domestic violence and/or abuse and also to ensure that employees were aware of support agencies and contacts in cases of domestic violence/abuse.

It was considered that domestic violence should be treated with the same degree of seriousness as any other form of harassment, violence or abuse and was not to be

tolerated. The proposed new policy would provide an explicit statement that offered reassurance to employees experiencing domestic violence and would act as a warning to perpetrators.

The Committee was made aware that in relation to cases of domestic violence and abuse within the workforce of Tendring District Council four employees had been supported by the Human Resources section over the past two years. That support had included contact with external agencies, including the police, housing advice and confidential counselling support.

It was further reported that UNISON had been consulted and were supportive of the Council introducing this Policy.

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

RESOLVED that

(a) the Domestic Violence/Abuse and the Workplace Policy, as detailed at Appendix A to item A.2 of the Report of Corporate Director (Corporate Services), be adopted with immediate effect; and

(b) the Corporate Director (Corporate Services) be authorised to update the Policy with any future legislative and/or best practice changes.

#### 11. MENTAL HEALTH AT WORK POLICY

There was submitted a report by the Corporate Director (Corporate Services), which set out a new policy giving guidance to managers and staff regarding managing and supporting mental health at work.

The Committee was advised that the key elements of the policy were as follows:

Definitions of mental health;  
Why mental health matters to Tendring District Council;  
Guidance for handling disclosure;  
Prevention – keeping people well within the organisation;  
Early intervention; and  
Referral list for further guidance and support.

Members were made aware that the Council provided a range of support mechanisms for staff including:

Occupational health;  
Independent Counselling;  
Departmental Health Champions (who could provide signposting guidance to Health in Mind);  
Stress Risk Assessments (including individual advice and guidance from Corporate Health and Safety if required);  
Advice and guidance from Human Resources (referral agencies);  
Risk assessments; and  
Employee benefits e.g. Cycle to Work scheme , ACE Weight Management Courses and the Lunchtime Walking Club.

The Committee was informed that UNISON had been consulted regarding this new policy and that they were supportive of its aims and objectives. UNISON also provided counselling support and advice for its members.

It was moved by Councillor Scott, seconded by Councillor C Callender and:

RESOLVED that

- (a) the Mental Health at Work Policy, as detailed at Appendix A to item A.3 of the Report of Corporate Director (Corporate Services), be adopted with immediate effect; and
- (b) the Corporate Director (Corporate Services) be authorised to update the Policy with any future legislative and/or best practice changes.

12. SHARED PARENTAL LEAVE POLICY

There was submitted a report by the Corporate Director (Corporate Services), which sought the Committee's approval for the implementation of a Shared Parental Leave Policy, which would provide statutory guidance to employees and managers.

The Committee was advised that The Children and Families Act 2014 had been given Royal Assent on 13 March 2014. In addition to providing greater protection to vulnerable children the Act had also addressed improved flexibility for parents to balance work and family life. Part of the Act had introduced the Shared Parental Leave Regulations 2014 which had come into force with effect from 1 December 2014. Those Regulations intended to improve the work/life balance by implementing the following measures:

- from 5 April 2015, mothers, fathers and adopters could opt to share parental leave around their child's birth or placement. This would give families more choice over taking leave in the first year – fathers, and mothers' partners, could take up to a year, or parents could take several months at the same time; and
- adoption leave and pay would reflect entitlements available to birth parents from 5 April 2015 – there would be no qualifying period for leave; enhanced pay to 90% of salary for the first 6 weeks; and time off to attend introductory appointments.

Members were informed that The Shared Parental Leave Regulations would require careful management in order to ensure that mothers, fathers and their partners gained their full entitlement. Officers were therefore recommending that a detailed Shared Parental Leave Policy be implemented, in order to provide clear guidance and advice for employees and managers within the Council.

It was further reported that UNISON had been consulted and were supportive of the Council introducing this Policy.

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

RESOLVED that

- (a) the Shared Parental Leave Policy, as detailed at Appendix A to item A.4 of the Report of Corporate Director (Corporate Services), be adopted with immediate effect; and
- (b) the Corporate Director (Corporate Services) be authorised to update the Policy with any future legislative and/or best practice changes.

13. STAFF STATISTICS

There was submitted a report by the Corporate Director (Corporate Services), which provided the Committee with updated and current staffing statistics including:

- (1) Number of Staff Employed – Full Time and Part Time;

- (2) Gender Profile;
- (3) Age Profile;
- (4) Disability Profile;
- (5) Ethnicity Profile; and
- (6) Sickness Absence.

A Member suggested that future reports of this nature should include details of the number of staff receiving long service/loyalty awards from this Council.

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

RESOLVED that the contents of the report be noted.

14. TIME OFF AND FACILITIES TIME AGREEMENT

The Committee was aware that Councillor Griffiths had previously declared a non-pecuniary interest in this item, as detailed in minute 20 above.

There was submitted a report by the Corporate Director (Corporate Services), which sought the Committee's approval to update the Council's Time Off and Facilities Agreement for Trade Union Duties and Activities. The previous document had been produced in 2002 and following legislative and structural changes within the organisation, UNISON and Human Resources had jointly revised and updated the policy to reflect current working practices.

RESOLVED that:

(a) the Time Off and Facilities Agreement for Trade Union Duties and Activities, as detailed at Appendix A to item A.4 of the Report of Corporate Director (Corporate Services), be adopted with immediate effect; and

(b) the Corporate Director (Corporate Services) be authorised to update the Agreement with any future legislative and/or best practice changes.

15. NO SMOKING POLICY

There was submitted a report by the Corporate Director (Corporate Services), which presented to the Committee a proposed updated No Smoking Policy.

The Committee was advised that:

- The Health Act 2006 had required that all work places be smoke free by 1 July 2007, however, the legislation had not included electronic cigarettes;
- This Council had introduced a No Smoking policy in June 2007;
- The use of electronic cigarettes had increased since the mid- 2000s through increased marketing and online sales as an aid to reducing or quitting smoking;
- Guidance from the British Medical Association (BMA) stated that there was no evidence that electronic cigarettes were safe or effective and they had advised prohibiting them in the workplace as second hand exposure to the vapour exhaled by the user undermined smoking preventions and cessation; and
- The revised policy therefore included a ban on electronic cigarettes being used in this Council's workplaces.

RESOLVED that:

(a) the revised No Smoking Policy, as detailed at Appendix A to item A.5 of the Report of Corporate Director (Corporate Services), be adopted with immediate effect; and

(b) the Corporate Director (Corporate Services) be authorised to update the Policy with any future legislative and/or best practice changes.

16. ANY OTHER ITEMS THE CHAIRMAN DECIDES ARE URGENT

There were none.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.



23. 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.

24. 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.

## 25. 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.

26. URGENT MATTERS FOR DEBATE

There were none on this occasion.

27. URGENT MATTERS FOR DEBATE

There were none on this occasion.

Chairman