

BRISTOL CITY COUNCIL

**MINUTES OF THE MEETING OF THE
HUMAN RESOURCES COMMITTEE
HELD ON 2ND APRIL 2009 AT 2.00 P.M.**

P Councillor Comer (in the Chair)
P Councillor Bees
P Councillor Eddy
P Councillor C. Price
A Councillor Wright
P Councillor Kitson

**HR
80.4/09 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Wright who was substituted by Councillor Kitson.

**HR
81.4/09 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**HR
82.4/09 MINUTES – HUMAN RESOURCES COMMITTEE – 19TH
FEBRUARY 2009**

RESOLVED - that the minutes of the meeting of the Human Resources Committee held on 19th February 2009 be confirmed as a correct record and signed by the Chair.

Matters arising:

Concerns were raised that School Caretakers were not being treated in line with the new Tied Accommodation Policy. The Committee needed to be aware of problems with the implementation of this policy by Headteachers/School Governors and requested that a report be brought to a future meeting.

RESOLVED: that a report outlining non implementation of the Tied

Accommodation Policy by Headteachers/Governing Bodies be brought to a future meeting (July) of the Human Resources Committee.

**HR
83.4/09 PUBLIC FORUM**

AGENDA ITEM	AUTHOR OF STATEMENT	SUBJECT(S) OF STATEMENT	No.
5	Steve Paines UNITE	Review of Mileage Allowance	1
6		Revisions to the Existing Performance Procedure	
7		Changes in Employment Law	
5	Rowena Hayward GMB	Review of Mileage Allowance	2
6		Revisions to the Existing Performance Procedure	
5	Martin Jones UNISON	Review of Mileage Allowance	Late state ment
6		Revisions to the Existing Performance Procedure	

The public forum items were heard prior to the agenda item to which they referred and considered during the Committee's decision.

**HR
84.4/09 THE REVIEW OF THE BRISTOL CITY COUNCIL MILEAGE ALLOWANCES**

The Committee considered a report of the Head of Human Resources (agenda item no. 5) requesting adoption of the resolution of full Council and noting that the review of mileage allowances was not being pursued at this stage.

The Committee received the public forum items presented for this agenda item.

The Chair advised the Committee of the legal advice received from the Head of Legal Services, which the Section 151

Officer present also confirmed:

- Full Council at the AGM established the Human Resources Committee and delegated it the power to take decisions regarding the terms and condition of staff.
- The budget meeting established the budget but it did not take decisions outside the budget.
- Full Council could remove the delegation to HR and take HR decisions (this was constitutionally possible, as against scrutiny or the executive, but when council allocated budgets it was not acting as an HR Committee.)
- 1) HR committee was obliged to carefully consider the budgetary consequences of any decision but was not bound by the budget set by full Council.
- 2) HR committee would not be establishing a new budget - rather if it decided to maintain levels then it would create a budgetary problem.

The Committee discussed the issues and raised the following points against and for the recommendations:

- Endorsement of the recommendations would render the consultations undertaken a waste of time and undermine this Committee.
- Changing terms and conditions of employment through full Council was not the right way to deal with employee relations.
- The report did not agree with the conclusion that the authority was overpaying mileage rates.
- The decision to increase the mileage allowance was driven by the increase in petrol costs which had since reduced and taken during very different economic circumstances.
- The budget amendment was made at a time of increasing pressure on budgets. Income had reduced over a variety of areas and there was pressure to make improvements for residents. There would be an opportunity to revisit increasing the payments at later stage
- If the recommendation was adopted the Council would need to serve notice on employees and therefore the 1 April 2009 commencement date would be delayed.
- Employees were either in the regular or casual car users scheme, each of which had different arrangements. Whether or not employees would refuse to use their own cars for work purposes, should the recommendations be agreed, would depend on which scheme they were in.

On being put to the vote the recommendation in the report

failed (2 for and 3 against). It was therefore:

RESOLVED - that the existing policy of the payment of 42.9p per mile be maintained.

HR

85.4/09

REVISIONS TO THE EXISTING IMPROVING PERFORMANCE PROCEDURE

The Committee considered a report of the Head of Human Resources (agenda item no. 6) requesting adoption of the revised Improving Performance Procedure with effect from 1 June 2009.

The Committee received the public forum items presented for this agenda item. The following comments were given in response and during the ensuing discussion.

- Section 4 - Informal Stage - had been written to be less prescriptive and more informal. The Informal Stage reinforced day to day action that should be taken by managers.
- Managers had to consult with HR Managers before any payments of increments could be withheld.
- The procedure was in line with the Performance Management Framework that was adopted in January 2009.
- Meetings between managers and employees should be documented to ensure a fair and transparent process. This was a normal part of the supervision process.
- Competence training for managers, to address staff development and performance management, would take place in May 2009.
- Concerns about performance should not wait until PMDS meetings were held but must be addressed as and when they arose.
- Employees always had the right to consult with HR or TU representatives and the clear process outlined would ensure employees were not abused by managers.
- Consideration to withhold the payment of increments would be made on a case by case basis and HR advice must always be sought before any such decision was made. Paragraph 5.7 would be further clarified on this matter.
- The informal process should enable employees to improve

performance without the need to resort to the formal process.

- Once an employee had reached the required standard this would also be noted on their file. Documentation referred to would be made on the employee central DIP files.
- It was agreed that the Committee should monitor action taken very clearly via an annual information report brought to the Committee in October/November each year. The report to include equalities impact information, to ensure this was not a route for discrimination against any employee group.

RESOLVED - that
(a) the revised Improving Performance Procedure be adopted with effect from 1 June 2009; and
(b) an annual information report be presented to include equalities impact assessment.

HR

86.4/09

IMPLICATIONS FOR BRISTOL CITY COUNCIL RE-CHANGES IN EMPLOYMENT LAW (APRIL 2009)

The Committee considered a report of the Acting Strategic Director Resources (agenda item no. 7) regarding the changes in employment law and amendments to Council Human Resources policies with effect from 6 April 2009.

The Committee received the public forum item presented for this agenda item.

The Employee Relations Manager presented the report. The following points were highlighted:

- The view from ACAS was that an alternative hearing date offered within 5 working days of a postponed meeting was reasonable.
- Dedicated discussions on the implications of the new Code had been held with Trade Unions and the changes had generally been well received. No further concerns had been received from Trade Unions following these discussions.
- The ACAS Code offered employees no rights to be accompanied to meetings regarding grievance, dismissal or disciplinary matters. If no representative was available

to accompany an employee within a reasonable timescale the meeting would proceed without representation.

RESOLVED: that the amendments to Policies in line with the ACAS Code of Practice be adopted.

**HR
87.4/09 PAY ARBITRATION CIRCULAR**

RESOLVED - that the Pay Arbitration Circular be noted.

**HR
88.4/09 EXCLUSION OF PRESS AND PUBLIC**

RESOLVED - that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act (as amended).

**HR
89.4/09 EARLY RETIREMENT ON THE GROUNDS OF REDUNDANCY - RESOURCES DIRECTORATE**

The Committee considered an exempt joint report of the Strategic Directors of Resources and Transformation (agenda item no. 10) approving early retirement and redundancy costs.

The Human Resources Manager presented the report. Appendix A (last paragraph) should read that the costs would be met from funds held for Business Transformation.

RESOLVED - (1) that the early retirement and redundancy costs of the Head of Contract Services be approved with effect from 31st July 2009; and

(2) that additional pension

benefits or augmented service in this case be not granted, as to do so would be contrary to the council's normal practice regarding enhanced pensions.

**HR
90.4/09**

**EARLY RETIREMENT ON THE GROUNDS OF
REDUNDANCY - NEIGHBOURHOODS DIRECTORATE**

The Committee considered an exempt joint report of the Strategic Directors of Resources and Transformation (agenda item no. 11) approving early retirement and redundancy costs.

The Human Resources Manager presented the report and the following points were raised:

- Appendix A (last paragraph) should read that the costs would be met from funds held for Business Transformation.
- Before leaving the Council the Head of Parks, Estates and Sports would undertake specific work on the Hengrove project likely to be completed by 31 July 2009. Figures given in the report would be adjusted accordingly.

- RESOLVED -**
- (1) that the early retirement and redundancy costs of the Head of Parks, Estates and Sports be approved with effect from 31st July 2009; and**
 - (2) that additional pension benefits or augmented service in this case be not granted, as to do so would be contrary to the council's normal practice regarding enhanced pensions.**

**HR
91.4/09**

REDUNDANCY - NEIGHBOURHOOD DIRECTORATE -

The Committee considered an exempt joint report of the Strategic Directors of Resources and Transformation (agenda item no. 10) approving redundancy costs.

The Human Resources Manager presented the report and

the following points were raised:

- Appendix A (last paragraph) should read that the costs would be met from funds held for Business Transformation.
- The Head of Technical Services would complete a specified piece of work before leaving the Council which was likely to be 30 June 2009. Figures given in the report would be adjusted accordingly.

- RESOLVED -**
- (1) that the redundancy costs of the Head of Technical Services be approved with effect from 31st July 2009; and**
 - (2) that it be noted that early retirement benefits are not applicable in this instance.**

(The meeting ended at 3.20.pm)

CHAIR