



Lewes District Council

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Employment Committee

Minutes of a meeting of the **Employment Committee** held in the **Warren Room, Lewes House, 32 High Street, Lewes** on **Monday, 11 October 2010** at 10.00am.

Present:

Employer's Side:

Councillors T M Hawthorne (Chair), J H Freeman, J M Harrison-Hicks, D O Rogers and H J F Sheppard

Employees' Side:

Mr M Connolly, Mrs S Harvey, Mrs L Plant, Mr G Purdye and Mr T Watson

Also Present:

Mr J Clark, Head of Business Services
Ms Z Downton, Committee Officer

Apology received:

Mr P Demetriou (Employees' Side)

Minutes

Action

12 Minutes

The Minutes of the meeting held on 7 June 2010 were approved as a correct record and signed by the Chair.

13 Apologies for Absence/Declaration of Substitute Members

An apology for absence was given on behalf of Mr P Demetriou (Employees' Side).

14 Urgent Item

The Chair advised that he had agreed, in accordance with Section 100B(4)(b) of the Local Government Act 1972, that Report No 221/10 which was entitled "Waiving of Actuarial Reduction", be considered as a matter of urgency, in order that the Committee could make its recommendations based on the most recent information which was available.

15 Written Questions from Councillors

Councillor Rogers asked a question of the Committee on whether the

Employees' Side representatives should be present during discussions relating to individual employment matters, and specifically in relation to Report No 221/10 entitled 'Waiving of Actuarial Reduction' on the supplementary agenda for this meeting. Oral replies to which were given at the meeting by the Chair of the Committee and the Head of Business Services after the meeting was briefly adjourned in order to seek the appropriate advice. The Head of Business Services reported that the Committee could request that the Employee's Side representatives leave the meeting when dealing with individual employment matters, but that this was at the Committee's discretion.

16 Removal of Default Retirement Age

The Committee considered Report No 216/10 regarding the proposal to amend the Council's policy on contract extensions beyond the normal retirement age.

The Report stated that part of the Employment Equality (Age) Regulations, which came into force on 1 October 2006, had allowed staff to request to stay at work beyond the Council's normal retirement age of 65. It also introduced the notion of a default retirement age if an employer had not set a 'normal' retirement age of its own. When those regulations were introduced, the Council had adopted a policy that contract extensions would only be agreed for one year at a time. The Government had announced that it intended to change the current regulations and remove the default retirement age as of 1 October 2011 and normal retirement ages would have to be objectively justified from that date onwards.

Under the proposed changes, it was unlikely that the Council would be able to justify continuing with a normal retirement age. In addition, organisations would no longer be able to compulsorily retire an employee with an intended date of retirement on or after 1 October 2011. Therefore, the Head of Business Services explained that, in his opinion, it would be sensible for the Council to remove the one year contract extension limit from this point onwards as it would no longer be applicable.

The Committee welcomed the Government's proposals. In response to councillors' questions, the Head of Business Services explained that a small number of employees were at various stages within the scheme. There would be a transitional period, whereby the Council would still be able to compulsorily retire an employee, provided the notice was issued before 1 April 2011.

The Employees' Side welcome the Report and cited examples where the arrangement to retain staff after the normal retirement age had been beneficial to the Council, in terms of meeting operational needs.

Resolved:

- 16.1** That it be agreed that the limit of one year for contract extensions for staff wishing to work beyond the Council's normal retirement age

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be removed.

17 Risk Assessment – 4 Fisher Street

The Committee received Report No 217/10 regarding an update on the risk assessments for 4 Fisher Street, Lewes, as requested by the Committee at its last meeting. This followed concerns that had been raised by staff due to the building works that were taking place in that building.

It was noted that, as a consequence, the general risk assessment in relation to 4 Fisher Street had been reviewed and comments from staff were being sought. The Head of Business Services reported that feedback had been received from the IT department and the risk assessment updated accordingly. The drafted risk assessment was set out at Appendix A of the Report.

A number of questions were asked by the Employees' Side regarding the health and safety risk assessment and associated records kept for 4 Fisher Street. Not all of those questions could be answered at the meeting. The Head of Business Services advised that those should be referred to the Council's Safety Officer.

In response to a question in relation to the Eco-Management and Audit Scheme (EMAS) compliance, the Head of Business Services agreed that any necessary extension to the health and safety inspection regime for hazardous substances could be accommodated.

Resolved:

17.1 That Report No 217/10 and the risk assessment at Appendix A to the Report be noted.

18 Exclusion of the Public and Press

Resolved:

18.1 That, in accordance with Section 100A of the Local Government Act 1972 (as amended), the public and press be excluded from the meeting during the discussion of items 19, 20 and 21 as there was likely to be disclosures of exempt information as defined in paragraph 4 of Part 1 of Schedule 12A of the Act.

19 Waiving of Actuarial Reduction

The Committee considered Report No 221/10 which was on the supplementary agenda that had been circulated prior to the meeting and a copy of which is contained in the Minute Book. The purpose of the Report was to request that the Committee should consider whether the Council should use its discretion to waive the actuarial reduction.

The Head of Business Services explained that the Council had a number of discretions at its disposal, however it was unclear whether any of them were

applicable to those particular requirements of the request as detailed in the Report. He had sought the view of the pensions policy team at East Sussex County Council on whether that request could be met within the discretions which Lewes District Council currently had and was awaiting their response.

The Employees' Side welcomed the Report but raised a number of issues. Its own research seemed to indicate that the Council should have a policy in place enabling it to exercise discretion in waiving actuarial reductions due to the reasons specified within the Report. Such a policy did not currently exist, other than as part of the Council's flexible retirement policy. It was requested that, whatever the outcome of the guidance being sought from the pensions policy team, a draft policy should be brought back for consideration and adoption by the Committee.

Furthermore, the Employees' Side asked that, if the ruling was that the Council was not able to exercise its discretion without having adopted such a policy, then appropriate action should then be taken to ensure that individual members of staff would not be unfairly penalised as a result of that legal technicality.

The Committee concluded that it would wish to consider all of the information before making a recommendation, particularly if it became apparent that the Council should consider developing a new policy on this matter.

Resolved:

19.1 That the Head of Business Services be requested to report back to members of the Employment Committee should changes to the Council's policy on pensions be required; and

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19.2 That the Head of Business Services, in consultation with the Chair of the Committee, be authorised to decide whether an actuarial reduction to the pension, in respect of the former member of staff as referred to in Report No 221/10, be waived due to the reasons specified within the Report, once the appropriate advice had been received from East Sussex County Council.

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(Note: Councillor Rogers had requested for the Committee to consider whether the Employees' Side representatives should be present during discussions relating to individual employment matters. Legal clarification of the Council's constitutional rules relating to this issue was sought, and subsequently, the Committee agreed that those representatives should remain present during this item).

20 Customer Contacts Project

The Head of Business Services explained that he wished to make the Committee aware that he had been asked to look at the ways in which the Council dealt with customer contacts, in particular regarding the handling of telephone calls made to the Council. This had arisen due to a culmination of several factors, including concern over the current system and whether

there was a standardisation of responses across departments.

In the coming months the project would focus on analysing the way in which calls were being handled and on making staff aware of the functions of the current telephone system. It was noted that the possibility of upgrading the system could be considered in the future, although any such changes would not be implemented until 2013/14 at the earliest.

The Head of Business Services made it clear that he fully intended to involve Unison, and invited them to appoint a representative onto the project team. It was recognised that the outcomes of the project could have implications for both the Council as a whole and for individual members of staff. The project was currently at the pre-scoping stage, largely involving technical analysis of current phone usage and was therefore under the remit of the Council's IT Steering Group.

The Employees' Side welcomed the early notification and thanked the Head of Business Services for the opportunity to be part of the project team and to be formally consulted when the project reached that point. The Employees' Side requested for there to be clear communication with staff from the outset, as any large-scale changes to the current telephone system and customer contacts arrangements were likely to raise a number of questions and concerns from staff which would need to be addressed.

The Head of Business Services would continue to keep the Committee informed on the progress of the project.

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21 Consideration of Matters Raised by the Employees' Side

It was reported that staff at Fort Road, Newhaven, were experiencing problems with the IT systems in that it was very slow to access the core systems, thus resulting in a loss of productivity. The Head of Business Services responded that he would look into the matter, although he was not aware of any current issues regarding the IT systems.

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22 Date of Next Meeting

Resolved:

- 22.1** That the next meeting of the Committee to be held on Monday, 17 January 2011 at 10.00am in the Warren Room, Lewes House, 32 High Street, Lewes be noted.

All to note

The meeting ended at 11.05am.

T M Hawthorne
Chair