

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Scrutiny and Overview Committee held on  
Thursday, 3 July 2008

PRESENT: Councillor JD Batchelor – Chairman  
Councillor JA Hockney – Vice-Chairman

Councillors:	Mrs VM Barrett	R Hall
	Miss JA Dipple	Mrs EM Heazell
	MB Loynes	MJ Mason
	Mrs DP Roberts	Ms BZD Smith
	Mrs BE Waters	

Councillors SM Edwards, Mrs SM Ellington, SGM Kindersley, Mrs HM Smith, RT Summerfield and NIC Wright were in attendance, by invitation.

Officers:	Susan Gardner Craig	Human Resources Manager
	Greg Harlock	Chief Executive
	Richard May	Democratic Services Manager
	Jackie Sayers	Scrutiny Development Officer
	Martin Williams	Development Officer

Apologies for absence were received from Councillors NS Davies and PW Topping.

### **11. DECLARATIONS OF INTEREST**

Councillors MP Howell and Mrs BE Waters declared personal, non-prejudicial interests in Agenda item 3 (Service continuity arrangements for December and January) as members of Unison. They remained in the meeting and took part in the consideration of this item.

The Chairman reminded Members that, when considering any decision in respect of which a member of the committee was subject to a party whip, the member must declare the existence of the whip. No such declarations were made.

### **12. CALL IN: SERVICE CONTINUITY ARRANGEMENTS FOR DECEMBER AND JANUARY HOLIDAY PERIOD**

The Chairman welcomed members of the committee, witnesses and other attendees to the meeting. He advised those present that the committee was to consider the call-in of the Staffing Portfolio Holder's decision in respect of Service Continuity arrangements for December 2008 and January 2009, and drew the meeting's attention to the grounds for call-in set out in paragraph 6 of the report, that the Portfolio Holder's decision was not made in accordance with the following principles of decision-making:

- Due consultation and the taking of professional advice from officers;
- Presumption in favour of openness, helpfulness and consistency;
- Consideration of available options and giving reasons for decisions.

The Chairman welcomed Martin Williams, Chairman of the Unison local branch, as a witness. Mr. Williams drew the Committee's attention to the letter attached as an appendix to the report which set out Unison's concerns. Members of the Committee asked questions to Mr. Williams, from which the following points were established:

**Consultation** – The matter had first been discussed formally at local level at the Senior Management Team meeting of 16 April 2008, at which the Human Resources Manager had been requested to prepare a report for the Portfolio Holder for presentation following consultation with the unions. During the consultation which followed, 54 Unison members out of 137 had expressed opposition to the proposal to open the Council Offices between Christmas and New Year 2008-09. Following the consultation, the local branch secretary had met informally with the Chief Executive to summarise staff concerns, and had subsequently been invited to voice these concerns at the weekly Leader's meeting attended by the whole Cabinet. The branch secretary also attended the Portfolio Holder's meeting on 17 June 2008 at which the decision was taken.

**Strength of, and reasons for, opposition** – In Mr. Williams' view, 54 responses opposed to opening between Christmas and New Year represented sufficient mandate against the change. The appendix to the report summarised individual representations in more detail. Mr. Williams felt that the issue had arisen from problems with refuse collection in December 2007, and that the Council's decision to open the offices in response to these concerns represented a form of punishment for all staff. He did not consider Christmas closing to be a perk; moreover, he felt that residents expected the offices to be closed between Christmas and New Year, as had traditionally been the case.

**Contractual issues** – The proposal to open the offices between Christmas and New Year raised contractual issues in terms of statutory leave entitlement. Unison expected full consultation and negotiation on individual contracts in due course, however contractual matters were not the key driver of the unions' concerns on the Christmas opening issue.

The Chairman thanked Mr. Williams for his contributions and called upon the Chief Executive and Human Resources Manager to contribute to the Committee's consideration of the matter.

**Consultation** - The chairman asked the Chief Executive to comment on whether he felt consultation on the proposal had been adequate. Greg Harlock, Chief Executive, advised that regional Unison representatives had first been made aware of the possibility of Christmas and New Year opening of the Council Offices at the regular monthly meeting on 17 January 2008. At this stage, no indication was given that the issue was contentious, on the grounds that such opening was commonplace amongst local authorities. The Council's Senior Management Team subsequently discussed how a Christmas opening could best be implemented. The Unison branch secretary subsequently approached the Chief Executive to ask about the situation, expressing surprise that regional representatives had not made him aware of the situation. Communication problems between the regional and local branch were apparent, although Mr. Harlock understood these had since been resolved through attendance by the branch secretary at regional meetings with the employer. Mr. Harlock confirmed that the branch secretary had subsequently made representations to him in person and at the Leader's meeting. Furthermore, the Chief Executive had advised the Cabinet of the strength of staff feeling against Christmas and New Year opening. He reminded the Committee that the Portfolio Holder had modified his original proposal for a full opening to skeleton staffing, having been advised of the strength staff opposition.

**Contractual issues** - Susan Gardner Craig, Human Resources Manager, clarified the situation in respect of changes to contracts. For 2008-2009, the intention was to use additional Statutory days to allow the offices to open between Christmas and New Year; as such, the Portfolio Holder's decision involved no change to the terms and conditions

of staff. Any changes of this nature would be the subject of individual and union consultation, and would require varying periods of formal notice to the employees concerned.

**Evidence base** – The Chief Executive advised that, other than in respect of refuse collection, he had not personally received any complaints regarding the lack of service between Christmas and New Year 2007-08. Cabinet Members had advised him, however, that the feeling amongst the electorate was that the offices should be open.

**Cost of opening** – The Portfolio Holder had been advised that the only significant costs associated with opening for additional days were the marginal costs of electricity for lighting and computers and the opportunity cost of staff working between Christmas and New Year being on leave on other, potentially busier, dates during the year. The building's heating system continued to operate even when it was closed to staff and the public.

The Chairman thanked the Chief Executive and Human Resources Manager for their contributions before calling upon Councillor Mark Howell, the Staffing Portfolio Holder.

Councillor Howell made the following points, before answering questions from Members of the Committee and others present:

- There was an expectation within service industries that organisations should be open to make services available between Christmas and New Year.
- The vast majority of local authorities in the region, and amongst the Daventry Group of similar-sized district councils, opened between Christmas and New Year. In response to a question, he was unable to confirm which of these authorities also operated contact centres.
- The Council would not open fully in future years unless there was clear demand from residents to do so.
- Allowing the offices to close on 2 January 2009 would cost the Council an estimated £50-£60,000 in salaries. It was confirmed that this would be the case, whether or not the offices were closed between Christmas and New Year.
- Concerns with refuse collection arrangements the year before had been a key driver for the current proposal. Councillor Howell considered it inappropriately divisive to force refuse collection staff to work over the Christmas and New Year period whilst the main Council offices remained closed.

During subsequent questioning by the Committee, the Portfolio Holder made the following additional points:

- The proposed opening of the Council Offices marked a new departure for the Council which could only properly be monitored once it had come into operation.
- Consideration would be given to feedback and future consultation through the quarterly residents' magazine.
- The proposal would be detrimental to staff morale in the short term, however providing a service to the public was a higher priority. Councillor Howell continued to value the Council's staff very highly, and to take their well-being seriously.
- There had been other examples of the Council's services between Christmas and New Year falling short of the usual standards expected, including responses to issues relating to the Travellers' community. Opening the Council Offices would prevent standards dropping in future years.

- Officers had not been asked to look at re-scheduling refuse collections over Christmas to share the burden of closing for one week.
- No forecast was made on the number of phone calls or visitors that could be expected between Christmas and New Year. The Chairman stated that this would be approximately ten calls per hour on each of the three days.

In response to a question, the Chief Executive reported that he had received an indication that sufficient volunteers would come forward to provide a skeleton staff between Christmas and New Year 2008-2009.

The Chairman thanked Councillor Howell for his contributions before asking others present at the meeting to raise any new points. During the discussion that following, the following additional points were raised:

- The consultation had failed to seek the views of staff who were not members of recognised unions.
- The proposal did not run counter to the Council's family friendly policies as these involved requests for flexible working rather than requests for annual leave, which staff were entitled to make at any time during the year.
- The chairman of the union local branch was not entirely satisfied with the level of access he had had to the Portfolio Holder.
- The timing of the announcement regarding Christmas opening hours had coincided with the publication of the staff survey results which compounded the detrimental effect on staff morale.
- Clarifying a point raised at the recent question and answer session between the Leader and Deputy Leader of the Council and staff, the Chief Executive advised that Senior Management Team (SMT) would review the operation of Christmas and New Year opening, in the event that it was implemented. If SMT felt there was no evidence justify opening in future years, reports and recommendations would be made to Cabinet to this effect.

The Chairman thanked all present for their contributions to the discussion before asking the Committee to agree a way forward, bearing in mind the options available to it, set out in paragraph 10 of the report. Members welcomed the measures put in place to address concerns raised the previous year with refuse collection and felt this was justified, but they considered that the decision to open the Council offices had been taken without adequate formal consultation or research, and was not supported by a business case.

Consequently the Committee:

- (1) **RESOLVED** that the decision to provide a refuse collection service over the Christmas and New Year period be supported, and that this development be welcomed.
- (2) **RESOLVED** to request that the Staffing Portfolio Holder review formal procedures for consulting staff and local representatives of recognised trade unions on future issues of this nature.
- (3) **RESOLVED**, in accordance with Scrutiny and Overview Committee Procedure Rule 12.9.2, to refer the decision of the Staffing Portfolio Holder in respect of Service Continuity Arrangements for the December and January holiday period 2008-2009 to Council for consideration.
- (4) **RECOMMENDED TO COUNCIL** that an alternative recommendation be made to the Staffing Portfolio Holder that a decision on whether to open the Cambourne offices be deferred until 2009 to enable any subsequent proposal to be supported by a business case, based on firm evidence and subject to

appropriate consultation with unions and staff.

The Chairman confirmed Councillor Howell's assertion that the effect of the recommendation to Council would, if agreed, require staff at the Waterbeach depot to work between Christmas and New Year, whilst the main offices at Cambourne remained closed.

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**The Meeting ended at 5.55 p.m.**

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