**EXECUTIVE COMMITTEE**

 Meeting: Wednesday 7th March, 2018

 at 2.00 p.m.

PRESENT:- Councillors Pidduck (Chairman), Barlow, Biggins, Burns, Cassells, Hamilton (All Items except Agenda Item 17), R. McClure, W. McClure, McLeavy, Maddox, L. Roberts and Williams.

Also Present:- Phil Huck (Executive Director), Susan Roberts (Director of Resources), Jon Huck (Democratic Services Manager and Monitoring Officer) and Sandra Kemsley (Democratic Services Officer).

**110 –The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006 – Urgent Item**

RESOLVED:- That by reason of the special circumstances outlined below the Chairman is of the opinion that the following item of business not specified on the agenda should be considered at the meeting as a matter of urgency in accordance with Section 100(B)(4)(b) of the Local Government Act 1972.

 Item Reason

Leisure Operator Appointment (Minute There was an opportunity to de-risk No. 117) the Leisure outsourcing by awarding early and avoiding additional costs by extending the time available to mobilise the new Operator.

**111 – The Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985 and Access to Information (Variation) Order 2006**

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 (Minute Nos. 117, 125 and 126) of Part One of Schedule 12A of the said Act.

**112 – Minutes**

The Minutes of the meeting held on 7th February, 2018 were agreed as a correct record.

**113 – Apologies for Absence**

Apologies for absence were received from Councillors Brook, Pemberton, D. Roberts and Sweeney.

Councillors Burns, W. McClure, McLeavy and L. Roberts had substituted for Councillors Sweeney, D. Roberts, Pemberton and Brook for this meeting only.

**114 – Updated Local Development Scheme (LDS) and Submission of the Local Plan**

The Executive Director reminded the Committee that the 2004 Planning Act had required Local Planning Authorities to prepare an LDS. The LDS was intended to set out the targets for the stages of production of each of the relevant planning policy documents, identify the resources that would be required to ensure that the work was completed in accordance with the timetable and identify any risks that could result in delay.

The previous LDS had been published in May 2016, there had been some slippage against the timetable it set out.

The report presented a revised LDS for approval, illustrating the timetable for the production of the Council’s Local Plan document. The report also provided an update on the submission of the Local Plan to the Secretary of State.

RESOLVED:-

1. To agree the updated Local Development Scheme to take effect from 19th March, 2018; and
2. To note the submission of the Local Plan.

**115 – Thorncliffe Crematorium – Replacement of Existing Cremators**

The Committee considered a detailed report that sought approval to award the Contract for the supply, installation and maintenance of two new cremators, mercury abatement plant and ancillary equipment for Thorncliffe Crematorium to either Contractor A or Contractor B.

Following a detailed review of the Contractor C submitted documentation had not been carried out due to the tender being significantly more than those submitted by Contractor A and Contractor B. A brief examination of Contractor C submitted tender indicated that they had not fully provided all the information requested by the Invitation to Tender. Contractor C had proposed new installation drawing indicated that their cremation and abatement plant equipment would occupy considerably more space than the two other tenderer’s proposals and would even require demolition of all internal walls forming the existing ancillary rooms to the west side of the present cremator room. The proposal would involve extensive structural alterations to the existing building at considerable expense. In addition, the Cemeteries and Crematorium Manager had no knowledge of anyone from Contractor C visiting the site during the tender process.

The intention was to replace the two existing cremators at the Council owned and managed Thorncliffe Crematorium with two new cremators and also take the opportunity to install a flue gas abatement filtration system in full compliance with current environmental regulations. The abated cremator equipment met the full requirements of the Secretary of State Guidance Notes for Crematoria PG5/2 (12). The existing gas and electrical services would be stripped out and replaced to suit the new equipment installed. A new IT management system would be installed to monitor the new equipment (including off-site by the equipment provider) and for on and off-site record keeping. No extension of the crematorium building was necessary to accommodate the new equipment. Subject to confirming the appointment of the successful contractor in late March 2018 the start date on site was anticipated to be late June 2018 to mid-July 2018.

The time for completion was detailed in the report.

The Tender Price Evaluation had been given a 60% weighting and the Technical/Quality criteria had been given a 40% weighting.

It was reported that following a very detailed review of the submissions it had not been possible to objectively assess the very detailed bids. It was therefore proposed to carry out a pre-contract award meeting with representatives from both Contractor A and Contractor B.

RESOLVED:- To agree that the Assistant Director appoint (under the IET Model Form of Contract MF/1 (Rev 6) 2014 Edition) the successful Contractor following a Pre-Contract award meeting with the two most competitive Contractors, to carry out the proposed works.

**116 – Borough Kennels – Staff Hours**

The Committee were reminded that in November 2017 Members had agreed to reduce the operating hours for the Borough Kennels from 1st April, 2018. The report had proposed a minor change to the operating hours following staff consultation. The financial savings that had been identified in the previous report were not affected.

RESOLVED:- To approve the minor changes to the operating hours of the Borough Kennels as identified in the report.

**117 – Leisure Operator Appointment**

The Executive Director reminded the Committee that the Leisure Operator tender was being let under the 2015 public procurement regulations; competitive procedure with negotiation. The tender had reached the evaluation stage and the report requested delegation for the contract award; the evaluation process would be completed by the end of March 2018 and the next meeting of the Executive Committee was in May 2018. The award would be reported to the May 2018 meeting of the Committee.

RESOLVED:- To agree to delegate the award of the Park Leisure Centre Operator contract to the Executive Director.

**REFERRED ITEMS**

**THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION**

**118 – Council Finances and Performance**

The Committee considered a detailed report of the Director of Resources that set out the Council finances and performance for the period ended 31st December, 2017. The report had included the General Fund, Capital Programme, Treasury Management, Reserves and Balances and the Housing Revenue Account.

RECOMMENDED:- To recommend that Council approve the 2017-2018 revised budget as £10,046,410.

**119 – Treasury Management Strategy Statement**

The Committee considered a report of the Director of Resources that set out the Treasury Management Strategy Statement for 2018-2019 to 2020-2021. The Local Government Act 2003 required the Council to comply with the CIPFA Prudential Code for Capital Finance in Local Authorities when carrying out capital and treasury management activities.

RECOMMENDED:- To recommend that Council approve the Treasury Management Strategy Statement which included the prudential indicators and limits and Minimum Revenue Provision statement.

**120 – Pay Policy 2018/19**

The Director of Resources reminded the Committee that the Pay Policy was subject to review on an annual basis being approved at Council by 31st March each year.

The Pay Policy Statement which was considered by the Committee set out the Council’s approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011.

The purpose of the statement was to provide transparency with regard to the Council’s approach to setting the pay of its employees.

Minor amendments had been made to the policy to reflect salary changes and the resulting update to the pay multiple (see section on Lowest Paid Employees).

RECOMMENDED:- To recommend the Council to approve the Pay Policy for 2018/19.

**121 – Reviewing the Member Development Strategy**

The Committee were informed that Member Training Working Group had revised the Member Development Strategy to ensure continuation of effective Member Development. The Strategy was reviewed on a biennial basis in conjunction with the Democratic Services Manager, the Democratic Services Officer (Member Support) and the Member Training Working Group.

The Member Training Working Group had revised the Strategy document and referred it to this Committee for approval. A copy of the revised Strategy was considered by the Committee.

RECOMMENDED:- To recommend the Council to approve the revised Member Development Strategy.

**122 – General Data Protection Regulation Policy**

The Committee were reminded that a new statutory requirement for protecting personal data comes into force on 25th May 2018. The General Data Protection Regulation (GDPR) set out greater requirements for data management and the rights that individuals had with regard to their personal data. The Council were undertaking a programme of work to prepare the Council for compliance with GDPR.

The Council’s GDPR Policy was considered by the Committee which superseded the Data Protection Policy.

In addition to the policy the Council was processing mapping the data that was held and a number of protocols would be produced to help staff to comply with GDPR and protect individuals privacy.

RECOMMENDED:-

1. To request the Director of Resources to report back to the Committee on the implementation of GDPR; and

2. To recommend the Council to approve the General Data Protection Regulation Policy.

**123 – Environmental Health Delegations**

The report of the Director of Resources set out the proposed revisions following a restructure of the Environmental Health Department and consequently the following changes to the Constitution would be required to come into effect from 1st April, 2018:

All references to the Environmental Health Manager shall be changed to the Public Protection Manager.

The following paragraphs shall be inserted into the delegation for the Public Protection Manager:-

“The Commercial Team Leader shall also have delegated powers in relation to the delegations of the Public Protection Manager under the following headings:

a) Taxi, Gaming, Food, Miscellaneous Licensing and registration functions (other than functions under the Licensing Act 2003 and Gambling Act 2005)

b) Functions under the Licensing Act 2003 and Gambling Act 2005 Powers under the Licensing Act 2003

c) Powers under the Gambling Act 2005”

“The Environmental Protection and Public Health Team Leader shall also have delegated powers in relation to the delegations of the Public Protection Manager under the following headings:

a) Other Delegations.”

The delegation of the Assistant Director of Regeneration and the Built Environment shall be changed to allow the Officer to exercise the delegations of the Public Protection Manager contained in Section I of Part 3(2) of the Constitution.

RECOMMENDED:- To recommend the Council approve the revisions to the Environmental Health delegations within the Council’s Constitution.

**124 – Pay and Regrading Review**

The Executive Director reminded the Committee that the current procedure for regrading applications had been agreed in October 2013 and had been based upon demonstration of significant additional responsibility not additional tasks.

Since introduction of the above policy 130 regradings had been agreed with post holders by Management Board and 17 had been rejected. These rejections had resulted in ten regrading appeals being considered by the Member Appeal Panel nine of which had been upheld and one had been rejected. It had been clear from the decisions record of the Appeals Panel that Members were dissatisfied with the process of regrading and sought something more akin to a job evaluation process.

It was quite correct that the Appeals Panel had operated independently but recent decisions had disregarded the advice of officers who sat on the panel to advise members and also disregarded the approved procedure. That had led to a stream of applications for regrading based upon successful appeal decisions. Since introduction of the Grading Appeals Procedure the Council had increased its staffing costs by £41,000 from regrading appeal decisions.

The Council’s appraisal process should have ensured, over time, that all job applications were updated, and in addition all Departmental Managers had been asked to update all job descriptions into a new format listing the responsibilities and duties of the post rather than tasks. That should be completed by the end of March 2019. Over time job descriptions would be updated annually by Managers rather than forming part of the appraisal process.

It had become clear that the current process of assessing applications for regrading was not fit for purpose and should be suspended pending a review by the Overview and Scrutiny Committee.

RECOMMENDED:- To recommend the Council that a moratorium be placed on all applications for regradings after 27th February, 2018 pending a review by the Overview and Scrutiny Committee of the existing policy and procedure.

**125 – Establishment Matters**

The Director of Resources submitted a report that set out the proposed changes to Development Services following a departmental review of planning performance improvements given the 20% increase in fee income.

RECOMMENDED:- To recommend the Council:-

1. To create a new permanent full time Data Technician post on Scale 4/5 from 1st April, 2018;

2. To permanently increase the Planning Enforcement Officer’s PLN003 hours by 7.5, making a 30 hour post;

3. To create a new permanent part time (30 hours) Heritage and Conservation Officer on PO4 from 1st April, 2018 with recruitment being ring-fenced to Development Services; post to be filled internally, with the deletion of the subsequent vacancy, or not filled;

4. To create a new permanent part time (30 hours) Senior Policy Officer on PO4 from 1st April, 2018 with recruitment being ring-fenced to Development Services; post to be filled internally, with the deletion of the subsequent vacancy, or not filled;

5. To create a new permanent full time Principal Planning Officer on PO4 from 1st April, 2018 with recruitment being ring-fenced to Development Services; post to be filled internally, with the deletion of the subsequent vacancy, or not filled; and

6. To retitle and upgrade the current Principal Planning Officer (Policy) PLN010 post holder to Development Services Manager on PO11 from 1st April, 2018.

**126 – Essential User Allowance**

The Director of Resources submitted a report that set out the proposed Policy Statement in relation to the Essential User Allowance and a list of the posts that would be affected. There was also confirmation of the motor cycle mileage rate.

RECOMMENDED:- To recommend the Council:-

1. To agree the Essential User Policy Statement;

2. To agree that Essential User status be reviewed against the Policy Statement as posts become vacant and were advertised;

3. To agree the posts identified under the Policy Statement have Essential User status from 1st April, 2018; and

4. To agree that the motor cycle user mileage rate was 30p per mile.

The meeting closed at 3.35 p.m.