

EMPLOYEES' CONSULTATIVE FORUM MINUTES

25 JANUARY 2011

- Chairman:** * Ms L Ahmad
- Councillors:** * Mrs Camilla Bath * Graham Henson
* Bob Currie * Phillip O'Dell
* Keith Ferry (2) * Paul Osborn
* Susan Hall
- Representatives of HTCC:** Ms L Snowdon
- Representatives of UNISON:** * Mr D Butterfield * Mr G Martin
* Mr S Compton * Mr R Thomas
- Representatives of GMB:** * Mr J Dunbar

- * Denotes Member present
(2) Denotes category of Reserve Members

39. Attendance by Reserve Members

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:-

Ordinary Member

Reserve Member

Councillor Bill Stephenson

Councillor Keith Ferry

40. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Items 7-11: Employees' Side Report On Trade Waste; Information Report - Response To Employees' Side Report On Trade Waste; Information Report - Non-Contractual Employment Procedures; Information Report - Facilities At The Central Depot; Information Report - Budget And Medium Term Financial Strategy Proposals

Councillor Bob Currie declared a personal interest in that he was a retired member of UNISON and his son was a Council employee. He would remain in the room and take part in the discussion and decision-making on these items.

Councillor Keith Ferry declared a personal interest in that he was a member of the GMB Union. He would remain in the room and take part in the discussion and decision-making on these items.

Councillor Graham Henson declared a personal interest in that he was a member of the Communications Workers' Union and his cousin was a Council employee. He would remain in the room and take part in the discussion and decision-making on these items.

Agenda Item 7 & 9 - Employees' Side Report On Trade Waste; Non-contractual Employment Procedure

Councillor Paul Osborn declared a Personal interest in that he was formerly the Portfolio Holder with responsibility for transformation projects and had agreed the project for the refuse service, including aspects of Trade Waste and had signed the Portfolio Holder's Decision relating to the Fair Treatment Suite. He would remain in the room and take part in the discussion and decision-making on these items.

41. Minutes

RESOLVED: That

- (1) the minutes of the meeting held on 27 October 2010 be taken as read and signed as a correct record, subject to the following amendment:

Minutes – Resolved: That the minutes of the meeting held on 30 June 2010, be taken as read and signed as a correct record subject to it being recorded that with regard to minute 12, the Employees Side moved an amendment to state that the minute should be modified to read that the policies contained within the Conduct, Dignity at Work and Capability suite be contractual and the associated guidance and toolkits be non-contractual. The Council Side rejected this proposal;

- (2) the minutes of the special meetings held on 21 December 2010 be taken as read and signed as correct records.

42. Public Questions, Petitions and Deputations

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting.

RESOLVED ITEMS

43. Employees' Side Report on Trade Waste and Management Response

The Forum received a report, amended since the last meeting, from the Employees' Side regarding the Council's Trade Waste contracts. The Employees' Side representative outlined the following key areas of concern:

- their disappointment at the significant loss of trade waste contracts in recent years;
- the considerable loss of revenue and the effect on the council's service provision and employment status of staff working in Trade Waste;
- that in the current economic climate, a more robust and pro-active response to the situation was required from the Council;
- the Employees' Side did not accept the Trade Waste figures in Section 2 of the officer's report and queried why the figures only covered the period from January 2008 to April 2010;
- the Employees' Side requested more up-to-date figures and an investigation or peer review of this issue.

The Divisional Director for Environmental Services stated that Harrow's Waste Collection service was one of the best among London Boroughs and that the levels of recycling and satisfaction with the service among residents was high. He added that:

- the Trade Waste service was buoyant, however, disposal costs had increased and the number of Trade Waste contracts had decreased recently;
- buyers were free to change providers and most of the council's trade waste contracts were with smaller retailers, as larger retailers tended to have national contracts with large trade waste companies;
- new legislation was being consulted on which might put local authorities under greater pressure in the future;
- the council's Trade Waste service could become more pro-active in bringing in new contracts for recycling in addition to residual trade waste but that this would require greater investment in the service;
- a number of efficiencies and improvements had been implemented recently, such as re-branding of the fleet of vehicles, updating the IT system, and updating the database.

The Divisional Director for Environment responded that the upgraded IT system would enable them to monitor the amount of waste was being collected and identify which retailers it was being collected from.

Following questions from the Employees' Side, the Divisional Director for Environment confirmed that:

- the December 2010 figures showed that the council had 768 contracts, which was an increase on previous months;
- the trade waste market was a competitive one and the council needed to respond to the needs of clients.

An employee representative stated that previously Harrow council had over 3,000 contracts and disagreed that 768 contracts could be deemed a fair share of the market. The Divisional Director for Environment responded that in terms of the current market, 768 contracts was a good share of the market and that he did not recognise the Union Side's figure of 3,000 contracts.

The Employees' Side stated that the loss of trade waste contracts impacted on their members' jobs and that the number of staff in the trade waste service had reduced from 130 to 98 in recent years. He pointed out that the council no longer had trade waste contracts with Harrow's libraries, schools, the Harrow Arts Centre, and the Metropolitan Police. The Divisional Director for Environment responded that these clients had chosen other providers as part of their efficiency drives.

A Member stated that as the council's trade waste service was subject to large overheads other trade waste providers were able to undercut the council. The Portfolio Holder for Environment and Community Safety stated that the intention was to make the Trade Waste service more robust and agreed that the service should forward the relevant figures and information to the trade unions.

The Trade Unions stated that they understood that trade contracts were available to view on the IT system, adding that the council had not passed the recent 2.5% VAT increase, on to clients, whereas, the council were paying this increased amount of VAT on fuel. They requested that these figures and any new data be provided to the Employees' Side. They added that at one time the council's trade waste debtors had owed them £250,000, but that this figure had been reduced to £200,000 and requested to see detailed figures about the current debt.

The Divisional Director for Environment responded that the figures at 31 December 2010 showed the current debt to be £88,000 and he was expecting most of these to be paid as the invoices had only been dispatched recently. He undertook to forward the relevant figures to the Employees' Side. The Portfolio Holder for Environment and Community Safety stated that the review process was ongoing and the service was endeavouring to reduce the number of non-payers and monitoring outstanding debts and collection of those debts.

An employees' representative stated that Department for the Environment Food and Rural Affairs (DEFRA) wanted local authorities to offer trade waste customers use of their recycling facilities. The Divisional Director for Environment responded that not all local authorities provided trade waste services and that although DEFRA were consulting about this issue, however, they had not imposed conditions on all local authorities, or made any changes to regulations on this issue. An employee's representative stated that DEFRA had taken some Local Authorities to court in 2010 for non-compliance. An employees' representative stated that the council had a fleet of 6 vehicles for dry recyclables, which could be used for trade waste recycling also.

An employee's representative re-iterated that the new figures taken from the new IT system should be provided to the Trade Unions and that the service should be the subject of an investigation or a peer review.

It was agreed that the Council's figures and information requested would be made available to the Employees' Side, who would compare their figures to those of officers. If the officers were unable to verify the figures then the matter would be considered for a peer review.

RESOLVED: That

- (1) up-to-date figures relating to the Trade Waste service be forwarded to the Union Side;
- (2) if these figures cannot be verified, then the matter be considered for a peer review.

44. Information Report - Non-Contractual Employment Procedures

The Forum received an update report on the consultation with the Trade Unions regarding the implementation of the Portfolio Holder decision that employment policies be contractual and the associated Best Practice Notes and Toolkit be non-contractual.

An officer stated that the Portfolio Holder decision was yet to be implemented, because agreement had not been reached with the trade unions regarding the implementation process. He added that this process had been ongoing for the past 18 months and no clear agreement had been reached.

The Employees' Side stated that the Employer's Side had made arbitrary amendments to the Dignity at Work (DAW) procedure without proper consultation. They added that the unions had attempted to engage with the Employer's Side but felt that recent meetings had shown that the Employer's Side had not taken a blank canvas approach to the negotiations. He added that over the past 18 months the Unions had been misled about the scope of the consultation. They had been under the impression that consultation concerned the Fair Treatment Suite procedures only. The Employees' Side had therefore requested ACAS to intervene to help resolve the issue.

An Employees' Side representative stated that the 3 procedures in the Fair Treatment Suite (Dignity at work, Conduct and Capability) were not working

and favoured the Employer's Side, especially as the timescales set out in the procedures were frequently not adhered to by Management. He stated that any future amendments to the procedures should require agreement by a Portfolio Holder. He added that, at the 6 January 2011 meeting with Human Resources officers, the unions had been presented a document that proposed changing the Fair Treatment Suite from a contractual to a non-contractual procedure. The main areas of disagreement had been accountability of managers, and timescales not being adhered to. An Employees' Side representative stated that non-adherence to timescales was costly in terms of staff time and money particularly since he had been notified of 6 DAW cases going to employment tribunal. Another representative stated that some DAW cases had taken between 8-10 months to complete.

An officer stated that the intention was to reinstate the policies in the Fair Treatment Suite Procedures as contractual. He emphasised that any proposals submitted to trade unions were intended to be a starting point for discussion and consultation, and were not final decisions. An officer stated that under the amended DAW procedure both management and the employee now had 10 days to submit their case statements and that he would prefer to let the amended procedures run for a longer period in order to evaluate their functionality and effectiveness. The Trade Union Side responded that under the previous DAW procedures, the appellant had had up to 3 days before the appeal hearing to submit their case statement.

Both sides agreed that the consultation process had stalled and agreed that it could not be delayed indefinitely. Unison representatives stated that they were willing to continue with the consultation process and hoped this could be completed in the following three months, on the proviso that both sides sought a blank canvas approach with no pre-determined outcome in mind.

The GMB representative reiterated that his members had already been consulted and had voted to reject the proposals and would not be willing to negotiate any further.

The Union Side requested that any future negotiations should ensure continuity ie the same Human Resources officers and employee side representatives should attend the meetings and union representatives should be facilitated to attend these meetings. It was agreed that there should be weekly meetings leading up to the next meeting of the Forum and a report presented at the next meeting of Forum.

RESOLVED: That

- (1) there be weekly meetings between The Trade Union Side and Human Resources officers prior to the next meeting of the Forum;
- (2) the outcome of these meetings be reported to the next meeting of the Forum.

45. Information Report - Facilities at the Central Depot

The Forum received a report setting out the response to concerns about ladies' toilets at the Central Depot following the submission of a petition from UNISON members at the Forum meeting on 27 October 2010.

An officer stated that following an investigation by Facilities Management, some unused toilets had been re-opened and security systems added in unit 1, as well as the introduction of a purpose built toilet and shower block in unit 5.

The Trade Union Side stated that they still had a number of concerns about the new facilities, which were:

- insufficient lighting outside the toilet block;
- wheelie bins behind the toilet block;
- the soil pipe immediately next to the entrance door of the toilets;
- toilet roll holders on doors;
- no fire exit;
- no risk assessment carried out.

An officer stated that it would be possible to install additional CCTV cameras and motion-detector lights at the rear of unit 1. It was agreed that a joint risk assessment would be carried out by the Union Side and Facilities Management.

RESOLVED: That

- (1) a joint risk assessment be carried out by the Union Side and Facilities Management;
- (2) consideration be given to additional CCTV cameras and motion-detector lights being installed at the rear of unit 1.

46. Information Report - Budget and Medium Term Financial Strategy Proposals

The Forum received a report which provided a summary of the Council's draft budget plans for 2009/2010 to 2011/12, as reported to Cabinet in December 2010. The officer stated that comments were being sought from a variety of stakeholders. He stated that Harrow was a relatively low spending council and that a number of budgets were outside the council's control. He added that Harrow had already made considerable savings in recent years which would impact on the council's ability to make further savings.

Following a number of questions from Members of the Forum, officers clarified that:

- the presentation was based on a draft document and the final budget would contain items relating to income;
- contributions to reserves included a mixture of general items but not a contribution to general reserves;
- with regard to concessionary travel, the cost of the freedom pass was due to increase via the levy from London Councils. The figures related to charges made to the council and would not be passed on to recipients of concessionary travel;
- figures relating to contribution to reserves were included in the December 2010 Cabinet report.

Following a question about the strategy for improving the levy position with West London Waste (WLW), the officer stated that the method of charging local authorities for waste was changing with greater emphasis placed on charging for tonnages and WLW may switch to individual tonnages. He added that WLW were under pressure to reduce costs particularly since the recent increase in the landfill tax. He explained that slightly more than half of £5.5 million figure was attributable to technical changes. He added that the assumption that inflation would increase by 2% was a fair assumption, although, the Consumer Price Index and the Retail Price Index were both rising at a higher rate. The challenge for the council would be to encourage suppliers to keep their prices down, as in recent years.

RESOLVED: That the report be noted.

(Note: The meeting, having commenced at 7.30 pm, closed at 9.25 pm).

(Signed) LYNNE AHMAD
Chairman