

CABINET

MINUTES AND DECISION RECORD

16 AUGUST 2010

The meeting commenced at 9.00 a.m. in the Civic Centre, Hartlepool

Present:

Councillor Robbie Payne (Deputy Mayor) - In the Chair

Councillors: Jonathan Brash (Portfolio Holder for Performance Portfolio Holder)
Gerard Hall (Adult and Public Health Services Portfolio Holder).
Cath Hill (Children's Services Portfolio Holder),
Peter Jackson (Transport and Neighbourhoods Portfolio Holder),

Officers: Andrew Atkin, Assistant Chief Executive,
Joanne Machers, Chief Customer and Workforce Services Officer
John Morton, Assistant Chief Finance and Customer Services Officer
Peter Devlin, Chief Solicitor
Nicola Bailey, Director of Child and Adult Services
Dave Stubbs, Director of Regeneration and Neighbourhoods
Julian Heward, Public Relations Officer

34. Apologies for Absence

The Mayor, Stuart Drummond, Councillor Pam Hargreaves (Regeneration and Economic Development Portfolio Holder), and Councillor Hilary Thompson (Culture, Leisure and Tourism Portfolio Holder).

35. Declarations of interest by members

None.

36. Inquorate Meeting

It was noted that the meeting was not quorate. The Deputy Mayor indicated that (as permitted under the Local Government Act 2000 and the Constitution) he would exercise his powers of decision and that he would do so in accordance with the wishes of the Members present, indicated in the usual way. Each of the decisions set out in the decision record were confirmed by the Deputy Mayor accordingly.

37. Confirmation of the minutes of the meeting held on 2 August 2010

Confirmed.

38. Food Law Enforcement Service Plan 2010/2011
(Director of Regeneration and Neighbourhoods)

Type of decision

Budget and Policy Framework.

Purpose of report

To consider the Food Law Enforcement Service Plan for 2010/2011, which is a requirement under the Budget and Policy Framework.

Issue(s) for consideration by Cabinet

The Adult and Public Health Services Portfolio Holder reported on the details of Hartlepool's Food Law Enforcement Service Plan 2010/11. The plan is a requirement of the Food Standards Agency and forms the basis on which the Authority may be monitored and audited to verify whether the service provided is effective in protecting the public. The plan sets out the Council's aims in respect of its food law service. Whilst focussing on 2010/11, it also identified longer-term objectives as well as a review of performance for 2009/10.

The Portfolio Holder highlighted the excellent level of inspection provided by the service in the previous year in what he considered to be a vital service to the public. The Portfolio Holder also drew Cabinet's attention to the improving levels of food standards across the town as could be seen through the increasing number of 3, 4 and 4 star rated premises under the Tees Valley Food Hygiene Award Scheme. The Director of Regeneration and Neighbourhoods indicated that the full results of all the start ratings were set out on the council's website.

Decision

That the Food Law Enforcement Service Plan for 2010/2011 be forwarded to Scrutiny for consideration.

39. Job Evaluation Appeals *(Customer and Workforce Services Officer)*

Type of decision

Non-key.

Purpose of report

To determine the Council's approach to overpayments arising from Job Evaluation appeals and other associated matters.

Issue(s) for consideration by Cabinet

As appeals were being processed it became apparent that there was the potential for employees to be overpaid if the outcome of the appeal is that the pay band reduces. This overpayment arises because employees whose pay band reduces on appeal will have received pay awards and possibly increments in the pre-appeal pay band to which, on appeal, they are no longer entitled.

The current Single Status Agreement specifies that the employee's earnings are protected at their 1 April 2007 value (or the date immediately prior to the change if later) and therefore no protection is automatically afforded to any subsequent increments or pay awards.

If the overpayment is not recovered there is an equal pay risk as a greater level of protection will effectively have been afforded to employees whose pay band reduces on appeal compared to employees in the same (lower) pay band as the latter will not have received pay awards and increments.

The Chief Solicitor advises that in order to protect the Council, it is necessary to recover the overpayment. The employees however will not have known they have been overpaid, and until the appeal has been concluded, will have been paid in accordance with their contract of employment. There are therefore significant difficulties in enforcing the recovery and a sensitive approach will be required to support employees address the financial implications of the overpayment.

It was, therefore, proposed: -

- 1 That arrangements are made to recover all overpayments arising from Job Evaluation appeals and the inadvertent misapplication of the Single Status Agreement. This is considered to be fair to the majority of employees who have not received any additional pay/overpayment and is an important defence for the Council should any challenges be made by employees because they have received less pay than another employee whose grade is ultimately the same after an appeal decision.
- 2 That employees who have already appealed be advised that the Council will seek to recover any overpayment should the circumstances arise and be given the opportunity to withdraw their appeal should they wish.
- 3 That in future, increases in pay bands are not implemented until either:
 - the time limit for appealing has expired and the employee has not appealed or;
 - an appeal outcome has been ratified by the Performance Portfolio Holder/Governors where an employee has appealed;

and that employees are advised accordingly.

- 4 That the arrangements in 1 apply equally to other employees matched to the same job whose pay band may reduce as a consequence of the appeal.
- 5 That appropriate arrangements are made to ensure that overpayments arising from Job Evaluation appeals do not arise in future.

In response to Members question, the Chief Customer and Workforce Services Officer commented that there had been no appeals so far where this had become an issue. It was not known if other authorities had adopted a similar approach as Hartlepool was ahead of many other authorities in this area. The Chief Solicitor undertook to consult his colleagues in the Tees Valley area and report the results to Cabinet Members.

Decision

That the proposals, as outlined above, as the Council's approach to overpayments arising from Job Evaluation appeals and other associated matters, be approved.

40. Local Government (Access to Information) (Variation) Order 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 41 Facilities Management Service Delivery Options Review - para 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information, and para 4 - Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

41. Facilities Management Service Delivery Options Review (*Director of Regeneration and Neighbourhoods*)

Type of decision

Non-key.

Purpose of report

To inform on the findings of the outcome of further consultation carried out as part of the Facilities Management service delivery options review.

Issue(s) for consideration by Cabinet

Cabinet received and approved the outcome of the Facilities Management Service Delivery Options Review 28th June 2010; Cabinet requested additional consultation is undertaken regarding the efficiencies identified in relation to the civic attendants as requested by the Trades Unions with a further report submitted to Cabinet in July. The report set out for cabinet the outcome of the meeting and the options discussed to enable the efficiency target to be achieved. Further details of Cabinet's considerations were set out in the exempt section of the minutes.

Decision

That the report be noted.

The meeting concluded at 9.30 a.m.

P J DEVLIN

CHIEF SOLICITOR

PUBLICATION DATE: 18 AUGUST 2010