

## **EMPLOYMENT PANEL**

**MONDAY 28 OCTOBER 2019 AT 2.00PM**

**PRESENT:** Councillors Ellis, Glover, Mallinson (J), Mitchelson and Tinnion

**OFFICERS:** Corporate Director of Governance and Regulatory Services  
Corporate Director of Finance and Resources  
HR Manager

### **EMP.07/19 APPOINTMENT OF CHAIRMAN**

The Corporate Director of Governance and Regulatory Services welcomed all those present to the first meeting of the Employment Panel in the current Municipal Year; and sought nominations with regard to the appointment of a Chairman for the Panel.

It was moved by Councillor Mallinson (J) and seconded by Councillor Mitchelson that Councillor Ellis be appointed Chairman of the Employment Panel for the Municipal Year 2019/20.

There being no further nominations, it was:

**RESOLVED** – That Councillor Ellis be appointed Chairman of the Employment Panel for the Municipal Year 2019/20.

Councillor Ellis thereupon took the Chair

The Corporate Director of Governance and Regulatory Services retired from the meeting.

### **EMP.08/19 APPOINTMENT OF VICE CHAIRMAN**

The Chairman sought nominations with regard to the appointment of a Vice Chairman of the Panel.

It was moved by Councillor Mitchelson that Councillor Mallinson (J) be appointed Vice Chairman of the Employment Panel for the Municipal Year 2019/20.

**RESOLVED** – That Councillor Mallinson (J) be appointed Vice Chairman of the Employment Panel for the Municipal Year 2019/20

### **EMP.09/19 APOLOGY FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Dr Tickner.

### **EMP.10/19 DECLARATIONS OF INTEREST**

There were no declarations of interest affecting the business to be transacted at the meeting.

## **EMP.11/19 PUBLIC AND PRESS**

It was agreed that the items of business in Part A be dealt with in public and the items of business in Part B be dealt with when the public and press were excluded.

## **EMP.12/19 MINUTES OF PREVIOUS MEETING**

RESOLVED – That it be noted that Council had, on 5 March 2019, received and adopted the minutes of the meeting held on 11 February 2019. The minutes were signed by the Chairman.

## **EMP.13/19 WORKING TIME DIRECTIVE HOLIDAY PAY: OVERTIME AND OTHER ALLOWANCES**

The HR Manager submitted report RD.37/19 providing details of legislation to which the City Council must comply regarding holiday pay for overtime, non-contractual allowances and non-standard hours as set out in the Working Time Regulations.

Speaking by way of background, the HR Manager outlined the legal obligations and requirements placed upon the City Council by the legislation, further explaining that the Council currently paid contractual overtime in some areas for annual leave. The issue arises when people work more hours than they are contracted for and, whilst such persons are paid for those additional hours, it has not been reflected in annual leave pay. For the Council to be compliant, holiday pay for all overtime and premium payments should be paid 'live' when annual leave is taken.

Since the authority's system is unable to accommodate 'live' payments, the HR Manager summarised the considerations which are required to be taken into account, together with an alternative recommendation which was considered acceptable by the North West Employers. Information on the financial implications of the necessary changes, risks and consultation arrangements was also set out within the report.

The HR Manager invited Members to consider and provide feedback on the options alluded to at Section 2.3; and responded to a number of questions / requests for clarification.

The Panel discussed the options for the basis of payment (statutory versus contractual annual leave), noting that the application of the increase to an employee's contractual holiday entitlement was supported by North West Employers; was the fair and right thing to do; and constituted good practice.

It was formally moved, seconded and:

RESOLVED – That the Employment Panel:

- (i) Noted the content of the Working Time Regulations as set out in report RD.37/19;
- (ii) Had considered the options for the basis of the payment detailed in paragraph 2.3 and directed that the increase be applied to an employee's contractual holiday entitlement.
- (iii) Approved the basis of the annual payment and backdated calculation as set out in paragraph 2.4.

## **EMP.14/19 DISCLOSURE AND BARRING SERVICE (DBS) POLICY**

The HR Manager submitted report RD.36/19 presenting the new Disclosure and Barring Service (DBS) Policy.

The HR Manager emphasised that Carlisle City Council had an obligation to protect individuals, and it was important that any staff in a position of trust were assessed to ensure their suitability for employment. The Council complied with the Codes of Practice issued by the Disclosure and Barring Service (DBS) and also with DBS guidance in relation to the recruitment of ex-offenders.

The Council has a moral and legal duty to ensure the highest possible standard of care for the children, young people and vulnerable adults who received its services; having an effective DBS Policy would assist with that requirement.

Although the Council's DBS guidance was last undertaken in 2014 there was no overarching policy in place, so a review was timely to reflect current practices. The new policy attached as an appendix to the report had been agreed by both the Senior Management Team and CJC (Trade Unions).

The Panel gave consideration to the DBS Policy, noting that it recorded that certain Members may be required to undertake an Enhanced DBS check depending upon which committees, panels or forums they were members of. Clarification on that aspect, in the form of additional narrative, was sought.

A Member further questioned whether the Council's responsibility to obtain a relevant DBS Check or Enhanced check for Regulated Activity (as the employer of any contract) may form part of the procurement process.

In response, the HR Manager explained that an enhanced DBS check may be required in circumstances whereby for example a Member was dealing with children or vulnerable adults within the community. Consideration would need to be given on a case by case basis. Additional narrative, including specific examples, could be provided for the assistance of Members.

The Corporate Director of Finance and Resources undertook to raise the latter point with the Procurement Team and include a statement within the Policy.

The Corporate Director added that Officers were also looking at the potential for an overarching policy covering DBS, safeguarding and domestic abuse for submission to a future meeting of the Panel.

RESOLVED – That the Disclosure and Barring Service (DBS) Policy, appended to report RD.36/19, be approved subject to the inclusion of additional narrative / clarification on enhanced DBS checks for Members and contractors.

[The meeting ended at 2.19 pm]