

## NOTICE OF MEETING

**COMMITTEE : ADMINISTRATION AND REGULATION COMMITTEE**

**DATE : WEDNESDAY, 19 JUNE 2019**

**TIME : 18:00**

**PLACE : COMMITTEE ROOM 3  
TOWN HALL, LUTON, LU1 2BQ**

<b>COUNCILLORS :</b>	<b>AKBAR (CHAIR)</b>	<b>GARRETT</b>
	<b>HOPKINS (VICE-CHAIR)</b>	<b>LOVELL</b>
	<b>ABID</b>	<b>MEAD</b>
	<b>ADREES</b>	<b>WYNN</b>

**QUORUM : 3 MEMBERS**

**Contact Officer:** ANGELA FRASER (01582 546070)

### **INFORMATION FOR THE PUBLIC**

**PURPOSE:** Administration functions: the Committee deals with all matters relating to elections and referendums, civic and ceremonial activities, Bye-laws, the Local Government Pension Scheme, any change in the name of the Borough or the Council, conferring the Freedom of the Borough and the appointment of representatives to outside organisations relating to the Committee's work.

Regulation functions: the Committee deals with matters relating to contaminated land, pollution control, statutory nuisances, the control of street litter under the Environmental Protection Act 1990, the registration of births, deaths and marriages, Health and Safety at Work legislation and the formulation of policy guidance on all aspects of the Council's licensing functions.


Members of the public are entitled to take photographs, film, audio-record and report on all public meetings in accordance with the Openness of Local Government Bodies Regulations 2014. People may not however act in anyway considered to be disruptive and may be asked to leave. Notice of these rights will be given verbally at the meeting.


This meeting is open to the public and you are welcome to attend.

For further information, or to see the papers, please contact us at the Town Hall:

**IN PERSON**, 9 am to 5 pm, Monday to Friday, or

**CALL** the Contact Officer (shown above).

An induction loop  facility is available for meetings held in Committee Room 3.

Arrangements can be made for access to meetings for  disabled people.

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# AGENDA

*Agenda  
Item*

*Subject*

*Page  
No.*

## EMERGENCY EVACUATION PROCEDURE

### **Committee Rooms 1, 2, 4 & Council Chamber:**

Turn left, follow the green emergency exit signs to the main town hall entrance and proceed to the assembly point at St George's Square.

### **Committee Room 3:**

Proceed straight ahead through the double doors, follow the green emergency exit signs to the main Town Hall entrance and proceed to the assembly point at St George's Square.

## 1            **APOLOGIES FOR ABSENCE**

## 2            **MINUTES**

### **1. Minutes - 1 April 2019**

4 - 12

### **2. Minutes - 21 May 2019**

13 - 13

## 3            **SECTION 106, LOCAL GOVERNMENT FINANCE ACT 1992**

Those item(s) on the Agenda affected by Section 106 of the Local Government Finance Act 1992 will be identified at the meeting. Any Members so affected is reminded that (s)he should disclose the fact and refrain from voting on those item(s).

## 4            **DISCLOSURES OF INTEREST**

Members are reminded that they must disclose both the existence and nature of any disclosable pecuniary interest and any personal interest that they have in any matter to be considered at the meeting unless the interest is a sensitive interest in which event they need not disclose the nature of the interest.

A member with a disclosable pecuniary interest must not further participate in any discussion of, vote on, or take any executive steps in relation to the item of business.

A member with a personal interest, which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest, must similarly not participate in any discussion of, vote on, or take any executive steps in relation to the item of business.

Disclosable pecuniary interests and Personal Interests are defined in the Council's Code of Conduct for Members and Co-opted members.

- 5           **URGENT BUSINESS**  
The Chair to report on any business which is considered to be urgent and which should be discussed at the meeting in accordance with Section 100B(4)(b) of the Local Government Act 1972 and to determine when, during the meeting, any such business should be discussed.

6           **REFERENCES FROM COMMITTEES AND OTHER BODIES**

**REPORTS**

- |    |   |         |
|----|---|---------|
| 7  | <b>Addition of a section of path at Langley Place to the Definitive Map and Statement</b><br>(Report of the Service Director, Planning & Economic Growth)       | 14 - 23 |
| 8  | <b>Public Protection Administration Staff Restructure</b><br>(Report of the Strategic Regulatory Manager – Public Protection)                                   | 24 - 41 |
| 9  | <b>Appointment of Electoral Registration Officer and Returning Officer</b><br>(Report of the Democracy Manager)   | 42 - 43 |
| 10 | <b>Appointment of Statutory Scrutiny Officer</b><br>(Report of the Democracy Manager)   | 44 - 46 |
| 11 | <b>Creation of a Post of Corporate Director, Airport And Consequential Transfers (Senior Management Structure – Phase 1)</b><br>(Report of the Chief Executive) | 47 - 71 |
| 12 | <b>Luton Music Service Youth Orchestra Transformation</b><br>(Report of the Music Service Manager)  | 72 - 74 |
| 13 | <b>Administration and Regulation Committee Work Programme 2019</b><br>(Report of the Service Director, HR and Monitoring Officer)                               | 75 - 79 |

**ADMINISTRATION AND REGULATION COMMITTEE**

**1 APRIL 2019 AT 6.00 P.M.**

**PRESENT:** Councillors J. Taylor (Chair), Hopkins (Vice Chair), Castleman, and Rogers.

**27. MINUTES (REF: 2.1)**

**Resolved:** That the minutes of the meeting held on the 26 February 2019 be approved as a true and correct record and the Chair be authorised to sign them.

**28. LOCAL GOVERNMENT ELECTION 2019 & FUTURE UNPLANNED ELECTIONS - POLLING STATIONS & POLLING PLACES (REF: 7)**

The Democracy Manager presented the report regarding Local Government Election 2019 & Future Unplanned Elections - Polling Stations & Polling Places (Ref: 7), which sought approval to authorise the Returning Officer to use one or more alternative polling stations in the event of an emergency.

She explained to the Committee that with the Local Government Election taking place on 2<sup>nd</sup> May, any unforeseen circumstances had to be accounted for. Also, there was a chance of potential unplanned elections or referendums taking place in the near future. Therefore, approval was therefore sought from the Committee to ensure polling stations could be used for such purposes.

The Vice Chair emphasised the importance of having polling stations that were accessible to all, and within an acceptable distance for people to travel to. The Democracy Manager affirmed that a review of polling stations would take place over the summer, to check they are compliant and fit for purpose and easily accessible for all.

**Resolved:** That the Returning Officer be authorised following consultation with the Chair, to make any necessary changes to Polling Station and Polling Places required due to unforeseen circumstances for the Local Government Election 2019 and any future unplanned elections or referendums with less than 6 month notice given before day of poll.

**29. REVISED CORPORATE HEALTH & SAFETY POLICY 2019-20 AND THE MODEL HEALTH & SAFETY POLICY FOR EDUCATION (REF: 8)**

The Service Director Property and Construction presented the report (Ref: 8), which sought approval to adopt the revised Corporate Health and Safety Policy 2019-20

Members were informed that as part of the Corporate Health & Safety review all current health & safety policies were being reviewed, updated and re-

issued, including the Corporate Health & Safety Policy and the Health & Safety Policy for Education.

In response to a member's question, he confirmed that there were no financial implications, as this was only a restructure of the policies.

**Resolved:** (i) That the Council's Corporate Health & Safety Policy be approved.

(ii) That the Model Health & Safety Policy for Education be approved.

### **30. 2ND TIER MANAGEMENT RESTRUCTURE WITHIN HIGHWAYS SERVICES (REF: 9)**

The Service Manager Highways presented the report (Ref: 9), which sought approval for the proposed changes to the management staffing structure of the Highways Services Division and the subsequent post deletions within the Highways Services Division.

Members were informed that it had been a challenge to recruit a member of staff following the resignation of the Asset and Engineering Manager. Two team leaders within the team had covered the position since April 2018. He further added that the restructure would allow the deletion of one post to be replaced with two posts in order to deliver a saving of £136,000.

The Vice Chair agreed that this was a positive and pragmatic approach.

In response to a Member's question on current officers taking on the role and how they were coping, the Service Manager Highways re-iterated that they were, and had been doing so since April 2018.

**Resolved:** That the implementation of the new Highways Services Management Staffing Structure within the Public Realm Service be approved:

- The following new posts be created:
  - Highways Engineering Delivery Manager, M5
  - Highways Asset Manager M5
- The following posts be deleted:
  - Asset and Engineering Manager, M5
  - Engineering Delivery Team Leader M3
  - Asset Management Team Leader, M3

### 31. STATEMENT OF LICENSING POLICY FOR SEX ESTABLISHMENTS AND SEXUAL ENTERTAINMENT VENUES (REF: 10)

The Licensing Officer presented the report (Ref: 10) which sought approval of the changes made to the current statement of licensing policy for sex establishments.

Members were informed that the policy was last updated in November 2010. Consultations on the policy had been conducted with local authorities, existing and future potential holders of sex establishment licences in the borough, statutory responsible authorities under the Licensing Act 2003 and holders of premises licences under the Licensing Act 2003 in the Borough between 28<sup>th</sup> November 2018 and 11<sup>th</sup> January 2019. There were no financial.

The Chair enquired why the council did not impose any restriction on the number of licenses to be issued. The Licensing Officer explained that after taking advice from a Barrister it was agreed that anyone had the right to apply for a licence, and would leave the council open to challenge if that right was taken away. Therefore, conditions to mitigate unwanted behaviour were included within the policy in considering the characteristics of a locality and taking account of the following:

- the density and proximity of residential areas;
- schools, nurseries or any other premises substantially used by or for children under 16 years of age;
- parks or other recreational areas used by or for children under 16 years of age;
- churches or other place of religious worship;
- community buildings;
- gateways to an identifiable locality;
- alcohol or entertainment licensed premises.

The Service Director, Public Protection clarified local authorities who had chosen to limit by numbers were being challenged and there was a need to determine each application based on its merits that would be matched against tight criteria which would place the council in a better legal position.

A Member enquired how these premises were monitored to make sure no dishonest activity or sexual exploitation were taking place. The Licensing Officer responded that the policy makes reference to the sexual exploitation policy where applicants had to demonstrate that their business had a clear record in other areas where they were established and did not contravene other council policies, and the applicant would continue to be monitored throughout.

**Resolved: (i)** That the changes made to the current statement of licensing policy for sex establishments dated November 2010 be approved.

(ii) That the policy is intended to highlight how the authority will carefully control sex establishments and sexual entertainment venues and how the council will manage compliance and enforcement for those premises found to be in breach of their licence or legislation be noted.

### **32. TEMPORARY FURNITURE ON THE PUBLIC HIGHWAY POLICY 2019 (REF: 11)**

The Principal Licensing Officer presented the report on Temporary Furniture on the Public Highway Policy 2019 (Ref: 11).

Members were informed that the local authority had been enforcing and ensuring compliance in this area for many years previously under highways and no formal arrangement was in place. This area now comes under Licensing where it was decided to put formal arrangements in place with the policy to acts as a main reference point for applicants and officers. The report outlined the conditions that would be formalised as part of this policy, including:

- protecting the public;
- size and layout of furniture;
- safety;
- the licensed area;
- crime and disorder;
- public nuisance.

He added that consultation took place from 13<sup>th</sup> December 2018 to 18<sup>th</sup> January 2019 and three representations had been received. In response to the Chair's question regarding these representations, the Principal Licensing Officer explained that one was regarding keeping the highway clean. Another was received regarding health and safety, which was part of another policy not related to this one. The final representation was in support of the policy.

The Service Director, Public Protection further explained that for potential applicants, it was positive to have a clear policy in order to have a reference point, to minimise restrictions, and to make sure areas can be controlled when needed.

When questioned whether this policy had strengthened enforcement, the Service Director, Public Protection said that enforcement had definitely had a positive impact and notices were issued when people breached the rules.

The Vice Chair said she was pleased that the policy was inclusive of accessibility for those with disabilities, or blindness, etc.

**Resolved:** That the Temporary Furniture on the Public Highway Policy 2019 as outlined in paragraphs 3 to 17 in the report (Ref: 11) be approved.

### **33. ARRANGEMENTS WITH CENTRAL BEDFORDSHIRE AND BEDFORD BOROUGH COUNCIL LICENSING SERVICES AND PROPOSED AMENDMENT TO PART 7 OF THE CONSTITUTION: FLEXIBLE WARRANTS (REF: 12)**

The Principal Licensing Officer presented the report (Ref: 12), on the Arrangements with Central Bedfordshire and Bedford Borough Council Licensing Services and Proposed Amendment to Part 7 of the Constitution: Flexible Warrants.

The report sought the approval to adopt arrangements with Central Bedfordshire and Bedford Borough Council for the discharge of the Council's licensing functions in relation to compliance and enforcement powers under the range of Licensing Legislation. It also sought approval to make a change to Part 7 of the Constitution to give delegated authority to the Service Manager for Public Protection to enter into a flexible warranting arrangement to give effect to such arrangements.

Members were informed that neighbouring authorities Central Bedfordshire and Bedfordshire Borough Council had adopted the Flexible Warranting Scheme. At the moment, Luton Council was only able to deal with locally licensed vehicles.

Due to Luton's popularity with the Airport and other areas of interest and income, many taxi and private hire vehicles licensed with different authorities came into Luton. As different authorities imposed different conditions and policies, it was important that the Committee note there was no consistency nationally in this regard. Therefore, whilst a vehicle licensed by Luton Council could be dealt with if causing disruption within the town, a vehicle licensed by another authority would not be sanctioned the same way as the council did not have the authority to do so. The Flexible Warranting Scheme would allow a more consistent approach of enforcement, to treat all taxi and private hire vehicles fairly.

A Member enquired whether the recommendations should be for the Executive to determine and consultation of members, as the report proposed amendments to the constitution. In response the Officers explained that as this arrangement was not an Executive Functions, the decision was for the Administration and Regulation Committee to determine with delegated authority under Part 7 of the Constitution Scheme of Delegation to Officers for the Monitoring Officer to make the necessary changes to the Constitution.

A Member enquired whether this would affect hackney carriages and was advised that the Department for Transport as well as other national Working Groups had put forward some recommendations regarding this, but nothing had been confirmed as of yet.

The Chair enquired whether Uber would fall within the Flexible Warranty Scheme arrangements and was advised that Uber was not licensed in any of the neighbouring authorities. Therefore they would not fall within the remit of the Flexible Warranty Scheme in the county.

A vote was taken the recommendations moved by the Chair in which, three Members voted in favour and one voted against.

**Resolved:** (i) That the Committee authorise, under Section 101(1) of the Local Government Act 1972 ("the 1972 Act"), the making of arrangements for the discharge of the Council's functions under Licensing Legislation in so far as they were not functions which were the responsibility of the Council's Executive ("the relevant functions"), but without prejudice to the discharge of the relevant functions by the Council, by the following local authorities (subsequently referred to as "the relevant local authorities"): Bedford Borough Council, & Central Bedfordshire Council.



(ii) That under the Scheme of Delegation to Officers (Non-Executive Functions) set out in Part 7 of the Council's Constitution to authorise the Service Director for Public Protection to exercise the Council's powers under the relevant legislation for the purposes of all or any of the relevant functions within the Borough of Luton and/ or within the area or areas of any or all of the relevant local authorities be amended.

(iii) That the Council's powers and duties under legislation for the time being in force relating to Licensing and, in particular to enforce the following licensing legislation (or any amendment or re-enactment of or under any Regulations made under such legislation) where the local authority has an imposed statutory duty be exercised:

- Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- Dangerous Wild Animals Act 1976
- Gambling Act 2005
- House to House Collections Act 1939 and 1947
- Licensing Act 2003
- Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- Local Government (Miscellaneous Provisions) Act 1982
- Police, Factories, etc (Miscellaneous Provisions) Act 1916 (Section 5 only)
- Scrap Metal Dealers Act 2013
- Town Police Clauses Act 1847
- Zoo Licensing Act 1981

(iv) That the Council's Monitoring Officer be authorised to make any necessary changes to Part 7 of the Council's Constitution to give effect to the above.

(v) That the Service Director for Public Protection be authorised, on behalf of the Council, to adopt and sign the Memorandum of Understanding relating to the flexible warrant scheme in the form appended to this report subject to any amendments consistent with the aims of the scheme as may be approved by her.

#### **34. GUARANTEED INTERVIEW SCHEME – LUTON CARE LEAVERS (REF: 13)**

The Service Director HR & Monitoring Officer presented the report (Ref: 13) regarding the Guaranteed Interview Scheme for Luton Care Leavers which sought approval to amend the Council's Recruitment Policy in relation to guaranteed interviews for Luton Care Leavers.

She explained that the current Recruitment Policy only gave provision for guaranteed interviews where the applicant had indicated they had a disability, or if they were an existing apprentice within the council.

The Service Director HR & Monitoring Officer emphasised the importance of being "job ready" which was outlined in the report.

Members agreed that this was a positive move, and just the experience of having an interview would have a positive impact on Luton Care Leavers' future careers.

**Resolved:** (i) That Council's Recruitment & Selection Procedure, providing guaranteed interviews for Luton Council care leavers, aged 16 to 25, when applying for Luton Council vacancies graded L1a through to L3 be amended and approved.

(ii) That the progress made to support care leavers become "job ready" for employment opportunities both within the Council and with other local employers be noted.

### **35. PROPOSED RESTRUCTURE – BUILDING CONTROL (REF: 14)**

The Service Director Property and Construction presented the report regarding the Proposed Restructure – Building Control (Ref: 14), which sought approval to implement the proposals to make changes to the organisation of the Council's Building Control Service to improve the management, performance and leadership of the service.

He explained that it would be a minor restructure, cost neutral with no risks of redundancies. The main change that would be taking place was the introduction of one service manager from having two managers in the service.

**Resolved:** That the proposed restructure of the Building Control Service be approved as follows:

- The new posts created:
  - Apprentice Building Control Officer (L3) (fixed term position for duration of apprenticeship)
  - Service Manager Building Control (M6)
  - Area Building Control Surveyor (M3)
- The following posts be deleted:
  - Building Control Team Leader (M5) x 2 – (1 x VACANT)

### **36. DISCIPLINARY AND DISMISSAL PROCEDURE FOR STATUTORY OFFICERS (REF: 15)**

The HR Business Manager (Strategy) presented the report (Ref: 15) which sought approval to implement the proposal to the council's new Disciplinary and Dismissal Procedure for Statutory Officers.

Members were informed that the council had three statutory officers: the Chief Executive, the Service Director Finance and Audit who was also the Section 151 Officer, and the Service Director Human Resources and Monitoring Officer.

The changes were made in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, which require specific arrangements to be in place for the these roles that were statutory appointments. She added that the decision to dismiss a Statutory Officer could only be made by Full Council.

She stated that this was a very rarely used procedure, and was different from the normal disciplinary procedure.

She also stated that whilst the JNC Handbook recommends that an elected member should hold the delegated power to suspend a Chief Executive in

an emergency, under section 101 of the Local Government Act 1972, the council may only delegate its non-executive functions to a committee, sub-committee or officer of the council. Personnel matters are a non-executive function under the Local Authorities (Responsibilities and Functions) (England) Regulations 2000, so cannot be delegated to an elected member. She said that in order to comply with the law and to follow the spirit of the model procedure, it had been agreed that the responsibility for suspending the Chief Executive would be delegated to an officer, in consultation with the Leader.

A member could not issue suspension solely; that could only be made by the Leader of the Council who would delegate this authority to an officer.

Consultation had been conducted with ALACE and UNISON, which were the trade unions for Statutory Officers.

A Member enquired why the policy had been delayed three years after the regulations were introduced in 2015. The HR Business Manager (Strategy) said that this project had been passed down to her from her predecessor. Furthermore, the Senior Solicitor, Legal Services at the time who played an instrumental role in the preparation of this policy retired. The additional guidance supporting the 2015 regulation was introduced in 2016 – 2017 and the council had other policies that affected a higher number of officers to restructure. As the Disciplinary and Dismissal Procedure for Statutory Officers only affected three officers and was very rarely used, it was given a lower priority which had extended the timeline to bringing it to committee.

The Chair asked whether best practice of other authorities' policy were used as support to formulate this policy. The HR Manager (Strategy) stated that she had looked at the City of Manchester's policy to compare.

**Resolved:** (i) That the Disciplinary and Dismissal Procedure for Statutory Officers be approved.

(ii) That Full Council be invited to amend the constitution to establish, in pursuance of the procedure, an Investigation and Disciplinary Committee, a Disciplinary Appeals Committee and an Independent Review Panel be noted.

### **37. ADMINISTRATION AND REGULATION WORK PROGRAMME 2018-19 (REF: 16)**

Members received and reviewed the Committee's work programme for the calendar year 2019.

The following standing items be included in the work programme:

- a) Pay Policy Statement,
- b) Equality Impacts of Redundancies,
- c) Review of Polling Places/Stations.

**Resolved:** (i) That the work programme for the calendar year 2019, be noted.

(ii) That items marked a) to c) above be included in the work programme for future meetings of the Committee.

**(Note: (i) Cllr Hopkins declared a non-pecuniary interest in relation to agenda item 11, as she knew some pub and café owners and remained at the meeting and participated in the discussions.**

**(ii) The Service Director HR and Monitoring Officer declared a pecuniary interest in relation to agenda item 15 as one of the Council's Statutory Officers mentioned in the report and left the room during deliberation of that item.)**

**(The meeting ended at 18.50)**

**MINUTES OF THE ADMINISTRATION AND  
REGULATIONS COMMITTEE**

**21 May 2019 at 5.34pm**

**PRESENT:** Councillors Abid, Adrees, Akbar, Garrett, Hopkins Lovell,  
Mead and Wynn

**27. ELECTION OF CHAIR (REF: 1)**

**Resolved:** That Councillor Akbar be elected Chair of Administration and Regulations Committee for the 2019/20 municipal year.

**28. ELECTION OF VICE CHAIR (REF: 2)**

**Resolved:** That Councillor Hopkins be elected Vice Chair of the Administration and Regulations Committee for the 2019/20 municipal Year.

**29. APPOINTMENT OF MEMBERS WHOM OFFICERS ARE  
REQUIRED TO CONSULT BEFORE TAKING URGENT ACTION  
FOR WHICH POWER IS NOT DELEGATED TO OFFICER(S) (REF: 7)**

**Resolved:** That the Chair and Vice-Chair be appointed as the Members of the Committee whom Chief Officers are required to consult before taking action previously delegated for specific functions not forming part of the previous Scheme of Delegation to Officers where consultation with Members has been specified and urgent action for which power is not delegated to Officers.

**(Note: The meeting ended 5.36pm)**

\_\_\_\_\_Chair

**COMMITTEE:** Administration & Regulation Committee

**DATE:** 19<sup>th</sup> June 2019

**SUBJECT:** Addition of a section of path at Langley Place to the Definitive Map and Statement

**REPORT BY:** Service Director, Planning & Economic Growth

**CONTACT OFFICER:** Keith Dove, Strategic Policy Adviser

**IMPLICATIONS:**

<b>LEGAL</b>	<b>x</b>	<b>COMMUNITY SAFETY</b>
<b>EQUALITIES</b>		<b>ENVIRONMENT</b>
<b>FINANCIAL</b>	<b>x</b>	<b>CONSULTATIONS</b>
<b>STAFFING</b>		<b>OTHER</b>

**WARDS AFFECTED:** South

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## **PURPOSE**

1. To request authority to carry out the legislative process in order to add a section of path at Langley Place to the Definitive Map and Statement.

## **RECOMMENDATION(S)**

2. Committee is recommended to authorise Legal Services to undertake the process pursuant to the Wildlife and Countryside Act 1981 and all other enabling powers, in order to add a section of path at Langley Place as shown edged red on the plan at Appendix A, to the Definitive Map and Statement.

## **BACKGROUND**

3. At its meeting on 29<sup>th</sup> November 2018 and, following the receipt of further information and clarification, a subsequent meeting on 29<sup>th</sup> January 2019, the Committee considered reports with the recommendation set out above. A copy of those reports and the appendices to them are referred to as Background papers to this report.
4. The reason for bringing those reports to the Committee was because following a determination from the Council's Development Management service on 1<sup>st</sup> August 2017 to grant prior approval for conversion of Unit 4 in the Telmere industrial estate in New Town to 12 bedsits, the developer presented the Council with evidence of an historic path known as Langley Place which ran through the land now occupied by the industrial estate and connected with New Town Street running alongside the Sugar Loaf pub for a distance of approximately 11.25 metres. That evidence was included as Appendix B to the report to the 29<sup>th</sup> January 2019 meeting of this Committee (See background papers).
5. The key points of the advice previously given are as follows:
  - the Duty to produce a Definitive Map and Statement (DM&S) of Public Rights of Way (RoW) was first required by the National Parks & Access to the Countryside Act 1949, which included 'exceptions to survey' where the area was so fully developed it would be inexpedient to do so (the case in much of Luton);
  - this "Excluded Area" in Luton remains largely un-surveyed but all rights of way in that area need to be added to the DM&S by 1<sup>st</sup> January 2026.
  - Section 55(3) provides a duty upon the Council to prepare a definitive map and statement for ROW's within the Excluded Area. The duty has been in force since February 1983. Following receipt of the evidence from the developer, the Council took Counsel's advice who advised that the Council could be compelled to take action to map the excluded area via High Court action as little meaningful action to do so has taken place. Hence the reports were prepared for the committee's attention.
  - the Council has a duty under Section 53 of the Countryside & Wildlife Act 1981 to keep the DM&S under continuous review, and make such modifications in consequence of the occurrence of, amongst other things, the discovery of evidence which shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates.
  - the section 53 evidential test of RoW's to consider in fulfilling the section 55(3) duty to prepare a DM&S for the excluded area, is whether there is sufficient evidence which demonstrates on the balance of probability that a public RoW over Langley Place subsists.
  - The evidence provided is considered to fulfil the section 53 evidential threshold.

- The principle; “once a highway, always a highway” is applicable.
6. The Committee decided to refuse the officer’s recommendation, as they considered that it was not in the spirit of the legislation, in particular as the purpose of Langley Place in question was only to serve the developer’s site.

## **REPORT**

### Background to the development proposal

7. The justification for bringing this matter back to this Committee is because on 12<sup>th</sup> April 2019, the developer’s legal advisors sent a pre-action protocol letter to the Council as a pre-cursor to a Judicial Review of the Council’s decision of 29<sup>th</sup> January. A copy of this letter is included at Appendix B to this report.
8. In particular, the letter sets out that the Council has misdirected itself in law, as the duty pursuant to section 53 of the Countryside & Wildlife Act 1981 as set out above has not been engaged with and the decision reached is outside of its scope.
9. The Council’s solicitor agrees with the above and is of the opinion that the previous decision made by this committee would be quashed and the Council would be liable for the appellant’s costs which could run to tens of thousands of pounds if taken through the High Court process.
10. If quashed by the High Court, the matter would have to return to A&R Committee for a further decision as the Council has a duty to prepare a DM&S for the Excluded Area pursuant to section 55(3) of the 1981 Act. Consequently, taking no action to deal with this request is not considered to be an option as the Council could be compelled to act via a further Judicial Review.
11. In addition, the evidence received is considered to be compelling to satisfy the Section 53 test and so to make a decision on the basis that the evidence is not sufficient to show a RoW subsists could also be challenged through the High Court.
12. Note too for the avoidance of doubt, motive, merit and current use of the area in question is not relevant. If the area of land is shown to be a RoW as a result of the historical evidence received, whether currently in use as such or otherwise, then it remains as such as: “once a highway, always a highway”.
13. Consequently, Committee approval is sought to formally add this section of Langley Place to the DM&S. The legislative procedure requires notices of the order to be served on the interests in the land, posted on the route and advertised in a local newspaper. If no objections are received, the order will be confirmed and a new DM&S for Langley Place created. However, if objections are made and not withdrawn, the Council will have to forward the order to the



Secretary of State for Environment, Food and Rural Affairs who will determine whether it should be confirmed or not.

### **PROPOSAL/OPTION**

14. Not to progress this based on the evidence supplied and coupled with the duty to a DM&S could result in a legal challenge compelling the Council to do so, especially in light of the developer's interest in developing Unit 4.

### **HUMAN RIGHTS AND CRIME AND DISORDER ACT - IMPLICATIONS**

15. The recommendation notes the rights to respect for private and family life and protection of property but acknowledges and recognises the duties under Section 53 above. In addition there are not considered to be any crime and disorder implications arising but again the Section 53 duty is noted.

### **EQUALITY ACT 2010**

16. There are no disproportionate effects on people with protected characteristics namely: age, sex, gender assignment, sexual orientation, disability, marriage/civil partnership, pregnancy/maternity, race, religion or belief, arising from this report.

### **APPENDICES**

Appendix A Plan of the area to be added to Definitive Map and Statement.

Appendix B Pre Application Protocol letter received from Bevan Brittan

### **LIST OF BACKGROUND PAPERS** **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

Report to Administration and Regulation Committee on 29<sup>th</sup> November 2018

Report to Administration and Regulation Committee on 29<sup>th</sup> January 2019



Luton Borough Council  
Legal Services,  
Town Hall,  
Luton,  
Bedfordshire,  
LU1 2BQ



Date 12 April 2019  
Your ref  
Our ref MTMT\137496\1  
Direct Line +44 (0) 370 194 1343  
Direct Fax +44 (0) 370 194 1001

matthew.tucker@bevanbrittan.com

By Special Delivery before 1pm

Dear Sirs,

**Proposed claim for judicial review  
Pre-Action Protocol for Judicial Review  
Langley Place, Luton**

We are instructed by Chalmor Limited in relation to the decision that was taken by Luton Council's Administration and Regulation Committee ("the Committee") on 29 January 2019 to refuse to authorise officers to undertake the relevant legal procedures to add a section of path at Langley Place, Luton to the Definitive Map and Statement.

This letter is a formal letter before claim in accordance with the pre-action protocol for judicial review under the Civil Procedure Rules.

**Summary**

Our clients have provided overwhelming evidence which engages a legal duty of the Council to make modifications to the Council's Definitive Map and Statement. The Committee's subsequent decision of 29 January 2019 is unlawful and does not discharge the Council's legal duty.

**Background**

Our clients have been attempting to resolve the legal status of Langley Place for many years. Their first recorded contact with the Council's legal team was on 23 November 2017. Following discussions with Council officers at that time, Bevan Brittan were instructed. We made representations to the Council by letters of 24 April 2018, 24 July 2018 and 15 January 2019.

We provided a very significant volume of evidence to the Council which confirmed the existence of rights of way over Langley Place. Langley Place itself was a historic highway which was partially stopped up, and accordingly there is a substantial body of historic evidence of rights of way over Langley Place.

In light of the new information and having regard to their legal duties, Council officers prepared a report to the Committee ("the First Report to Committee"), recommending that having reviewed the evidence and in accordance with the relevant legal tests, the Committee authorises officers to add the section of path at Langley Place to the Definitive Map and Statement.

This matter was considered at the Committee meeting of 29 November 2018. The Committee concluded that they had insufficient information on which to make a decision and this was deferred to be reconsidered on 29 January 2019.

M-22488441-1

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Council officers produced an updated report prior to 29 January 2019 ("the Second Report to Committee"). This added further information obtained by the Council, all of which was consistent with the evidence supplied by our client.

The Council's Solicitor gave clear advice, in both the First and Second Reports to Committee and in person on 29 January 2019, confirming that not progressing the recommendation could result in a legal challenge compelling the Council to do so.

At the meeting of the Committee on 29 January 2019, following a wide-ranging discussion, the officer's recommendation was rejected. The recorded reason for refusal in the minutes of that meeting is as follows:

*"Members voted to reject the officer's recommendation, as they considered it was not in the spirit of the Legislation, in particular as the purpose of the section of Langley Place in question was only to serve the developer's site"*

In addition to the recorded reason in the minutes, the Chairman of the Committee commented when casting the decision vote against that in his view the recommendation was 'bullying the pub in order to provide sub-standard accommodation'.

**The proposed defendant**

Luton Borough Council of Town Hall, Luton, Bedfordshire, LU1 2BQ ("the Council")

**The claimant**

Chalmor Limited, c/o Bevan Brittan LLP, Kings Orchard, 1 Queen Street, Bristol, BS2 0HQ ("Chalmor")

**Defendant's reference details**

N/A

**Details of the claimant's legal advisers, if any, dealing with the claim**

Bevan Brittan LLP, Kings Orchard, 1 Queen Street, Bristol, BS2 0HQ

**Details of the matter being challenged**

The subject of this challenge is the decision of the Committee on 29 January 2019 to reject the officer's recommendation for the agenda item 'Addition of a Section of Path at Langley's Place to the Definitive Map and Statement'.

**Details of any interested parties**

N/A

**The issue(s)**

The decision that the Committee reached on 29 January 2019 did not engage at all with the legal requirements of the Wildlife and Countryside Act 1981 ("the Act"), and instead the Committee's conclusion was reached on the basis of the perceived intention of the legislation and other irrelevant matters.

The Council has a duty under s.53 of the Act to keep the Definitive Map and Statement under continuous review. S.53(3)(c) of the Act explains that the Council has a duty to make modifications where it discovers evidence which shows that a right of way which is not shown either subsists or is reasonably alleged to subsist over land in the area to which the map relates.

The First and Second Reports to Committee spell out the Council's legal duty, and the clear and undisputed evidence showing a right of way which subsists. However the decision of the Council's Committee does not engage with the content of this legal duty or discharge the Council from the requirements of the Act.

The decision of the Committee is unlawful for the following reasons:

- (1) The Council has misdirected itself in law. The Council's Solicitor clearly set out the Council's duties under the Act, the relevant legal tests and guided the Committee as to the relevant matters before them for consideration. However the Committee has ultimately reached a conclusion which



was not legally available to it, for reasons which are not permissible within the scope of the enabling legislation. The Committee has failed to engage with or discharge the Council's duty under s.53 of the Act.

- (2) The Council's decision is irrational, in that it is so unreasonable that no reasonable authority could ever have come to it. By departing wholly from the requirements of the Act, the decision taken by the Council also departs from the scope of reasonable decision-making. This is a clear case of blatant unreasonableness<sup>1</sup>.
- (3) Member conduct is not usually a matter for the judicial review process, but our client has a number of concerns about the conduct of Members both at the meeting of 29 November 2018 and the meeting of 29 January 2019.

Particularly, Councillor Hopkins declared a personal but non-prejudicial interest in the item at both meetings, as she had a personal link to the family of the pub landlord. However Councillor Hopkins drove discussions and introduced many of the irrelevant considerations detailed separately below into the debate; for example by commenting that the right of way was "unnecessary".

Our client does not consider that Councillor Hopkins came to the meeting with an open mind, and from their perspective Councillor Hopkins' approach to considering the recommendation and participation in the debate appeared to be apparent bias<sup>2</sup>.

In addition, Councillor Taylor in chairing the meeting made comments which also give rise to the appearance of bias. Particularly Councillor Taylor's comment that the recommendation amounted to 'bullying the pub in order to provide sub-standard accommodation' very clearly has the appearance of bias, in that it reaches a legal conclusion outside the scope of the Committee's remit based on an unrelated negative perception of our client.

In addition, Councillor Castleman declared a personal and prejudicial interest at the meeting of 29 November 2018, but was still permitted to address the Committee and circulated additional documents to them which our client has not had sight of. The minutes of the meeting of 29 November 2018 record that Councillor Castleman's representations included comments about an unrelated 1992 stopping up order, reference to the rights of the pub owner, and consideration of the impacts that a right of way would have on the pub generally. These are not relevant considerations in the context of the question before the Committee.

On this basis the Committee's decision is further flawed, unreasonable and susceptible to challenge.

- (4) The decision which was reached did not engage with the content of the report before Members in any meaningful way, and particularly the resolution did not engage with the legal questions posed by the Second Report to Committee.

The decision-making process should be clear from the recorded decisions of the Committee<sup>3</sup>, and where the Committee fails to give adequate reasons for their decision, that decision should be quashed and the decision taken again. Very little is discernible from the Committee's decision, save that it has reached a conclusion on the basis what the Act intended, and that the Committee opposes the existence of rights of way which serve our client's site. These comments do not record a decision on the issue required to be determined, and we would suggest that the inadequacy of the reasons given for the decision render it unreasonable.

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<sup>1</sup> As per *R (Great North Eastern Railway Ltd) v Office of Rail Regulation* [2006] EWHC 1942

<sup>2</sup> Within the meaning as described in *Porter v Magill* [2011] UKHL 67 – "whether a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the tribunal was biased"

<sup>3</sup> As per *R (Young) v Oxford City Council* [2002] EWCA Civ 990

- (5) The Council has taken into account irrelevant matters in reaching their decision<sup>4</sup>. The minutes of the meeting of 29 January 2019 record strenuous efforts by the Council's Solicitor to focus the Committee's minds on what was legally required of them. The Committee also had the benefit of a letter from Bevan Brittan, dated 15 January 2019, setting out the scope of the legal question before the Committee.

Despite this, our client's contemporaneous notes of the meeting reveal that a wide range of considerations were discussed which have no relationship at all to the requirements of the Act, including (but not limited to):

- a. A very lengthy discussion of our client's proposals for development.
- b. Views as to the planning merits of that development.
- c. Whether the right of way could be stopped up.
- d. The overall merits of the right of way.
- e. Whether a right of way is necessary.
- f. The ownership status of the land.
- g. The intentions of our clients generally.

In discussing the recommendation, Members referred to the "uniqueness" of the situation, which was said to be "without case law". In this context this was used to mean the suggestion that the area which was the subject of the recommendation was in fact intended for another purpose, and that this purpose meant that access had been appropriately restricted.

During discussions it was speculated that the area was intentionally not stopped-up so that it could be used particularly as access in respect of the nearby pub, or other nearby dwellings. None of this is a relevant consideration for the purposes of the exercise which the Council is required to carry out. We would submit that far from being a situation "without case law", there is a significant volume of case law which confirms the scope of the Council's duty, and clear legal advice to this effect was before the Committee. "Uniqueness" is not a justification for departing from the requirements of the law.

In addition to these irrelevant considerations, a number of further irrelevant considerations were considered by Members at the prior meeting of 29 November 2018 (as recorded in the minutes of that meeting), including:

- a. Other stopping up orders.
- b. The rights of the owner of the pub.
- c. Potential dangers arising from the footpath.
- d. 'Control' of the path.
- e. Whether or not the path should have been stopped up in the past.

None of these points are relevant to the question before the Council as decision-maker. In addition, many of these points are predicated upon it being accepted by the Committee that a right of way subsists. If that is accepted, then the Council is duty-bound to add Langley Place to the Definitive Map and Statement, and subverting this amounts to the Committee misdirecting itself in law.

Those irrelevant matters have had a material influence upon the decision, and in taking these matters into account, the Committee has acted so irrationally as to render the decision unlawful.

We would also stress that in addition to the irrelevant considerations, the matters which form part of the Committee's stated reason for the decision are wholly irrelevant. The Committee reaches an unsupported conclusion citing the spirit of the legislation, and in doing so the Committee departs entirely from the actual terms of the Act. The purpose of adding rights of way to the Definitive Map is also not a relevant consideration. The right of way may serve our client's development site, but the Council is not legally able to abandon their duty under s.53 of the Act on this basis.

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<sup>4</sup> Which is in itself unlawful as per *Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WILR 759

The Committee is entitled to disagree with our client. What they are not entitled to do is undertake a roving review of the merits of development, the merits of the right of way and various other subjective matters. The sole responsibility of the Committee is to determine whether a right of way exists or is reasonably alleged to subsist over Langley Place. The conclusion of the Committee does not engage with that basic requirement of the Act at all, and the Council's duty under s.53 of the Act has not been discharged. Accordingly the decision of the Committee is wholly unlawful.

Our client has been continuously disadvantaged by the Council's failure to engage with its legal duties, and the practical impact of this is that a lawful route of access to their proposed development is not in use.

This letter is a final attempt to settle the dispute without resorting to judicial review, and our client would strongly encourage the Council to look again at this unlawful decision. Otherwise our client will be forced to give consideration to issuing a claim, for which our client will seek full cost recovery from the Council. The principle of that legal challenge is very clearly made out, and this challenge is supported and anticipated by the advice of the Council's own Solicitor, both in the First and Second Committee Reports and in person at the meeting of 29 January 2019.

**Action(s) that the defendant is expected to take**

We require the Council to reconsider the decision of the Committee of 29 January 2019 as a matter of urgency, and in any event within 14 days of receipt of this letter. The recommendation to add a section of Langley Place to the Definitive Map and Statement should either be returned to the Committee for reconsideration or reviewed under delegated powers.

**ADR proposals**

No ADR proposals are considered to be appropriate in the circumstances.

**Details of any information sought**

No additional information is sought.

**Details of any documents that are considered relevant and necessary**

We require disclosure of the additional documentation provided by Councillor Castleman to Members and Officers at the Committee Meeting of 29 November 2018. These documents were not supplied to our client at the meeting.

**The address for reply and service of court documents**

FAO Matthew Tucker, Bevan Brittan LLP, Kings Orchard, 1 Queen Street, Bristol, BS2 0HQ

**Proposed reply date**

Within 14 days of receipt.

We look forward to hearing from you.

Yours faithfully

*Bevan Brittan*

**Bevan Brittan LLP**

**Encs:**

**The First Report to Committee**

**The Second Report to Committee**

**Minutes of Meeting (29 November 2018)**

**Minutes of Meeting (29 January 2019)**

**Letters from Bevan Brittan LLP x3**

**COMMITTEE:** ADMINISTRATION AND REGULATION COMMITTEE

**DATE:** 19<sup>TH</sup> JUNE 2019

**SUBJECT:** PUBLIC PROTECTION ADMINISTRATION STAFF  
RESTRUCTURE

**REPORT BY:** STRATEGIC REGULATORY MANAGER – PUBLIC  
PROTECTION

**CONTACT OFFICER:** VICKY HAWKES 01582 546159

**IMPLICATIONS:**

LEGAL	X	COMMUNITY SAFETY	
EQUALITIES	X	ENVIRONMENT	
FINANCIAL	X	CONSULTATIONS	X
STAFFING	X	OTHER	

**WARDS AFFECTED:**

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**1. PURPOSE**

- 1.1 This report seeks the approval of the Committee to implement the proposal to make changes to the organisation of the Council's Public Protection Administration Staff to ensure the integrated and efficient deployment of administration and support roles within the division.

**2. RECOMMENDATION(S)**

**2.1 Committee is recommended to approve:**

- (i) a restructure of Public Protection Administration Staff as set out within the attached organisational change assessment (OCA).



(ii) the deletion of 7.04 posts as detailed in the OCA.

(iii) the creation of 5.6 posts as detailed in the OCA.

### **3. BACKGROUND**

- 3.1 Staff affected by the proposals within this OCA were transferred into Public Protection from Public Realm on the 1<sup>st</sup> April 2019. This followed an organisational change process which was undertaken by Public Realm and approved at Administration and Regulation Committee on the 26<sup>th</sup> February 2019.
- 3.2 The affected staff were transferred within their existing roles. This OCA therefore focuses on the organisational change needed to implement the roles needed to fully integrate the affected staff into new posts within Public Protection.
- 3.3 Public Protection also undertook a significant restructure, approved at Committee on the 29<sup>th</sup> January 2019, to re-align and create a new model of working relating to enforcement and regulation. This highlighted the need for an increased number of administrative and support roles to facilitate the new model of working.

### **4. REPORT**

- 4.1 The principal underpinning the review of administrative and support roles in Public Protection is that there has been insufficient allocation of resources which has had a detrimental effect on the divisions ability to most effectively deliver its core work and service delivery. This was highlighted during the significant restructure within the Neighbourhood Regulatory Services project.
- 4.2 High quality administrative and support roles are vital in delivering the Public Protection.
- 4.3 Public Protection carries out a wide range of services and therefore needs a variety of administration and support roles to facilitate the work of the department. This is set out within the key elements of the proposals as follows:
  - Trading Support Team – there is an increasing range and quantity of trading opportunities which the division is undertaking. These primarily relate to Pest Control, Parking Management and Primary Authority but other opportunities exist to offer professional and technical services to other Councils or public services.

The creation of the trading support team will enable the service to best meet these demands whilst retaining high levels of customer and client support.

- Neighbourhood Case Support Team – the new model of working within Public Protection is based on an integrated, outcome focused approach to regulation and enforcement. Central to the operation of the department is a robust triage, tasking, assessment and progression process. It is proposed that this will be achieved by increasing the resources within this team to enable the delivery of the support function to the NRS model or working.
- Parking Services – the unit carries out the processing functions in relation to a range of procedures – including penalty charge notices and the range of fixed penalty notices undertaken by the Neighbourhood Enforcement Team. It is proposed to place the processing work relating to abandoned vehicles work within this team as there are synergies within the work carried out which will increase the resilience within the current approach.

### **Consultation**

- 4.4 Following staff & stakeholder consultation, it has become clear that some existing work relating to trade waste, clinical waste and special collections will continue to be required in the future. The proposals have therefore been amended to allow the trading roles to continue to carry out these duties within an 'internal trading' arrangement.
- 4.5 In arriving at the proposal that are contained within this report, management have taken into consideration feedback received from affected staff during the consultation process as well as from wider stakeholders in Public Realm. The key changes which have been made as a direct result of the feedback from affected staff are:
- The extension of the OCA consultation period to undertake specific stakeholder engagement with Public Realm management.
  - The inclusion of internal trading with Public Realm to ensure that existing work (relating to trade waste, clinical waste and special collections) is retained by the new Trading Support Team – in regards to work that is not capable of having a digital solution.
  - Amendments to job descriptions – most notably the Business & Trading Officer role to incorporate feedback made by affected staff.

## **5. PROPOSAL/OPTION**

- 5.1 The following proposals, as set out in further detail within the OCA, are proposed to allow the organisational change to take place:

## Post creations

- a) The creation of a Business & Support Officer (L6) to provide lead coordination of the Trading Support Unit.
- b) The creation of Support Officer roles (L3) (2.6FTE) which will be located within either the Trading Support team or the Neighbourhood Case Support team dependent on demand levels.
- c) The creation of an additional Neighbourhood Case Support Officer post (L4) to increase the staffing provision within the case support function.
- d) The creation of an additional Parking Services Officer post (L3-5 career progression) to enable the transfer of processing work relating to abandoned vehicles to the processing team.

## Post deletions

- e) To facilitate the creation of the above posts, it is necessary to propose the deletion of the 7.04 posts, as set out in the OCA.

## **6. EQUALITIES IMPLICATIONS / INTEGRATED IMPACT ASSESSMENT**

- 6.1 The Integrated Impact Assessment (IIA) has been completed and signed off by the Social Inclusion Team and affected staff. It is not attached to this report due to the very small number of staff affected who could potentially be identified. Whilst there are shared characteristics with the staff group affected –most notably that they are female – many of whom are part time, there is no evidence that this influenced the proposals being made and therefore the overall impact is neutral.

This report has been cleared by Maureen Drummond, Equality & Inclusion Manager on 20<sup>th</sup> May 2019.

## **7. STAFFING / HR IMPLICATIONS**

- 7.1 Formal consultation commenced on the 10<sup>th</sup> April 2019 and concluded on the 14<sup>th</sup> May 2019, which was subsequently extended to the 21<sup>st</sup> May to enable stakeholder feedback. All staff were invited to an informal meeting prior to the commencement of the OCA in March 2019 and to a launch meeting on the 10<sup>th</sup> April 2019.
- 7.2 All 8 staff affected by the proposals have had the opportunity to ask questions and make comments on the proposal; they have all attended one to one meetings and engaged with the process. All written questions and comments received a written response.
- 7.3 All affected employees who hold a post proposed for deletion will be treated in line with the Organisational Change Procedure. This will be by way of slot

in, ring fenced interview or suitable alternative employment as per the procedure.

- 7.4 As there are sufficient posts in the new structure for all affected employees, it is hoped that there will be no compulsory redundancies however applicants who are not slotted in and who will be required to apply through ring fenced interviews for new posts will have to meet the minimum requirements both at the shortlisting and interview states and will need to successfully complete a trial period in order to secure a post in the new structure.
- 7.5 If the proposal is approved, implementation will commence as soon as possible with the structure in place by 1<sup>st</sup> October 2019.

This report has been cleared by Angela Claridge, Service Director of HR & Monitoring Officer on 4<sup>th</sup> June 2019.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 The proposed new structure provides a cost saving of just over £30,000. The Neighbourhood Regulatory Services restructure (approved by Committee on 29<sup>th</sup> January 2019) stated that the proposals within that OCA were affordable with an agreed transfer of budgets from Public Realm; the £30,000 saved through this OCA will be transferred to fund the Neighbourhood Regulatory Services OCA. In addition, the Street Scene OCA approved by Committee on 26<sup>th</sup> February 2019 provided savings of £29,000 which are being used towards savings targets.
- 8.2 Although there are sufficient posts in the new structure for all affected staff, there is a risk of redundancy which the Council would need to pay if any of the affected staff were unsuccessful in their interview. At this stage of the process, it is not possible to quantify the likely cost of redundancy or how many employees may be affected, although initial work undertaken with Human Resources indicates that the risk should be low. Every effort will be made to ensure that the cost is minimised or avoided altogether.

This report has been cleared by Dev Gopal, Service Director of Finance on 5 June 2019.

## **9. LEGAL IMPLICATIONS**

- 9.1 Employees who are dismissed by reason of redundancy have the right to pursue claims in an employment tribunal. Providing the Council's Organisational Change Procedure is followed the risk of any adverse employment tribunal decision should be low. It is anticipated that affected employees will have the opportunity to secure suitable alternative

employment in the proposed restructure which will also minimise any compulsory redundancies.

This report has been cleared by Jasbir Joben, Solicitor in Legal Services on 29<sup>th</sup> May 2019.

## **10. APPENDIX**

A – Organisational Change Assessment – Restructure of Public Protection Administration Staff (amended post consultation)

### **LIST OF BACKGROUND PAPERS** **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

Neighbourhood Regulatory Services Restructure – Report to Administration & Regulation Committee on 29<sup>th</sup> January 2019

Street Scene Support & Administration Restructure – Report to Administration & Regulation Committee on 26<sup>th</sup> February 2019

## **Handling Organisational Change Organisational Change Assessment**

### ***Re-structure of Public Protection Administration Staff***

#### **1. Purpose**

- To set out proposals to make changes to the organisation of administration resources within Public Protection.
- To outline the timetable for formal consultation with affected employees and stakeholders and confirm the date of Administrative & Regulation Committee when the final proposals for the changes will be considered.
- DMT have given their support for the proposals to be considered for consultation.

##### **1.1 Background and context**

The Council has made savings of £113 million over the last seven years. The Council also needs to deliver over £11 million of savings in 2019/20, with further savings of about £16 million in the following four years. This will be a challenge for the Council, in particular as the demand for services such as adult social care and children's services continue to increase

All local authorities are being hit hard by government policies on public spending. But the negative impact on Luton is much greater than a lot of other councils because the town is far more dependent on central government grant.

Yet, by rapidly changing the way it works, and guided by a detailed transformation strategy Luton Together, Luton Council has managed to avoid the huge damage to essential services seen in other parts of the country. Right across the organisation productivity has risen and a lot of services have improved. Significant corporate cross cutting reviews have been implemented for procurement, communications, marketing and digital services, business intelligence and strategic community services with the aim to enhance best value whilst delivering key council objectives.

But the government's latest demands have increased the financial pressure. More radical solutions will need to be considered to meet these financial pressures. The consequent budget gap can no longer be bridged by efficiency savings and raised productivity alone. Only further radical organisational change can ensure the continued delivery of the frontline services that local people rely upon.

Between April 2012 and March 2015, 253 employees were made redundant (although around a third of these were voluntary arrangements). Regrettably, there are likely to be further reductions in the workforce but we will look at all possible options to help protect essential services and minimise compulsory redundancies.

Thus, the objective is to rapidly restructure the council so it is better placed to deliver good quality services with far less resources. If it does not do this, it will, quite simply, become unsustainable very quickly.

Some of the changes being considered include a move towards more commissioned services, fewer directly employed staff and a greater emphasis on partnership working. In addition, the council recognises that it needs to generate new income streams from external sources – particularly from traded services. The council's commercialisation agenda has already played a vital part in preserving front line services. The council will now need to explore further options e.g. shared services to determine whether this is a viable option to assist with meeting the savings target.

The council is legally obliged to inform and consult, at the earliest opportunity, the trades unions and all employees whose jobs and / or terms and conditions of employment are affected. This will be carried out by service managers, who will be advised by HR business managers and their staff.

For more information on this, please see the council's transformation strategy Luton Together. This is available on the intranet. If you do not have access to a computer at work, please ask your manager for copies.

## **1.2 Scope**

The following posts are affected and are within scope.

- Support Services & Admin Officer (1 FTE)
- Cleansing Customer Services Administrator (1 FTE)
- Abandoned Vehicle Admin (0.97 FTE)
- Trade Waste Administrator (1.90 FTE)
- Admin Support Assistant (1.16 FTE)
- Waste Disposal Admin Assistant (1.0 FTE)

## **1.3 The Current Position**

The Place & Infrastructure Administration & Technical Review identified that there were insufficient administration and support roles within Public Protection.

Historically, Public Realm carried out a range of administration and support tasks for Public Protection which were re-charged through internal support service charges. In late 2018 and early 2019, Public Realm undertook a review of their Admin & Support needs. This concluded that they had potential to replace some

tasks currently carried out by officers into automated computer processes. As a result, a number of Public Realm Admin Staff were, following an informal consultation, transferred into Public Protection on the 1<sup>st</sup> April 2019.

This OCA sets out the restructure required to create the new posts required to undertake the administration and support roles within Public Protection.

## **2. Proposal (s)**

We need your feedback about the proposal(s) set out in this document. This is your opportunity to shape the future of the service that we know is of enormous importance and significance to you.

Please remember that these are initial proposals only and that the final proposals will only be known once the formal consultation period has ended.

The proposals outlined below will enable the creation of the new support roles required within Public Protection.

The proposals affecting staff are therefore as follows:

- To create the new post of Business & Trading Officer x 1 FTE (L6)

This post will provide primary support to the trading and income generation work carried out by Public Protection – with a particular focus on pest control, parking and primary authority.

This post will provide some supervisory support in relation to the Neighbourhood Case Support Team in the absence of the Senior Neighbourhood Case Support Officer.

- To create an additional post of Neighbourhood Case Support Officer x L4

This post will form part of the newly formed support team providing direct case and operational support to Neighbourhood Regulatory Services.

- To create an additional post of Parking Services Officer x 1 (L3-L5 career progression).

It is intended to transfer processing relating to abandoned and unlicensed vehicles to the Processing & Representations Team which will then form part of the overall work of that team. An additional post is required in line with the increased workload.

- To create the new posts of Support Officer x 2.6 (L3 grade indicative)



These posts will be created to provide administrative support to Public Protection. This will include data entry, document management – including scanning, processing information relating to the range of services undertaken by Public Protection. These posts will be based either within the Neighbourhood Case Support Team or the Trading Support Team.

- In order to achieve the above restructure it is proposed therefore that the following existing posts are deleted:
  - Support Services & Admin Officer (1FTE)
  - Cleansing Customer Services Administrator (1FTE)
  - Abandoned Vehicle Admin (0.97 FTE)
  - Trade Waste Administrator (1.90 FTE)
  - Admin Support Assistant (1.16 FTE)
  - Waste Disposal Admin Assistant (1.0 FTE)

FTE proposed for deletion – 7.04

Consisting of 5.378 filled posts and 1.662 vacancies.

To summarise the new posts to be created:

Business & Trading Officer x 1  
Support Officer x 2.6  
Neighbourhood Case Support Officer x 1  
Parking Services Officer x 1

Total – 5.6 FTE

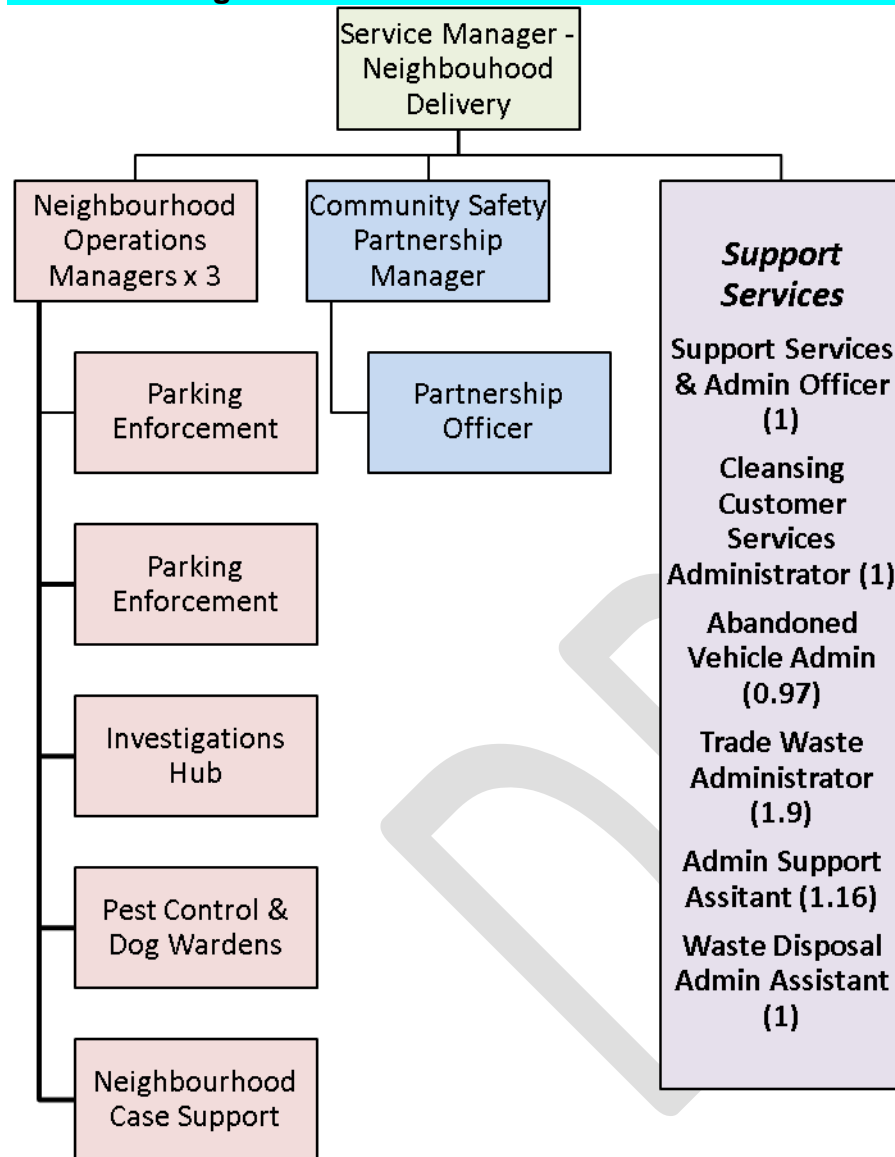
It is the intention to avoid redundancies wherever possible and it is anticipated that affected employees whose posts are subject to deletion will have ring fenced opportunities in the new structure.

## **2.1 Agile Working**

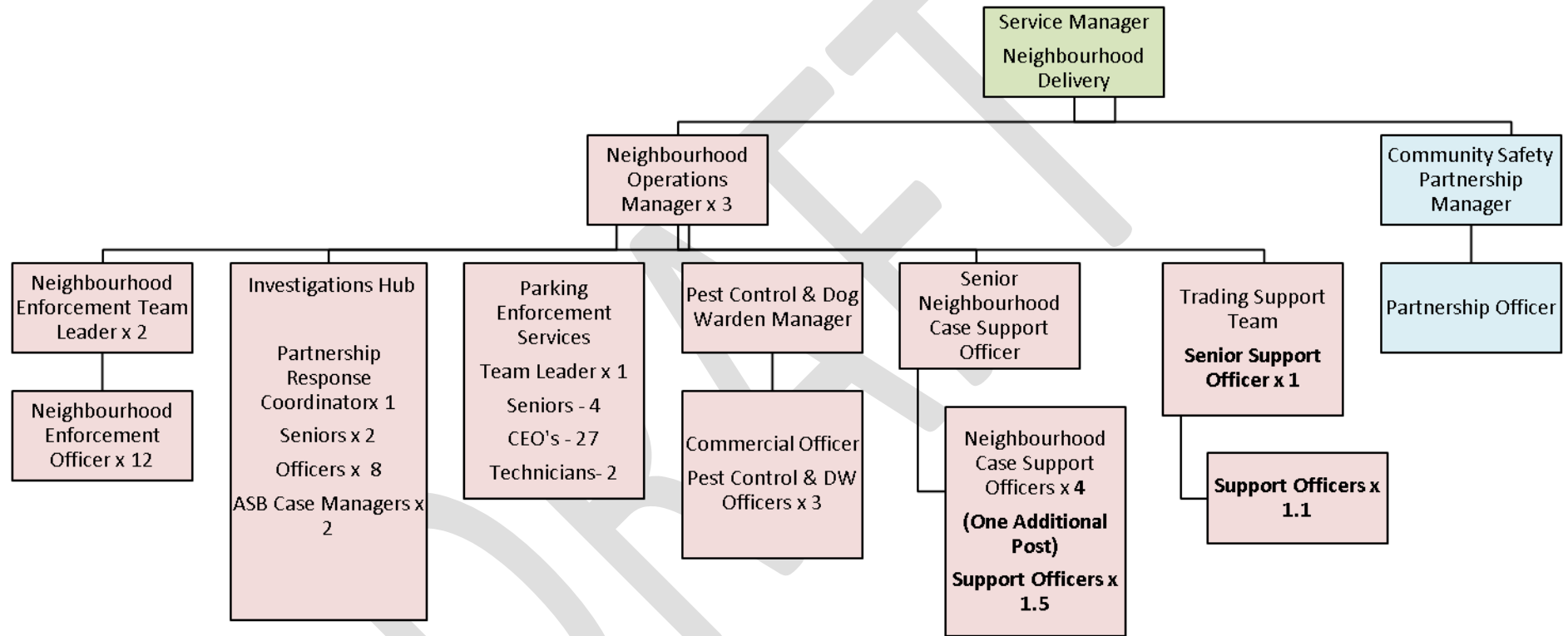
These posts will be office based, some roles will require officers to work at different locations or settings in an agile manner. These are contained within the draft job descriptions.

DRAFT

### 3. Existing Structures

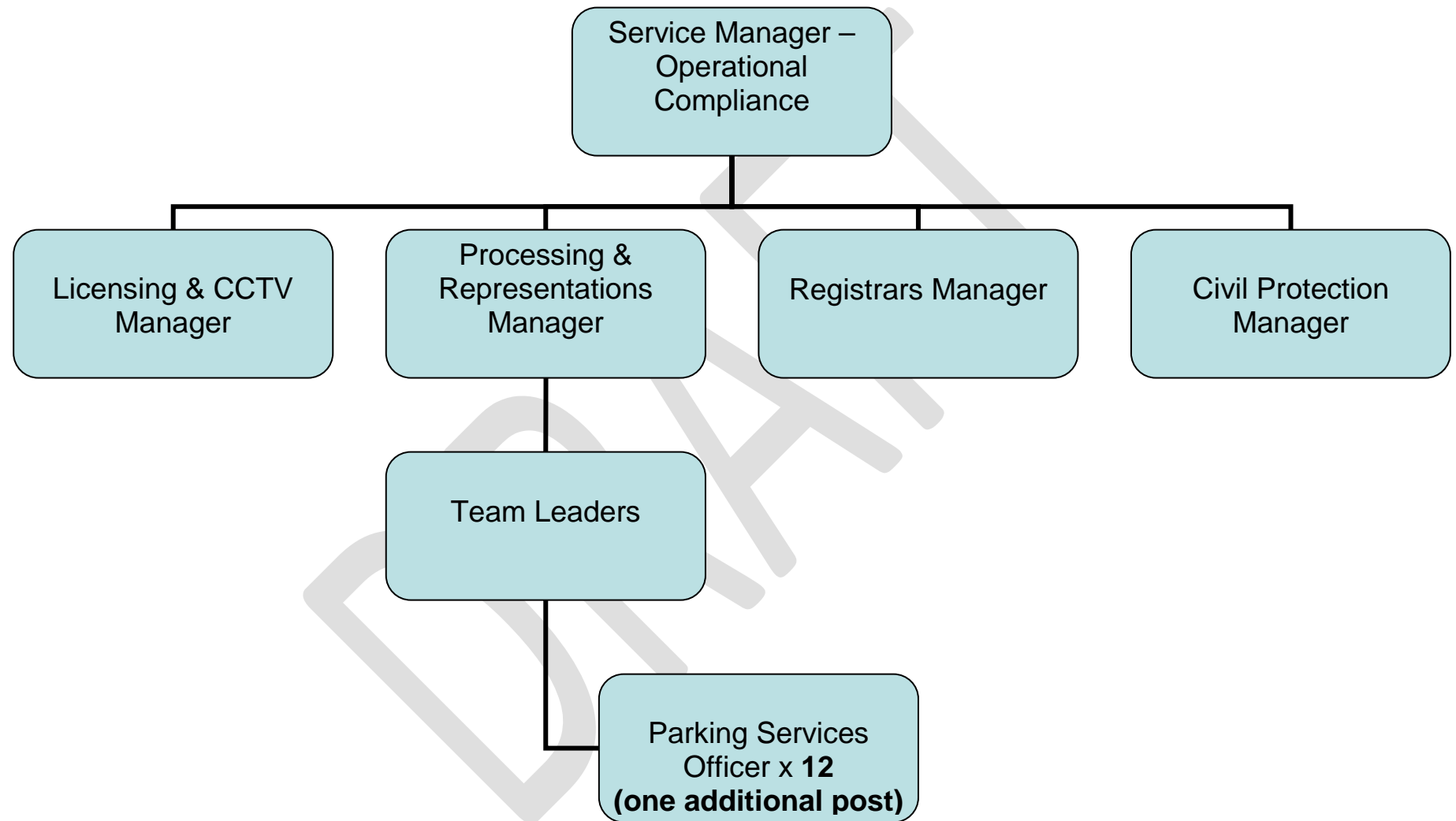


#### 4. Proposed Structures



New post information in bold

## Parking Processing Team Structure



## 5. Staff affected by the proposal(s)

Post title	Grade	FTE	Headcount	Vacant (Yes)
Support Services & Admin Officer	L6	1.00	1	
Cleansing Customer Services Administrator	L4	1.00	1	
Abandoned Vehicle Admin	L3	0.973	2	
Trade Waste Administrator	L3	1.906	3	
Admin Support Assistant	L3	1.16	1	0.662
Waste Disposal Admin Assistant	L4	1.00	0	1.0
<b>Total</b>		<b>7.04</b>	<b>8</b>	<b>1.662</b>

New posts created

Post title	Grade	FTE
<u>Trading Support Team (New)</u>		
Business & Trading Officer	L6	1.0
Support Officer	L3	1.1 indicative
<u>Neighbourhood Case Support Team</u>		
Neighbourhood Case Support Officer	L4	1.0
Support Officer	L3	1.5 indicative
<u>Processing &amp; Representations Team</u>		
Parking Services Officer	L3-5	1.0
<b>Total</b>		<b>5.6</b>

The precise allocation of Support Officer roles will be determined following consideration of workload demands for each area of work.

### Integrated Impact Assessment (IIA)

An IIA will be drafted however due to the small number of employees affected by the proposal the IIA will not be made available in order to protect individual employees from being identified.

The IIA will be reviewed and updated following the outcome of consultation.

## 6. Risks

The reduction in support and administrative resources to Public Realm was addressed in the OCA which transferred staff to Public Protection.

Whilst there are posts deletions every reasonable attempt will be made to secure alternative employment for employees affected by the proposal. Employees will be considered for posts within the structure in the first instance and they will need to demonstrate their suitability for the new roles. There is however a potential risk that employees will not be able to demonstrate their suitability for employment and this could lead to an at risk situation.

## 7. Consultation and next steps

**The Council's Handling Organisational Change policy will be used throughout the process.**

Attendance at TU/Management Meeting	Wednesday 3 <sup>rd</sup> April 2019
Formal consultation start date	Tuesday 9 <sup>th</sup> April 2019
Attendance at Job Evaluation Panel	Thursday 25 <sup>th</sup> April 2019
Formal consultation end date	Tuesday 21 <sup>st</sup> May 2019
Administration & Regulation Committee	Wednesday 19 <sup>th</sup> June 2019

During the period of formal consultation:

- All affected employees will have a **one-to-one** meeting early in the formal consultation period.
- Group staff meetings will be arranged as necessary.
- Continual and open dialogue on further suggestions and ideas to arrive at the best proposals for change given the circumstances in which the Council finds itself are encouraged.
- All affected employees have the opportunity to **e mail** their views about the proposals to Vicky Hawkes on email [nrs@luton.gov.uk](mailto:nrs@luton.gov.uk). Each e-mail received will be logged and a response provided.
- Draft Job descriptions for the new posts with indicative grades will be made available to all affected employees early in consultation.
- Trades Unions will be involved throughout

- Consultation will include opportunities for key stakeholders to give their comments on the proposal(s).
- We will report to Administration & Regulation Committee on 19<sup>th</sup> June 2019 with the final service proposals. Subject to the Committee's decision the implementation of changes will commence from 20<sup>th</sup> June 2019 with implementation is scheduled to be complete by October 2019.
- If necessary, formal notices of redundancy are likely to be served from late June 2019.
- Dismissals are likely take effect from July 2019 at the earliest.

## 8. Implementation

Implementation will be in line with the Council's Handling Organisational Change policy.

A draft implementation plan will be developed towards the end of formal consultation, once the final proposal(s) likely to be presented to Committee become clear. The draft plan can be amended at any point, as a result of formal consultation or Committee's decision.

The final implementation plan will be circulated following the publication of Committee's decision. In general, implementation will commence immediately.

Human Resources will advise on technical/procedural aspects of implementation plans.

## 9. Employee Support

Changing times can often be difficult. A confidential support service called Health Assured Ltd is available for all council employees. This service is entirely independent and offers information, counselling and life management support on a range of matters including employment, legal and financial. You can contact Health Assured Ltd 24 hours a day on:

0844 891 0356

Careers support, advice and information is available from the National Careers Service. You can contact them on 0800 100 900 or visit their website at [nationalcareersservice.direct.gov.uk](http://nationalcareersservice.direct.gov.uk)



Support is also available from the Luton Town Centre Chaplaincy. The Town Chaplaincy Team offers a confidential, independent, non-judgemental listening ear to anyone regardless of faith or no faith. The Town Chaplains are available between 12-2pm Monday, Tuesday and Thursday at Luton Town Hall. The Team can also be contacted on the following numbers:

01582 545037    07528 498677    07557 686218

Further information from [www.lutontcc.org.uk](http://www.lutontcc.org.uk) or email [info@lutontcc.org.uk](mailto:info@lutontcc.org.uk)

DRAFT

**COMMITTEE:** ADMINISTRATION & REGULATION

**DATE:** 19<sup>th</sup> JUNE 2019

**SUBJECT:** APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER FOR LOCAL GOVERNMENT ELECTIONS

**REPORT BY:** DEMOCRACY MANAGER

**CONTACT OFFICER:** DEBBIE JANES 01582 546038

**IMPLICATIONS:**

<b>LEGAL</b>	✓	<b>COMMUNITY SAFETY</b>
<b>EQUALITIES</b>		<b>ENVIRONMENT</b>
<b>FINANCIAL</b>	✓	<b>CONSULTATIONS</b>
<b>STAFFING</b>		<b>OTHER</b>

**WARDS AFFECTED:** All

### **PURPOSE**

1. To appoint an Electoral Registration Officer in accordance with Section 8(2)(a) of the Representation of the People Act 1983 and a Returning Officer for Local Government Elections in accordance with Section 35 of the Representation of the People Act, 1983.

### **RECOMMENDATION**

2. **Administration & Regulation Committee is recommended to appoint the Chief Executive as the Electoral Registration Officer and the Returning Officer for Local Government Elections, with immediate effect.**

### **BACKGROUND**

3. The Council has a duty to appoint an officer as the Electoral Registration Officer (ERO) for each of the constituencies situated within the Borough. The Electoral Registration Officer for each parliamentary constituency automatically assumes the role of Acting Returning Officer at a parliamentary election.
4. The Council also has a duty to appoint an officer as the Returning Officer (RO) for Local Government elections.

## **REPORT**

5. The Interim Chief Executive was appointed to both the ERO and RO roles until 31<sup>st</sup> May 2019 to ensure continuity in delivering elections held on 2<sup>nd</sup> and 23<sup>rd</sup> May 2019.
6. However, it is now necessary to appoint the Council's permanent Chief Executive to these roles.

## **PROPOSAL/OPTION**

7. It is proposed that the Council's Chief Executive be appointed to the roles of Electoral Registration Officer (ERO) and Returning Officer (RO) for Local Government Elections with immediate effect.

## **LEGAL IMPLICATIONS**

8. The Council are required to appoint an ERO and RO for Local Government elections by Section 8 (2) (a) of the Representation of the People Act 1983 and Section 35 of the Representation of the People Act, 1983, respectively. Any failure to do so could lead the Council being challenged for failing to meet its statutory duties. This has been agreed by Raj Popat, Principal Solicitor in Legal Services on 29<sup>th</sup> May 2019.

## **FINANCIAL IMPLICATIONS**

9. The costs of the Returning Officer for Local Government elections are embedded within the salary for the post of Chief Executive so there are no direct financial implications arising from this appointment. The costs of Returning Officers fees for other elections are funded by the Cabinet Office. There are no direct financial implications for the Council in this report and this has been agreed by the Finance Business Partner (Place, Customer & Commercial and Chief Executive) on 29<sup>th</sup> May 2019.

## **HUMAN RESOURCE IMPLICATIONS**

10. There are no HR implications in this report and this has been agreed by the Service Director (Human Resources) & Monitoring Officer on 29<sup>th</sup> May 2019.

## **LIST OF BACKGROUND PAPERS**

### **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

Representation of the People Act, 1983.

**COMMITTEE:** ADMINISTRATION & REGULATION

**DATE:** 19<sup>th</sup> JUNE 2019

**SUBJECT:** APPOINTMENT OF STATUTORY SCRUTINY OFFICER

**REPORT BY:** DEMOCRACY MANAGER

**CONTACT OFFICER:** DEBBIE JANES 01582 546038

**IMPLICATIONS:**

<b>LEGAL</b>	✓	<b>COMMUNITY SAFETY</b>
<b>EQUALITIES</b>		<b>ENVIRONMENT</b>
<b>FINANCIAL</b>	✓	<b>CONSULTATIONS</b>
<b>STAFFING</b>		<b>OTHER</b>

**WARDS AFFECTED:** All

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## **PURPOSE**

1. To appoint a Statutory Scrutiny Officer in accordance with the requirements of the Local Democracy, Economic Development and Construction Act 2009 (as amended).

## **RECOMMENDATION**

2. **Administration & Regulation Committee is recommended to appoint the Democracy Manager as the Council's Statutory Scrutiny Officer, with immediate effect.**

## **BACKGROUND**

3. In England, the Local Democracy, Economic Development and Construction Act 2009 introduced a new statutory position of "scrutiny officer" – an officer of the council with responsibility for promoting the role of overview and scrutiny.

## **REPORT**

4. Specifically, the role of the Statutory Scrutiny Officer is to:
  - promote the role of the authority's overview and scrutiny committee(s);

- provide support to the authority's Overview & Scrutiny's function and to local councillors;
  - provide guidance to members and officers of the council in relation to Overview & Scrutiny's functions.
5. The Statutory Scrutiny Officer cannot be the authority's Head of Paid Service, the Monitoring Officer or the Chief Finance Officer (Section 151 officer).
  6. Different councils have taken different approaches to who they designate as their Statutory Scrutiny Officer. Some have chosen a Chief Officer, usually the Chief Officer for the department in which the scrutiny function sits, as long as that person isn't also the Monitoring Officer. Others have chosen the most senior person in the authority with a day-to-day responsibility for providing support to the scrutiny function.
  7. Either of these options are acceptable. A senior officer appointment gives scrutiny a high profile at a corporate level and is commensurate with other statutory posts. A more junior officer appointment empowers those involved in scrutiny day-to-day with a statutory role and duty, bolstering visibility to the rest of the organisation. Those with responsibility for providing advice and guidance on, and with practical experience of, delivering scrutiny is a good fit in terms of skill set. The other statutory posts relate to corporate functions across the authority, whereas the scrutiny officer role relates specifically to the council's non-executive activity.
  8. The Service Director, Policy, Communities and Engagement has acted as the Council's Statutory Scrutiny Officer in the recent past. However, the post holder has been appointed to the role of Interim Corporate Director, Customer & Commercial and it is considered timely to appoint a new Statutory Scrutiny Officer to ensure that the role continues to be delivered seamlessly.
  7. The role of Service Director, Policy, Communities and Engagement is filled on an interim basis. In order to maintain continuity for the scrutiny function it is proposed that the Democracy Manager be appointed as the Statutory Scrutiny Officer as the next most senior person in the authority with a day-to-day responsibility for providing support to the scrutiny function.

### **PROPOSAL/OPTION**

9. It is proposed that the Democracy Manager be appointed to the role of Statutory Scrutiny Officer, with immediate effect.

### **LEGAL IMPLICATIONS**

10. Originally introduced by the Local Democracy, Economic Development and Construction Act 2009, the requirement for councils to appoint a Statutory Scrutiny Officer can now be found at Section 9FB of the Local Government Act 2000 (following amendment pursuant to the Localism Act 2011). Any failure to do so could lead the Council being challenged for failing to meet its statutory duties. This has been agreed by Raj Popat, Principal Solicitor in Legal Services on 4<sup>th</sup> June 2019.

## **FINANCIAL IMPLICATIONS**

11. There are no direct financial implications for the Council in this report and this has been agreed by the Finance Business Partner (Place, Customer & Commercial and Chief Executive) on 4<sup>th</sup> June 2019.

## **HUMAN RESOURCE IMPLICATIONS**

12. There are no HR implications in this report and this has been agreed by the Service Director (Human Resources) & Monitoring Officer on 4<sup>th</sup> June 2019.

## **LIST OF BACKGROUND PAPERS**

### **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

Local Democracy, Economic Development and Construction Act 2009  
Section 9FB of the Local Government Act 2000  
Localism Act 2011

**COMMITTEE:** ADMINISTRATION AND REGULATION COMMITTEE

**DATE:** 19<sup>th</sup> JUNE 2019

**SUBJECT:** CREATION OF A POST OF CORPORATE DIRECTOR,  
AIRPORT AND CONSEQUENTIAL TRANSFERS  
(SENIOR MANAGEMENT STRUCTURE – PHASE 1)

**REPORT BY:** CHIEF EXECUTIVE

**CONTACT OFFICER:** MARK TURNER, AIRPORT CLIENT MANAGER  
07920 150427

**IMPLICATIONS:****LEGAL****COMMUNITY SAFETY****EQUALITIES****ENVIRONMENT****FINANCIAL**

✓

**CONSULTATIONS****STAFFING**

✓

**OTHER****WARDS AFFECTED:** NONE

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**PURPOSE**

1. The purpose of this report is to seek approval from Administration and Regulation Committee to amend the Senior Management Structure of the Council by inclusion of an additional post of Corporate Director, Airport to head an additional department within the Council dealing specifically with matters relating to London Luton Airport, and to other consequent matters.

**RECOMMENDATION(S)**

2. Administration and Regulation Committee is recommended to:
  - a. approve the creation of a post of Corporate Director, Airport and to the transfer of the existing post of Service Director, LLAL from

**the department of Place & Infrastructure to that of the Airport and of the existing post of Service Director, Transformation & Technology from the Chief Executive's department to that of Customer and Commercial ;**

- b. recommend to Full Council at its meeting on 30th July 2019 to amend Part 19 of the Council Constitution (Management Structure) in accordance with the resolution of this Committee; and**
- c. to authorise the Service Director, Human Resources and Monitoring Officer to amend Part 19 of the Constitution and to make any necessary consequential changes thereto.**

## **BACKGROUND**

- 5. London Luton Airport Limited (LLAL) is a company wholly owned by the Council and was incorporated in 1986 in order to meet the requirements of the Airports Act 1986 that all local authorities should divest themselves of any directly owned airport operations into arms-length companies.
- 6. Since 1998, when LLAL and Luton Borough Council (LBC) entered into a Concession Agreement with London Luton Airport Operations Limited, whereby the latter took over full responsibility for the management and operations of London Luton Airport, LLAL has not employed any staff of its own. Management of LLAL has been carried out through support services provided by LBC under a Management Services Agreement, and LBC staff posts have from time to time been created in order that such services can be provided efficiently and effectively.
- 7. Since LLAL, with the support of LBC as shareholder, has become more proactive in guiding and influencing the long-term direction of the airport, the need for staff resources has increased such that the value of these services has grown from £350,000 in the 2012 financial year to just under £1.5 million in the year just ended. The company also currently has a budget of £1.5m for purchasing advice from external bodies for its general business purposes.

## **REPORT**

- 8. LLAL has, with the support of the Council, embarked on an ambitious multi-million pound development programme. This programme, including the development of the LLA DART significantly to improve customer experience and encourage more people to travel to the airport, together with the creation of new jobs and opportunities for business at the Century Park and Bartlett Square sites, and the launch of the company's Vision for Sustainable Growth 2020-2050 which will ultimately see an increase in passenger capacity at the airport to 38 million passengers per annum, will make an enormous contribution to the economic regeneration of Luton, and to the achievement of the objectives of the Luton Investment Framework. LLAL's Business Strategy has, since 2013, delivered an additional £198 million of shareholder value to LBC



over the period of the existing Concession, and these further developments will build on that to a significant degree.

9. It is critical, therefore, that, at this crucial stage in its development as a company, LLAL should receive the right level and amount of support. The company is well served at the middle management level but, with the appointment of the company's Chief Operations Officer to be the Council's Chief Executive, will require additional support at the most senior level if it not to become increasingly dependent on highly costly external advice. It is proposed, therefore, to create a post of Corporate Director, Airport. This senior management post will:
  - provide additional resources, particularly focussed strategic development of the company over the period of the LLAL Vision for Sustainable Growth 2020-2050 and on the delivery of LLAL's development programme on time and to budget;
  - avoid the possibility of a "single point of failure" by spreading senior management responsibilities across a number of officers; and
  - help to ensure that the company's activities are strongly co-ordinated and focussed on the achievement of its Business Strategy.

## **PROPOSALS**

11. The proposals are set out in the Organisational Change Assessment attached at Appendix A.
12. It is proposed to create a new post of Corporate Director, Airport reporting to the Chief Executive. The Job Description and Person Specification is attached at Appendix B. Other Corporate Directors will from time to time provide support to the Corporate Director, Airport in relation to specialist input on matters within the remit of their respective departments. .
13. The rationale for creating this new post is as follows:
  - London Luton Airport is the single largest asset in which Luton Council has an interest.
  - Passenger numbers have grown from under 10 million to 17 million since 2012, mainly due to initiatives, such as the Growth Incentive Scheme, promoted by the LLAL team.
  - Passenger growth, and the resulting increase in the value of the airport, has not only increased the indirect economic benefits (£1.5 bn to UK GDP and 30,800 jobs in 2015), and offered improved job opportunities and better pay to Luton people, it has also resulted in a significant increase in revenue to the Council (from £9m to £33m) which has helped the Council to meet the rigours of austerity with a lower level of impact on essential services relative to other local authorities.

- LLAL has reached a critical point in the delivery of its Business Strategy, with a number of its development projects now under way, and with yet much to do to meet the ambitious deadline for submitting an application for a Development Consent Order to expand the airport to 32 million passengers per annum (mppa), as the first phase of its Vision for Sustainable Growth 2020-2050.
- To summarise, LLAL's Business Strategy currently involves the following:
  - Safeguarding the future of an asset currently valued at £560m
  - Enhancing the value to the Council as shareholder over the life of the Concession Term, this has already increased by some £200m since 2012
  - Overseeing the delivery of the LLAL development projects of some £400m including the state-of-the-art Luton DART mass passenger transit link from Luton Airport Parkway station to the airport terminal, and commercial developments at Bartlett Square and Century Park estimated to create up to 8000 new jobs
  - Overseeing a business with a turnover of £50m per annum that contributes almost 20% of that income to the voluntary and community sector in Luton and the surrounding communities, and that supports the Council in the delivery of its ambitious Luton Investment Framework;
  - Managing the programme for applying for and securing a Development Consent Order to increase the capacity of the airport to 32 mppa;
  - Securing the commercial and legal arrangements to deliver additional airport infrastructure estimated at around £2.7 bn.
- The economic benefits of an expanded airport are considerable. According to the most recent study carried out by Oxford Economics on the economic benefits of London Luton Airport, in 2017 the airport created an estimated £1.8bn in GDP and sustained 27,300 jobs nationally. With specific reference to Luton, the figures are £872m of GDP and 10,600 jobs. By 2039, growth of the airport will result in increase of £2.1bn in UK GDP and a further 16,300 jobs nationally. For Luton specifically, the increase in GDP is expected to be £928m and a further 13,500 jobs.
- Moreover, an airport handling 32 mppa could generate an additional £35m per annum in dividend to the Council, protecting jobs and the delivery of vital services to the residents of the town. The Corporate Director will also be responsible for ensuring that LLAL's activities and, in particular, the new concession that will come into being in 2031, deliver an ambitious range of social values such as training, apprenticeships and other opportunities for Luton's people, and for relentlessly driving down the company's expenditure on external support.

- It is estimated that, due to the importance of the airport to the Council and the town, the Corporate Director Customer and Commercial prior to his becoming Chief Executive spent some 60% of his time as on airport matters, providing strategic and operational direction to the delivery of the development projects and managing the sensitive relationships with the airport operator, airlines and other key stakeholders. This is not considered sustainable for any incoming post-holder given other corporate priorities.
- It is essential that, at this critical point, with so much at stake for the future of the airport and town, that there is no reduction in the level of senior management support provided to London Luton Airport Limited to enable it to meet its hugely ambitious Business Strategy. Traction and momentum cannot afford to be lost with regard to the delivery of the elements of that strategy as all of the projects have either started or are in at advanced stage of development with an extremely tight deadline.
- Because, despite the size, scale and scope of the business, LLAL does not have a dedicated resource at the highest level of senior management, it is heavily dependent on external advice, particularly around commercial and legal matters and the management of highly complex contractual issues.
- The creation of a post of Corporate Director, with the continued support of the existing post of Service Director, LLAL, to head up the core team supporting LLAL, will provide that essential resource, and moreover can be funded by savings made in reducing the dependence on external advisers, and by abolishing an existing post at a lower grade which has proved impossible to fill, and has therefore remained vacant since it was created.
- The creation of this post will create more capacity within the Corporate Director Customer and Commercial role. This will enable the Service Director Transformation and Technology to move back to this department in order to ensure that there is greater and more focussed corporate capacity to continue to drive the Council's agenda of safeguarding services and jobs across the organisation.

## **CONSULTATIONS**

14. Consultation has taken place with the staff directly affected, the Leaders of the political groups represented on the Council, Trades Unions and other key stakeholders.

## **FINANCIAL IMPLICATIONS**

15. The cost of the post will be met in full by LLAL so there will be no call on the Council's budget. LLAL has already made provision within its budget for additional services to be purchased from the Council; in addition, it is confidently expected that the company will be able to make significant reduction in the

amount it spends on external advice as a result of reinforcing the senior management services provided to the company. Therefore, the creation of this post does not represent an additional cost to the company and will not impact on the dividend the company expects to pay to the Council. Cleared by the Service Director, Finance & Audit on 4<sup>th</sup> June 2019.

### **STAFFING IMPLICATIONS**

17. No redundancies are proposed, and there are no deletions of existing posts save that of Commercial Contracts Manager (LLAL) graded at M7, which has remained vacant since it was created in 2018 to work within the LLAL core team managing existing contracts and other commercial arrangements. There are no grading, structural or line management implications for other posts, save that the Service Director, London Luton Airport Limited will in future report to the Corporate Director, Airport rather than the Corporate Director, Place & Infrastructure and the Service Director, Transformation & Technology to the Corporate Director, Customer & Commercial rather than the Chief Executive. Cleared by the Service Director, HR & Monitoring Officer on 4<sup>th</sup> June 2019.

### **LEGAL IMPLICATIONS**

- 18 As no redundancies are being proposed and the only deletion being proposed relates to a vacant post, there are no direct employment law implications arising from this report. Cleared by the Senior Solicitor on 28<sup>th</sup> May 2019.

### **APPENDICES**

Appendix A – Organisation Change Assessment

Appendix B - Job description and person specification for the role of Corporate Director, Airport

### **LIST OF BACKGROUND PAPERS** **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

None

## **Handling Organisational Change**

### **Organisational Change Assessment**

#### ***Creation of post of Corporate Director, Airport and move of post of Service Director, Technology & Transformation***

### **1. Purpose**

- To set out proposals to make changes to the organisation of the Council's arrangements for providing support services to London Luton Airport Limited to increase operational and cost efficiency.
- To set out proposals for the move the Technology and Transformation service to the Customer & Commercial department
- To outline the timetable for formal consultation with affected employees and stakeholders and confirm the date of Executive or Administration and Regulation Committee when the final proposals for the changes will be considered.
- CLMT has given its support for the proposals to be considered for consultation.

#### **1.1 Background and context**

London Luton Airport is a key driver of economic prosperity for the Borough of Luton and the three counties of Bedfordshire, Buckinghamshire and Hertfordshire, and is estimated to sustain 30,800 direct, indirect and induced jobs (2015 figures, Oxford Economics). The success of the airport will be instrumental in helping to achieve the aspirations set out in Luton's Investment Framework.

In addition to the general social and economic benefits generated by the airport, Luton Borough Council, as shareholder of London Luton Airport Limited, receives a dividend payment which, for the year ending 31<sup>st</sup> March 2019, was £20.159m. The Council also receives further income from LLAL in the form of rent, debenture interest and payments for the provision of management and support services.

Growth of the airport is a key corporate priority for LBC, and LLAL has developed a Business Strategy designed to achieve that objective and with the aim of increasing both revenue and asset value.

In order to deliver this ambitious strategy LLAL requires advice and support which it seeks from a combination of LBC-employed officers forming both a core team

and a wider advisory team and external specialist advisers. The LLAL core team is responsible for:

### **Strategy and Commercial Development**

- Financial management and control;
- Governance and company secretarial matters;
- Acting as the lead officer supporting the LLAL Board of Directors;
- Shareholder liaison;
- Commercial development, including management of the existing Concession Agreement and maintaining an effective working relationship with the airport operator;
- Management of strategic advisors;
- Representing the interests of the airport, and by association Luton, at local, regional, national and international levels (shared responsibility).
- External communications not directly related to infrastructure projects or projects in delivery stage;
- Development, management and review of the company's CSR programmes;
- development, management, maintenance and review of the Business Strategy;
- conceptualisation, analysis and testing of the development projects to meet the objectives of that strategy, generally to the point that an Outline Business Case is approved by the Board;
- Acting as the Senior Responsible Officer and Chair of Programme Boards.
- Representing the interests of the airport, and by association Luton, at local, regional, national and international levels.

### **Programme Delivery**

- Delivery of the development projects once they have moved out of the commissioning stage;
- External communications and stakeholder management in relation to infrastructure generally and to specific projects in delivery stage;
- Financial management of projects;
- Organisation and servicing of Programme Boards and project teams;
- Managing project-specific teams of advisers.

For ease of reference, the individuals directly involved in LLAL either now or proposed for the future are set out below:

LBC Job Title	Dept/Serv	Name	LLAL Job Title
Chief Executive	CE	Robin Porter	Chief Executive
Interim Corporate Director, Customer & Commercial (now) Corporate Director, Airport (proposed)	CC (now), Airport (proposed)	Nicola Monk (now) To be appointed (proposed)	Chief Operations Officer
Corporate Director, Place & Infrastructure	PI	Laura Church	Chief Infrastructure Officer
Corporate Director,	PHCP	Gerry Taylor	Director of CSR

Public Health, Commissioning & Procurement			
Service Director, LLAL	PI/LLAL, Airport	Anita Gackowska	Development Director
Airport Client Manager	CC/Finance	Mark Turner	Chief Finance Officer
Commercial Contracts Manager (LLAL)	PI/LLAL, Airport	Vacant	Commercial Contracts Manager
Programme Assurance Manager (LLAL)	PI/LLAL, Airport	Michelle Griffin	Programme Assurance Manager
Strategic Development Manager (LLAL) x 3	PI/LLAL, Airport	Gary Collins Antony Aldridge Ian Otter	Programme Director
Programme Management Officer (LLAL) x 2	PI/LLAL, Airport	Susan Hall Karen Fletcher	Programme Management Officer

Creating a new post of Corporate Director, Airport means will result in the Chief Executive having 5 Corporate Director and 2 Service Directors direct reports. The creation of the new Corporate Director post will also have a consequent impact of creating capacity within the post of Corporate Director, Customer & Commercial. The move of the post of Service Director, Transformation & Technology to the Customer & Commercial department will enable a tighter alignment of the modernisation, finance and human resources agenda, whilst maintaining the number of direct reports to the Chief Executive at the current 6.

## 1.2 Scope

The scope of this employee brief is:

- The Customer and Commercial and Place and Infrastructure departments are affected and, within the latter, the LLAL service.
- The Technology & Transformation Service is affected.
- The Director of CSR (the Council's Corporate Director (Public Health, Commissioning and Procurement)) is not affected by this proposal.
- It will be necessary to consult the Board of Directors of LLAL. The Board is ultimately responsible for any action taken in the company's name and it will wish to be reassured that any proposal does not compromise its ability to meet the company's statutory and fiduciary duties. It is considered that the proposals set out in this OCA will provide such reassurance.

## 1.3 The Current Position

The increasing complexity of the LLAL Business Strategy is the principal reason for the need for targeted resources to be made available to LLAL, in order to ensure that the objectives of LLAL and its shareholder are met. The creation of this post will provide essential senior management resource whilst enabling LLAL to reduce

the amount of expenditure it incurs on external advisers. Currently the LLAL core team, through the Service Director, LLAL reports to the Corporate Director, Place & Infrastructure with a dotted line to the Corporate Director, Customer & Commercial.

## **2. Proposal (s)**

We need your feedback about the proposal(s) set out in this document. This is your opportunity to shape the future of the service.

Please remember that these are initial proposals only and that the final proposals will only be known once the formal consultation period has ended.

The proposals affecting staff are as follows:

A post of Corporate Director, Airport will be created reporting to the Chief Executive to undertake the responsibilities outlined in the job description.

The responsibilities for LLAL matters currently undertaken by the Corporate Director, Customer and Commercial will substantially reduce, enabling the post of Service Director, Transformation & Technology to transfer from the Chief Executive's department to that of Customer & Commercial.

The responsibilities for LLAL matters currently undertaken by the Corporate Director, Place & Infrastructure will substantially reduce, but responsibility for leading the team in the absence of the Corporate Director, Airport will remain and consideration is currently being given to the transfer of an alternative service area to Place & Infrastructure. .

The post of Service Director, LLAL, together with that person's direct reports, will transfer from the department of Place & Infrastructure to that of the Airport.

The post of Airport Client Manager will continue to report to the Service Director: Finance and Audit (and, as Chief Finance Officer of LLAL, to the Chief Operations Officer) with a dotted-line relationship for support to and liaison with the Service Director, LLAL.

The Corporate Director post that is being created is not suitable for a trainee, a progression scheme or a modern apprentice.

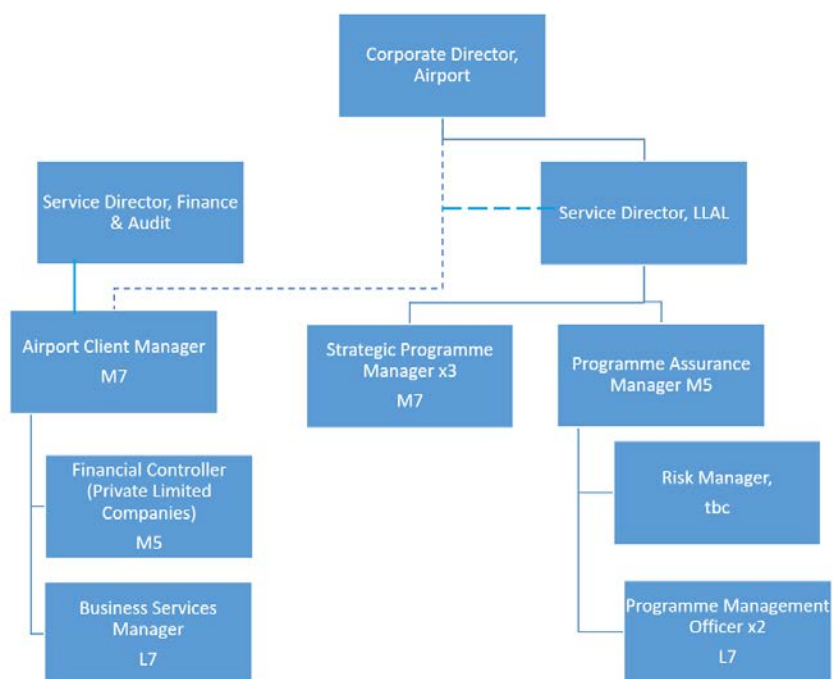
### **2.1 Agile Working**

The post is expected to work in an agile manner.



### 3. Existing and proposed structures

The proposed structure for the Airport department is shown below. The only difference from the existing structure is that the Service Director, LLAL and the LLAL core team will report to the Corporate Director, Airport rather than the Corporate Director, Place & Infrastructure. The structure for Transformation & Technology is not shown but the only difference is that the Service Director, T&T will report to the Corporate Director, Customer and Commercial rather than the Chief Executive.



### 4. Staff affected by the proposal(s)

#### LLAL

##### Directly affected staff

Post title	Grade	FTE	Headcount	Vacant
Corporate Director (existing)	CD	2	2	0
Service Director	SD	1	1	0
<b>Total</b>		3	3	0

<b>Indirectly Affected Staff</b>	<b>Grade</b>	<b>FTE</b>	<b>Headcount</b>	<b>Vacant</b>
<b>Post Title</b>				
Strategic Development Manager	M7	3	3	0
Commercial Contracts Manager	M7	1	1	1
Programme Assurance Manager	M5	1	1	0
<b>Total</b>		5	5	1

## Transformation & Technology

### Directly affected staff

<b>Post title</b>	<b>Grade</b>	<b>FTE</b>	<b>Headcount</b>	<b>Vacant (Yes)</b>
Service Director, Transformation & Technology	SD	1	1	0

### Indirectly affected staff

<b>Post title</b>	<b>Grade</b>	<b>FTE</b>	<b>Headcount</b>	<b>Vacant (Yes)</b>
Strategic Technology Manager	M7	1	1	0
ICT Contracts Manager	M7	1	1	0
ICT Project Manager	M3	1	1	0
ICT Business Partner x 3	M3	3	3	0
ICT Business Applications lead x3	M1	3	3	0
ICT Business Applications lead (secondment from Housing)	M1	1	1	0
Transformation programme manager	M7	1	1	0
Transformation business partner	M4	3	3	1
Business change manager	M4	1	1	0
Transformation project manager x 3	M1	3	3	0
Change analysts	M2	2	2	0
Change support officer	L7	1	1	0
Programme support officer	L7	1	1	0
Support officer	L3	1	1	0
Support officer	L2	1	1	0
Digital service manager	M6	1	1	0
Digital strategy implementation manager	Agency	1	1	0
Digital lead content and design	M2	1	1	0
Digital lead content & transaction design	M2	1	1	0
Digital development officer x 2	L7	2	2	1
Digital support officer	L5	1	1	0
Digital project manager	M3	1	1	0
Business intelligence manager	M7	1	1	0

BI managers x 4	M4	4	4	0
Performance manager	M3	1	1	0
Intelligence officer x4	M2	4	4	0
Data governance and information manager	M4	1	1	0
Senior performance analysts x 3	M2	3	3	0
Complaints & IG manager	M2	1	1	0
Data & systems manager	M2	1	1	0
Performance analysts x8	L6	8	8	2
Complaints & info compliance x2	L6	2	2	0
Senior intelligence analysts	L7	1	1	0
Data & systems officer x3	L7	3	3	3
Senior performance assistant x2	L5	2	2	1
Performance assistant x2	L3	2	2	1
Data and systems assistant	L3	1	1	0
Complaints and information compliance	L3	1	1	0
Total		69	69	8

### Integrated Impact Assessment (IIA)

As the proposal involves the creation of a new Corporate Director post reporting to the Chief Executive, and the consequent transfer of staff from the existing departments to the new department, with no change in grade or conditions of service, it is considered that an IIA is not necessary.

## 5. Risks

There are no service delivery risks associated with this proposal.

## 6. Consultation and next steps

**The broad principles of the Council's Handling Organisational Change policy will be used throughout the process, which will take place during May 2019.**

Trades Union were advised about the proposed change on 1<sup>st</sup> May 2019.

Corporate Directors and Service Directors were consulted with between 2<sup>nd</sup> and 9<sup>th</sup> May 2019.

Consultation with other affected staff in the LLAL core team commenced at a team meeting held on 20<sup>th</sup> May 2019.

All affected staff have an opportunity to respond until 31<sup>st</sup> May 2019.

Job Evaluation of the new Corporate Director post was undertaken on 7<sup>th</sup> May 2019.

Administration and Regulation Committee Date: 19<sup>th</sup> June 2019.

During the period of formal consultation:

- All directly affected employees will be offered a **one-to-one** meeting.
- All affected employees have the opportunity to **e mail** their views about the proposals to **mark.turner@luton.gov.uk**. Each e-mail received will be logged and a response provided. Q&A document to track responses
- The new Job Description for Corporate Director Airport will be made available to affected staff during consultation.
- Trades Unions will be involved throughout
- Consultation will include opportunities for key stakeholders to give their comments on the proposal(s).
- We will report to Administration and Regulation Committee on 19<sup>th</sup> June 2019 and to Full Council on 30<sup>th</sup> July 2019 with the final service proposals. Subject to Council's decision the implementation of changes will commence from 31<sup>st</sup> July 2019 with the recruitment process in respect of the new post and implementation is scheduled to be complete as soon as the new post is recruited to and the successful applicant starts in the post. It may be that the Chief Executive will put interim arrangements in place pending the creation of the Corporate Director post.

## 7. Implementation

Implementation will be in line with the broad principles of the Council's Handling Organisational Change policy.

An outcome of consultation document and a draft implementation plan will be circulated once consultation closes and the final proposal(s) likely to be presented to Committee for approval become clear. The draft plan can be amended at any point, as a result of formal consultation or Committee's decision.

A final implementation plan will be circulated following the publication of Council's decision. In general, implementation will commence immediately.

Human Resources will advise on technical/procedural aspects of implementation plans.

## **8. Employee Support**

**Changing times can often be difficult. A confidential support service is available for all council employees provided by Health Assured. This service is entirely independent and offers information, counselling and life management support on a range of matters including employment, legal and financial. You can contact the helpline 24 hours a day, 7 days a week on:**

**0800 030 5182**

Support is also available from the Luton Town Centre Chaplaincy. The Town Chaplaincy Team offers a confidential, independent, non-judgemental listening ear to anyone regardless of faith or no faith. The Town Chaplains are available between 12-2pm Monday, Tuesday and Thursday at Luton Town Hall. The Team can also be contacted on the following numbers:

01582 545037    07528 498677    07557 686218

Further information from [www.lutontcc.org.uk](http://www.lutontcc.org.uk) or email [info@lutontcc.org.uk](mailto:info@lutontcc.org.uk)



## **KEY ROLE OF THE CORPORATE DIRECTOR AT LUTON BOROUGH COUNCIL**

### **Leader:**

As a member of the Council's Corporate Leadership Management Team and the wider Senior Management Team, you are responsible for the visible leadership of the Council's staff, with particular focus on those areas under your direct control. You will contribute to the delivery of the Council's objectives through your systems and thought leadership, acting at all times in an exemplary fashion consistent with the Council's core values and ethos.

### **Management:**

As a member of the Council's Corporate Leadership Management Team and the wider Senior Management Team you are responsible for the active management of resources assigned to you, ensuring that at all times you manage the people, finance and assets under your control consistent with the expeditious delivery of the Council's Corporate Plan, and with delivery of best value for the residents of Luton.

### **Performance:**

As a member of the Council's Corporate Leadership Management Team and the wider Senior Management Team, you are relentlessly to drive performance within the areas under your direct control, to deliver optimum balance between performance, quality, cost and productivity consistent with the Council's agreed performance standards and Corporate Plan.

As a member of the Council's Corporate Leadership Management Team and the wider Senior Management Team, you are expected to contribute to, and participate in, the Council's response to emergency incidents and key democratic elements such as elections.

### **KEY OBJECTIVES:**

To support the Chief Executive and the Council in formulating and delivering the Council's strategic policy agenda for fulfilling its community leadership role.

To provide the leadership and vision for the activities as defined in that attached portfolio and deliver service outcomes. Motivate staff to deliver high levels of performance and to develop their full potential.

From time to time, the areas under your direct control may vary on a temporary or permanent basis. When this occurs, the relative job size will remain within the parameters of the grade for your role, as assessed through the Council's job evaluation scheme for Service Directors/Corporate Directors. Any changes will be subject to consultation with you, in the usual way and in line with the Council's constitution for appointment to Service Director / Corporate Director roles. In addition any changes must comply with statutory requirements for the role.

To commission the delivery of integrated, accessible, high quality services to local people and to bring about continuous improvement year on year.

To act as a champion and lead on one or more specified themes within the Council's Corporate Plan, to ensure their development across all aspects of the Council's services.

As required, to work in partnership with Elected Members and a variety of stakeholders to secure joined up working and look after local interests.

To act as an "ambassador" for and to promote the Council locally, regionally and nationally.

To ensure the Council meets its statutory obligations and that the highest standards of probity, good conduct and professional behaviour are maintained at all times.

## **KEY ACCOUNTABILITIES**

### **Strategic Management**

To make an active and positive contribution to the Council's strategic plans and policies, as well as to the process of implementing cultural change and organisational development and facilitate the creation of a common purpose across the organisation, by working across cross cutting areas collaboratively as a member of the Council's Corporate Leadership Management Team and the wider Senior Management team.

To take collective and strategic responsibility for ensuring that the Council's decisions and policies are implemented.

To implement the Council's modernisation agenda, by providing support at all levels and by promoting the active participation of local people in the Council's affairs.

To seek innovative and creative solutions to meeting the Council's need to bring about change and improvement within finite resources.

To promote equality of opportunity and access in service delivery and in the employment of staff.

To communicate the Borough's vision, the Council's mission, priorities, objectives, and processes effectively, both internally to staff and externally to partners, agencies and the public.

To lead by example by promoting at all times the Council's ethos and values.



### **Service, Quality and Performance Management**

To ensure a strong vision for the service areas under your control which delivers ambitious, innovative and forward thinking approaches. Ensure the work of services is high quality and achieves its objectives, by effective performance and risk management, and strong operational and strategic financial management.

To ensure the formulation, implementation, monitoring and evidence based evaluation of statutory and non-statutory service and business plans for each of your service areas, developing innovative strategies that will ensure the achievement of planned outcomes. Identify, analyse and respond to changing trends, patterns of demand and performance issues, as required.

To ensure that service delivery and planning takes account of, and is benchmarked against, national and local performance indicators and contributes to the objectives and targets set out in the Council's Corporate Plan and your Service Plan.

Ensure the embedding of a digital focus applied across the whole of the way we work, in service plans and outcomes.

To put in place effective arrangements for agreeing personal targets for all staff within your service area and for regularly appraising and reporting on their performance as required by the Council's Personal Performance Appraisal (PPA).

Contribute to the leadership of the organisation, ensuring a high calibre, motivated and effective and empowered workforce, and one that is nurturing the leaders of the future. Acknowledge good performance and tackle poor performance positively and effectively.

To identify and provide opportunities for meeting the professional development needs of senior managers within your Directorate.

To be accountable for personal performance, through meeting agreed personal targets and through undertaking planned programmes of professional development.

To be accountable for ensuring the highest standards of health and safety across the Council and, more specifically, within service areas under your direct control.

### **Resource Management**

To regularly review and evaluate the resource requirements of your services, in terms of both maintaining essential service delivery and proactively bringing about improvement, development and efficiency.

To ensure the efficient and imaginative management of all resources within budget (staff, finance, property and information), in support of the Council's agreed targets for service delivery, outcomes and improvement for cost reduction and service efficiency.

To demonstrate an entrepreneurial approach to identifying and pursuing as appropriate, all additional sources of funding or other resources, which could be used to augment those provided by the Council, ensuring that any special accounting or evaluation requirements involved are complied with, and are fully compliant with the Council's financial regulations.

To work closely with other agencies and partners to improve the impact of the way in which budgets are spent and resources are allocated.

Represent the Council by promoting its image and reputation on a National and Regional stage, helping to influence national and regional policies and strategies in the post holders' area and across the Council areas.

Lead by example in championing and furthering equality and diversity within the workplace and in the delivery of services.

### **Partnership Working and Communication**

To develop and maintain the wider networks and partnerships the Council needs to deliver its community leadership.

To actively foster and develop positive relationships with all local agencies and partners, including the voluntary sector and local business, as well as with other statutory bodies at regional and national levels.

To contribute to the Council's Corporate Communication Strategy, which includes maintaining positive relationships with the media, dealing with and responding to enquiries and taking advantage of public relations and media opportunities as appropriate.

## **ANNEX A:**

### **PRINCIPAL SPECIFIC RESPONSIBILITIES:**

#### **Corporate Director, Airport**

Provide strategic leadership and management of the services for which the team members referred to are responsible as well as the other specific responsibilities.

Provide leadership, key decision making and accountability for the strategic development of projects related to the growth of the airport business and monitor the day-to-day delivery of activities to ensure their smooth progress.

Lead the development of significant commercial opportunities to create £2bn of value to the local economy through complex partnerships and investments across the airport and its associated portfolio.

Act as the Chief Operations Officer of London Luton Airport Limited (LLAL), so as:

- to provide effective support to the Board of Directors of LLAL, ensuring that the management services agreements between the company and the Council are delivered;
- to make and maintain arrangements for ensuring that there is effective liaison between LLAL and the Council in order to deliver enhanced shareholder value, and contribute to the broader objectives of the Council;
- to lead on and discharge all responsibilities in relation to the management of the concession agreement, and the conduct of negotiations, with London Luton Airport Operations Ltd with a view to ensuring maximum social and economic value from the airport for the people of Luton.

#### **Supervisory Management:**

##### **Core team**

###### **1 direct**

Service Director, London Luton Airport Limited

**1 indirect** (in liaison with the Service Director, Finance & Audit)

Airport Client Manager

##### **Advisory team**

###### **Internal**

A number of officers from a range of services across the Council, including Communications, Legal and Property & Construction Services, who are paid for in whole or in part by London Luton Airport Limited. The value of such services are estimated at some £1m.

### **External**

A wide range of advisers, contractors and suppliers from many different disciplines providing support to or undertaking London Luton Airport Limited's

development project or providing specialist advice in the general management of the company's business. The value of such services is estimated at between £5m and £10m per annum over the next five years.

### **Financial Resources:**

The value of LLAL's development projects is in excess of £3 billion, with expenditure currently averaging £75m per annum. The Corporate Director will be expected to exercise direct control over a budget for the FutureLuToN project, and the team staffing budget in excess of £350k per annum.

### **Liaison with other members of the Council's Corporate Leadership & Management Team:**

#### **Chief Executive**

Whilst the Chief Executive of the Council also acts as the titular Chief Executive of LLAL, it is not expected that she or he will play any part in the day to day running of the company's business. The CE is the person appointed by the Council to represent its interests as shareholder and to act as the functionary of its corporate will and it is therefore essential that she or he should avoid any conflict of interest. The Corporate Director, Airport will, however, keep the Chief Executive and other interested parties as directed by her or him, fully briefed on issues of strategic importance and which may have a consequential impact on the Council.

#### **Corporate Director, Customer & Commercial**

It is expected that the Corporate Director, Customer & Commercial will provide specialist input in relation to commercialisation and contract management and enforcement.

#### **Corporate Director, Place & Infrastructure**

It is expected that the Corporate Director, Place & Infrastructure will lead on airport matters in the absence of the Corporate Director, Airport as well as providing specialist input in relation to the LLAL development projects.

#### **Corporate Director, Public Health, Commissioning and Procurement**

It is expected that the Corporate Director, Public Health, Commissioning and Procurement will provide specialist input into LLAL's Corporate Social responsibility activities.

**Person Specification (including key competencies)**

This acts as selection criteria and gives an outline of the types of person and the characteristics required to do the job.

Essential (E) :- without which candidate would be rejected

Desirable (D):- useful for choosing between two good candidates.

Please make sure, when completing your application form, you give <u>clear examples</u> of how you meet the <u>essential and desirable criteria</u> .				
Attributes	Essential Criteria and Competencies	How Measured	Desirable	How Measured
<b>Experience</b>	Highly successful track record and background of consistent achievement as a senior manager including strategic leadership of transformation programmes and the delivery of complex projects, including multi-party construction projects of substantial value, commercial negotiation, operational performance, risk management and financial budgets.	1,2	A proven track record of managing regulated services as demonstrated through successful inspection outcomes.	1,2
	Substantial experience of effective working with a broad range of partners and stakeholders from the community, government and businesses, including planning and overseeing extensive consultation exercises.	1,2	Demonstrable experience of dealing with political and community matters of a highly sensitive and complex nature	1,2
	Substantial experience of leading extensive commercial negotiations in partnership settings and in competitive commercial settings resulting in agreements that deliver wide economic and social benefits at regional level.	1,2	Substantial experience of working within professional disciplines and of taking responsibility for safeguarding practices and standards.	1,2
			Substantial experience of forming and leading negotiation strategies in a competitive procurement process	1,2
			Substantial experience of leading all stages of a competitive bid process for commercial contracts in excess of £100m	1,2

<b>Skills/ Abilities</b>	<b>Partnership &amp; Community Working</b> Able positively to influence and work effectively with partners and the community demonstrating drive and passion to understand and achieve joint goals and objectives, sharing information and valuing others experience and expertise.	1,2		
	<b>People Management</b> Able to manage and develop individuals and teams, including recruitment and selection, work planning, work allocation, appraisal and development, performance, motivation and leadership.	1,2		
	<b>Visible Leadership</b> Able to provide visible and visionary leadership that inspires employee's to meet organisational challenges and maximises employee's personal potential.	1,2		
	<b>Problem Solving &amp; Decision Making</b> Able to grasp and comprehend a situation, its component parts and implications, and find and organise practical and effective resolutions by making and acting on sound decisions.	1,2		
	<b>Vision setting Strategic thinking and planning</b> Able to stand back and consider the strategic 'bigger picture' including setting the long term plan and delivering the vision for the way forward.	1,2		
	<b>Leading Change and Driving Performance</b> Able to lead and manage change through all levels of the organisation to achieve improved performance.	1,2		
	<b>Commissioning Procurement</b> Able to procure and commission products, equipment, services, systems and facilities.	1,2		
	<b>Financial Management</b> Able to undertake (non-professional) financial/budget/cost centre management including, at the highest level, divisional/departmental/strategic	1,2		

	financial management.  <b>Commercial Awareness</b> Able to understand and apply business and commercial principles to the service, considering costs, profits, markets and added value.	1,2		
<b>Equality Issues</b>	Demonstrable knowledge and understanding of equality issues and legislation and, in particular, how they impact on work with communities - able to integrate equality policies into business plans, strategies, service delivery and employment practices.	1, 2		
<b>Specialist Knowledge</b>	Demonstrable understanding of national aviation policy.	1, 2		
<b>Education and Training</b>	Evidence of continued professional managerial and personal development	1, 2, 4		
<b>Other Requirements</b>	Able to attend meetings outside office hours and work in other activities, including emergency incidents, at weekends and in the evening.	1, 2		

**(1 = Application Form   2 = Interview   3 = Test   4 = Proof of Qualification   5 = Practical Exercise)**

We will consider any reasonable adjustments under the terms of the Disability Discrimination Act (1995 & 2005), to enable an applicant with a disability (as defined under the Act) to meet the requirements of the post.

The Job-holder will ensure that Luton Borough Council's policies are reflected in all aspects of his/her work, in particular those relating to;

- (i) Equal Opportunities
- (ii) Health and Safety
- (iii) Data Protection Act (1984 & 1998).

**COMMITTEE:** Administration and Regulation Committee

**DATE:** 19 June 2019

**SUBJECT:** Luton Music Service Youth Orchestra Transformation

**REPORT BY:** Kerry Watson

**CONTACT OFFICER:** Kerry Watson 01582 538221

**IMPLICATIONS:**

**LEGAL** ✓

**COMMUNITY SAFETY**

**EQUALITIES**

**ENVIRONMENT**

**FINANCIAL** ✓

**CONSULTATIONS**

**STAFFING** ✓

**OTHER**

**WARDS AFFECTED:**

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**1. PURPOSE**

1.1 The purpose of this report is to seek the approval of Administration and Regulation Committee to make changes to the organisation of the out-of-school orchestral provision to prevent duplication and deliver budget savings.

**2. RECOMMENDATION(S)**

**2.1 Committee is recommended to approve the reduction in staffing hours and post deletion as outlined in Section 5 of this report.**

**3. BACKGROUND**

3.1 Historically, and in particular since 1999 when the government's Music Standards Fund (MSF) was set up, LMS was very generously funded by both central government and Luton Borough Council. These levels of funding were maintained, and further increased following the 2008 Comprehensive Spending Review. As a result the total outturn budget for LMS in 2010/11 was around £1.34m of which only c£246k (18%) was earned income, leaving LMS 82% dependent on government funding streams.



The government funding trajectory from 2010/11 to 2020 was as follows:-

10/11	£1.102m
11/12	£950k
12/13	£778k
13/14	£622k
14/15	£262k
15/16	£342k
17/18	£378k
19/20	£380k

An OCA of the in-school provision was carried out 2013/14 with the deletion of 6.35 fte posts achieved through redundancy and retirement.

A new structure was implemented, linking the cost of lessons to the full cost recovery rate for the service and the type and length of lesson (eg individual half-hour or small group 20 minute lessons).

A new menu system for choosing out-of-school activities was implemented in September 2018, giving parents more choice and allowing them the opportunity to pay for the number of sessions attended rather than a blanket fee.

There is currently no information about funding post March 2020.

#### **4. REPORT**

4.1 One of the out-of-school activities on Wednesday evening is no longer financially viable because the number of children attending the group has fallen significantly over the past five years. The staff to student ratio is now too high. There are four members of staff; three are contracted on another evening during the week, and one is not.

#### **5. PROPOSAL/OPTION**

5.1 It is proposed to offer the same activity at the Saturday morning school where the current students will be able to participate and there will be sufficient contracted staff to cover the session.

The Music Service proposes to:

- delete one Wednesday evening post.
- reduce hours of three posts by 2 hours each

#### **6. EQUALITIES IMPLICATIONS / INTEGRATED IMPACT ASSESSMENT**

6.1 Due to the small number of employees affected and to protect individual confidentiality an Integrated Impact Assessment has not been attached to this report. Overall, there is no noticeable impact on people sharing a characteristic.

#### **7. STAFFING / HR IMPLICATIONS**

7.1 Three staff will have their hours reduced by 2 hours per week from their current evening contracts and will receive pay protection. Unfortunately, one member of

staff would be made redundant. Consultation took place between 23<sup>rd</sup> April and 23 May 2019. No alternatives were put forward.

This report has been cleared by Angela Claridge, Service Director of HR Monitoring Officer on ... *date*

## **8. FINANCIAL IMPLICATIONS**

8.1 The cost of the orchestra per annum is :-

Salaries (4 staff)	£9,440
Venue Hire	£2,586
<b>TOTAL</b>	<b>£12,026</b>

The Music Service receives parental contributions of £1,968 towards the orchestra provision.

**Therefore the net cost of the Orchestra provision is £10,058.**

Three staff will have their hours reduced by 2 hours per week from their current evening contracts and will receive pay protection. However, this saving won't occur until three years after the cessation of the orchestra provision due to pay protection.

One staff would be made redundant at a redundancy cost of £483.60. Obviously once this post is made redundant, there would be no pay protection involved for this post.

This report has been cleared by Dev Gopal, Service Director of Finance on 7 June 2019.

## **9. LEGAL IMPLICATIONS**

9.1 The proposal has the potential for 1 compulsory redundancy. In the event that compulsory redundancy is necessary, there is the possibility for an internal appeal to officers and the Council would also need to deal with any potential Employment Tribunal proceedings.

9.2 This report has been cleared by Jasbir Josen, Senior Solicitor in Legal Services on 7 June 2019.

## **APPENDIX**

### **LIST OF BACKGROUND PAPERS** **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

<b>COMMITTEE:</b>	<b>ADMINISTRATION AND REGULATION COMMITTEE</b>
<b>DATE:</b>	<b>19 JUNE 2019</b>
<b>SUBJECT:</b>	<b>ADMINISTRATION &amp; REGULATION COMMITTEE DRAFT WORK PROGRAMME 2019</b>
<b>REPORT BY:</b>	<b>SERVICE DIRECTOR HR AND MONITORING OFFICER</b>
<b>CONTACT OFFICER:</b>	<b>ANGELA CLARIDGE (SERVICE DIRECTOR HR AND MONITORING OFFICER)</b>
<b>IMPLICATIONS:</b>	
<b>LEGAL</b>	<b>COMMUNITY SAFETY</b>
<b>EQUALITIES</b>	<b>ENVIRONMENT</b>
<b>FINANCIAL</b>	<b>CONSULTATIONS</b>
<b>STAFFING</b>	<b>OTHER</b>
<b>WARDS AFFECTED:</b>	<b>NONE</b>

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## **PURPOSE**

1. To enable the Administration & Regulation Committee to plan and determine its work programme for the year 2019.

## **RECOMMENDATIONS**

2. **Administration and Regulation Committee is recommended to:**
  - (i) **Examine and identify possible items for future meetings of the Committee and note the items listed on the work programme;**
  - (ii) **note any request for additional meetings that may arise for urgent matters which need to be heard before the next calendared meeting.**

## **REPORT**

3. The Administration and Regulation Committee is responsible for managing its work programme attached as an Appendix to this report.

## **APPENDIX**

# **DRAFT ADMINISTRATION & REGULATION COMMITTEE WORK PROGRAMME 2019 - 2020**

(Future items for inclusion in the work programme shown at the end of document)

## **ADDITIONAL MEETING TO CONSIDER ONE ITEM ONLY – COMM ROOM 3**

<b>Meeting Date: 17 July 2019</b>	<b>Time: 6.00 pm</b>
<b>Reminder Date: 19/06/201</b>	
<b>Deadline for Titles: 26/06/19</b>	
<b>Deadline for Reports submission: 03/07/19</b>	
<b>Democracy &amp; Scrutiny Officer: Eunice Lewis</b>	

<b>Agenda items</b>	<b>Report Author/ Format/ Comments</b>
Senior Management Restructure (Phase 2)  (The purpose of this meeting is to consider a report of the Chief Executive on proposed changes to the senior management structure, Phase II, which also needs to go to Council on 30 <sup>th</sup> July 2019).	Robin Porter
Annualised Hours contracts for PTU	Shaun Askins/ Paul Cripps Written report
The PTU Management 4 day week proposal	Shaun Askins/ Sharon Harte-Andrews? Paul Cripps Written report
Work Programme 2019	Democracy & Scrutiny Officer Written report (Standing Item)

<b>Meeting Date: 9 September 2019</b>	<b>Time: 6.00 pm</b>
<b>Reminder Date: 28/8/19</b>	
<b>Deadline for Titles: 4/9/19</b>	
<b>Deadline for Reports submission: 10/9/19</b>	
<b>Democracy &amp; Scrutiny Officer: Matt</b>	

<b>Agenda items</b>	<b>Report Author/ Format/ Comments</b>
Polling Districts/ Places/ Stations Review – Initial Report	Sam Freer/ Bert Siong  Written Report
Work Programme 2019	Democracy & Scrutiny Officer Written report (Standing Item)

<b>Meeting Date: 3 October 2019</b>	<b>Time: 6.00 pm</b>
<b>Reminder Date: 5/9/19</b>	
<b>Deadline for Titles: 12/9/19</b>	
<b>Deadline for Reports submission: 19/9/19</b>	
<b>Democracy &amp; Scrutiny Officer:</b>	

<b>Agenda items</b>	<b>Report Author/ Format/ Comments</b>
Equality Impacts of Redundancies between April 2018 and March 2019	Angela Claridge/ Paul Cripps - HR
Polling Districts/ Places/ Stations Review – Final Report (tbc)	Sam Freer/ Bert Siong  Written Report (If amendments required after 9 <sup>th</sup> September 2019 meeting)
Model Pay Policy for Schools 2019	Nonie Benson HR Team Manager Schools and Traded Services Team HR Operations Team
Work Programme 2019 (Standing Item)	Democracy & Scrutiny Officer  Written report

<b>Meeting Date: 4 November 2019</b>	<b>Time: 6.00 pm</b>
<b>Reminder Date: 7/10/19</b>	
<b>Deadline for Titles: 14/10/19</b>	
<b>Deadline for Reports submission: 21/10/19</b>	
<b>Democracy &amp; Scrutiny Officer:</b>	

<b>Agenda items</b>	<b>Report Author/ Format/ Comments</b>
People Plan Annual Report	Angela Claridge (Written Report)
Scale of Charges 2020-2021 (TBC) Should be reported in January 2020	Tim Lee (Written Report)
Work Programme 2019	Democracy & Scrutiny Officer  Written report (Standing Item)

<b>Meeting Date: 18 December 2019</b>	<b>Time: 6.00 pm</b>
<b>Reminder Date:</b> 20/11/19	
<b>Deadline for Titles:</b> 27/11/19	
<b>Deadline for Reports submission:</b> 4/12/19	
<b>Democracy &amp; Scrutiny Officer:</b>	

<b>Agenda items</b>	<b>Report Author/ Format/ Comments</b>
Market Supplements – Annual Report (tbc)	Anne Davies Written Report
Work Programme 2019	Democracy & Scrutiny Officer Written report (Standing Item)

<b>Meeting Date: 25 February 2020</b>	<b>Time: 6.00 pm</b>
<b>Reminder Date:</b> 28/1/20	
<b>Deadline for Titles:</b> 4/2/20	
<b>Deadline for Reports submission:</b> 11/2/20	
<b>Democracy &amp; Scrutiny Officer:</b>	

<b>Agenda items</b>	<b>Report Author/ Format/ Comments</b>
Pay Policy Statement 2020/21	Anne Davies Written Report
Gender Pay Gap Update (Backward view)/ - Gender Pay Gap 2020/21 (Forward view) (This is one report)	Anne Davies/ Angela Claridge Written Report
Market Supplements – Annual Report (tbc)	Anne Davies/ Angela Claridge Written report (if not taken on 18 December 2019)
Scale of charges 2020-21	Tim Lee Written report
Work Programme	Democracy & Scrutiny Officer Written report (Standing Item)

<b>Meeting Date: 31 March 2020</b>	<b>Time: 6.00 pm</b>
<b>Reminder Date: 3/3/20</b>	
<b>Deadline for Titles: 10/3/20</b>	
<b>Deadline for Reports submission: 17/3/20</b>	
<b>Democracy &amp; Scrutiny Officer:</b>	

<b>Agenda items</b>	<b>Report Author/ Format/ Comments</b>
Work Programme	Democracy & Scrutiny Officer Written report (Standing Item)

**Items to be programmed on the work programme:**