

Administration and Regulation Committee

Minutes

26 November 2020 at 6.00 pm

Present: Councillor Akbar (Chair); Councillors Abid, Adrees, Castleman, Lovell, S. Hussain, Mead and Wynn

59 Minutes (Ref 2.1)

That the public minutes of the meeting of the committee held on the 2 November 2020 be taken as read, approved as a correct record and signed by the Chair in due course.

60 Disclosures of Interest (Ref 4)

None noted

61 Delegation of Highways and Crane Licenses (Ref 7)

The Service Manager Strategy and Sustainability presented the report (ref 7) and informed the committee the purpose of the report was to resolve an oversight in the non-executive delegation function in the Council's Constitution. The matter was highlighted in July this year when an application received for an oversail license for a tower crane in Gordon Street, Luton, which is used to license any structure that overhangs the public highway. The granting of these licenses is a non-executive function delegated to officers to deal with in line with Parts 6 and 7 of the Council's Constitution. Section 178 of the Highways Act 1980 relates to the licensing of tower cranes and requires consent from the highway authority before any person can place rails or beams etc. over the highway. The processing of the oversail licence for a tower crane in Gordon Street highlighted that the corresponding non-executive delegation in Part 7 of the Council's Constitution did not include the required delegation to Officers to issue highway licenses other than those issued under Section 115 of the Highways Act 1980 which falls to the Service Director, Public Realm. Without this delegation being in place approval would need to be sought from this Committee.

The tower crane was already in place, and in the absence of Officer delegation the matter was discussed with Angela Claridge, Service Director HR and Monitoring Officer in consultation with Stephen Sparshott, Senior Solicitor (Planning) who handled the draft license through the use of emergency powers under 1/32 of Part 7 of the Council's Constitution for the license to be issued, which was agreed with the Corporate Director for Place and Infrastructure.

Councillor Mead asked if permission was sought before the tower crane was erected in Gordon St or had the crane been put up without permission. Chris Godden the Highways Development Manager replied that the crane was erected with permission from the council, and believe it was during the application process when the oversight became apparent.

The Senior Solicitor (Planning) further added that the anomaly that arose would be if anything fell off the tower crane or if it was to malfunction and cause damage to the highway or person the insurance claim would fall to the licence operator. If the crane had been erected prior to the issuing of the license and not in accordance with section 177 of Part 7 of the Council's Constitution the council would be liable for insurance claims and hence the urgency to get the non-executive delegation in place.

Councillor Mead further asked had this been explained to the operator to ensure it did not happen again and the Service Manager Strategy and Sustainability replied that was the purpose of report to committee to ensure proper procedures were being followed going forward for these licenses and delegated to the Service Director, Property and Construction to issue.

Councillor Castleman commented as the Portfolio Holder for Highways and agreed it was an oversight and would be better for such licensing matters be delegated to Officers to carry out rather than submitted to committee. He further enquired whether scaffolding licenses were included and the Senior Solicitor (Planning) advised that scaffolding comes under section 169 of the Highways Act 1980, however s.178 of the Acts wording is more general restricting the placing of rails, beams etc. over the highway. Licenses which had previously been issued without delegated authority run the danger of not being in accordance with the Council's Constitution and should have come to committee for approval.

Councillor Wynn reiterated the need to make clear to contractors the implications of putting up cranes without a license being in place and in response the Service Manager Strategy and Sustainability advised that checks are made of all sites before and after a license is issued by inspectors.

The Chair further commented that the issuing of such licenses are a non-executive delegation to Officers and sought the Committees approval to include an additional recommendation for a report back to committee every six months on the number of licenses issued and those found without a license.

The Senior Solicitor (Planning) agreed with the request for a six-monthly report to committee on the number of licenses issued and further advised that the Highways Development Manager issued around 170 licenses last year and did not think it would be possible to state how many of those were without a license being in place. All the sections noted in report were non-executive delegation to Officers apart from s. 177 which is an executive function under delegated powers.

Resolved: (i) That the Committee noted the emergency action undertaken to issue an oversail license for the tower crane in Gordon Street, Luton.

(ii) That the Committee approved in the interests of expediency and to relieve an administrative burden, the addition of licenses set out in paragraph 5 in the report (ref 7) to the list of non-executive delegations to be granted to the Service Director, Property and Construction, in Part 7 of the Council Constitution.

(iii) That the Committee requests the Street Works Officers responsible for issuing licenses to report back every 6 months on the number of licenses issued including those operating without a license.

63 Model Whole School Pay Policy 2020 (Ref 8)

Nonie Benson, HR Team Manager for Schools and Traded Services presented the report (ref 8) on the Model Whole School Pay Policy 2020.

The Committee was requested to commend the Model Whole School Pay Policy 2020 to schools for adoption including the changes to the teachers' pay applied to centrally employed teachers.

She further added that the policy is amended each year to reflect the changes to teachers pay as set out in the School Teacher Pay and Condition Document (STPCD), which sets out the framework for teachers' pay in England. The Secretary of State for Education seeks recommendations on teachers pay from the School Teachers Review Body prior to publishing the STPCD, which is in line with previous years. She advised the Committee to approve the policy which reflects the uplifts in teachers' pay that were published in this years' STPCD including the reintroduced advisory pay points on the main and upper pay range and HR services had worked closely with teachers, support staff and trade unions in schools on the negotiations set out in the report (ref 8).

The Chair asked what input the local authority had in the process and advised the input from the local authority was to interpret the document for implementation for schools in Luton and consult with trade unions subject to the committee's approval which will be shared with schools governing bodies.

Councillor Wynn commented on the announcement made by central government, which indicated a freeze on pay rises for public sector workers and asked whether this affected the recommendation in the report. The Officer advised that the pay rise had already been through Parliament and the proposed announcement would not affect changes for this year. The Secretary of State for Education had previously made statements regarding the uplifts for teachers pay awards for next year but it was yet to see how these discussions on a pay freeze would affect next year's pay award. The report is normally brought to Committee around this time of year, which is due to the long national consultation process it goes through before bringing it to Committee.

The Committee debated their role and input to the report as the decision had already been made retrospectively.

The Service Director HR and Monitoring Officer suggested not reporting to committee if statutory obligations is adhered and only report if it deviated away from the statutory obligation.

The Committee rejected the suggestion made by the Service Director and;

Resolved: That the Model Whole School Pay Policy 2020 be commended to schools for adoption and recommend the changes to teacher's pay apply to centrally employed teachers.

64 Probationary Procedure (Ref 9)

Helen Ginty presented the report (ref 9) on the Probationary Procedure and informed the committee that the probationary procedure had been reviewed following feedback from a recruitment and retention survey of new employees within the council; and also included feedback from agency workers who had considered transitioning to the council's permanent workforce which found that a 9-month probationary period acted as a disincentive to joining.

The committee was asked to agree the proposed recommendations in the report (ref 9) set out on page 137.

She further added that social workers on the assessed and supervised year in employment are employed on a 12-month probation period to correspond with their assessed year. The details of their probation have not previously been set out which led to a lack of clarity which had now been rectified with the addition of a separate appendix which the committee was asked to note.

The proposals in the report are low risk and trade unions consulted. She requested the Committee approve a slight amendment to the wording in section 9 of the Policy for the appeals process to change from Corporate Director to Service Director to be consistent across all procedures.

Resolved: (i) That the Committee agreed the proposed reduction in the council's probationary period from 9 months to 6 months.

(ii) That the Committee agreed the proposed off set arrangement set out in section 12 of the Probationary Procedure, by which agency workers who transition to the council's permanent workforce can, subject to certain conditions, have a shortened probationary period.

(iii) That the Committee noted the different probationary requirements for newly qualified social workers joining the council on a 12 month assisted and supported year in employment set out in Appendix 1 of the Probationary Procedure.

65 Administration & Regulation Committee Work Programme 2020/21 (Ref 10)

The Service Director, HR and Monitoring Officer presented the report (ref 10) and requested the committee to review the work programme where necessary.

She further added that at the last meeting concern were raised by the committee on the number of items on the work programme for the December meeting, which had now been addressed moving some items to subsequent meetings to accommodate the number of OCAs coming through.

Resolved: That the Committee notes the work programme items for future meetings.

66 Local Government Act 1972 Part VA

Resolved: The Chair moved the resolution for the committee to be in private, which excluded members of the public present from the meeting due to the item containing exempt information falling within the paragraphs of Part 1 of schedule 12A of the Local Government Act 1972.

67. Private Minutes 2 November 2020 (Ref 11.1)

That the private minutes of the meeting of the committee held on the 2 November 2020 be taken as read, approved as a correct record and signed by the Chair in due course.

(Note: The meeting ended 6.50pm)