

**ADMINISTRATION AND REGULATION COMMITTEE****9<sup>TH</sup> APRIL 2020 AT 6.00 P.M.**

**PRESENT:** Councillors Akbar (Chair), Abid, Adrees, Castleman, Lovell, S. Hussain and Mead

**11. APOLOGIES FOR ABSENCE (REF: 1)**

Apologies for absence from the meeting was received on behalf of Councillor Wynn.

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

**Resolved:** That the minutes of the meeting held on the 25 February 2020 be approved as a true and correct record of the meeting subject to the Pay Policy Statement and Gender Pay Gap be submitted the next Full Council meeting for ratification. The Chair be authorised to sign the minutes in due course.

**13. MISSING EQUALITY AND DIVERSITY DATA ON ITRENT (REF: 7)**

The Service Director HR and Monitoring Officer presented the report (Ref 7) which was an update on the work HR had undertaken to reduce the sensitive data gap in the Council's HR system and advise on the next steps.

She informed the Committee that in October last year the Committee raised concerns that the council were limited in ensuring policies, practices and procedures were fair and inclusive to all without having representative workforce equality data. This data was important for recruitment adverts and practices to attract and reach people from all background ensuring the workforce demographics at all levels reflected Luton's multicultural community.

The report provided an outlined on the work carried out by HR to reduce the gap which is outlined in the table in Appendix 2 to the report. Out of the council's 3000 employees 1000 which equates to a 1/3 are public facing and do not have easy access to a PC, which meant those individuals were harder to reach. Missing sensitive data on the Council's HR database was a historical problem not only for non-office staff but also for office based staff.

Following the issues raised at the October meeting last year, HR created a report detailing all staff records highlighting the sensitive data that was missing for each individual as of December 2019. That report revealed that out of 2331 individuals (75% of the workforce) had not completed some or all of their data relating to the following:

- Disability – 854 blank records
- Religion – 601 blank records
- Ethnicity – 576 blank records
- Sexual Orientation – 619 blank records
- Sexual Identity – 1787 (newly added since 2018)

The number of missing fields totalled 4872.

The Senior Management Team developed a plan in January 2020 resulting in an email sent to all Service Managers and Corporate Directors asking them to forward the request to all their staff to update their sensitive data on the HR database using the link and the 'how to guide'. A paper base form was also created for staff who are operational and do not have access to IT, and returned forms were manually inputted by HR which meant they were unable to be anonymised but were processed in accordance with Data Protection Regulations. A total of 60 forms were completed and returned.

The HR Business Partners had also communicated the importance of completing the sensitive information data with Service Directors at meetings, to encourage service managers to pass the message on through their DMTs meetings.

The Communication Team in January ran two articles on the intranet one in the autumn, the other in January this year asking staff to update their details to help fill some of the gap, which resulted in a small increase in completed fields boosting the figures to an additional 573 completed fields and 227 completed people. A further request was made on 10<sup>th</sup> and 20<sup>th</sup> February republishing the same article which made little difference to the numbers.

The Payroll and HR Team Leader had arranged a meeting with the council's recruitment software Talentlink who agreed to build extra fields for information for applicants to provide when applying for a job to match those asked for existing staff to reduce the potential gaps in data. The Service Director provided the Committee with assurance that the council was doing everything it can to continue the work on increasing the numbers and suggested a progress report be brought back in 6 months (October 2020).

In response to a question on what was agreed previously by the Committee the Service Director advised that the last report provided information on redundancies and profiles. Officers were asked to go away and find ways to improve the situation. She acknowledged gaps remained which was due to people not completing the forms which was a mix representing of a third of the council's workforce. Members should also be aware that not all employees had access to IT such as refuse collectors and home carers and that information had to be collected differently through forms being sent directly to them and some were unwilling to complete the forms.

A supplementary question enquired whether managers could be made responsible for getting staff to complete the forms. The Service Director advised Managers could only encourage their employees to complete the forms and work in relation to that was set out in paragraph 8 in the report.

In response to whether incentives such a prize draw could be used the Service Director advised staff were strongly encouraged to complete forms and it would be reviewed and the result of that reported back to the Committee in October.

**Resolved:** (i) That the content of the report and the ongoing work of HR and the Equality and Diversity Board be supported and noted.

(ii) That the Service Director HR and Monitoring Officer report back progress in six months to the October meeting.

#### **14. UPDATE ON THE WORK OF THE INTERNAL EQUALITY AND DIVERSITY GROUP (REF: 8)**

The Customer Service Manager presented the report, which provided an update on the activity of the Internal Equality and Diversity Group.

She informed the Committee the Council had a duty to adhere to the Equality Act 2010 particularly Section 148 relating to the Public Sector Duty which requires all public sector bodies including Local Government to have due regard to:

- Eliminate unlawful discrimination
- Advance equality of opportunity
- Foster good relations

The terms of reference for the Internal Equality and Diversity Group was reviewed last year and aims to ensure the Council champions equality and diversity, reflected throughout the workforce. Which enables the council to undertake robust and credible activities with the community and its partners to eliminate discrimination and inequality in Luton.

Membership of the Equality and Diversity Group was extended to include representation from all directorates and the group developed a work programme detailing activities and progress monitored. The Group also reviewed and revised membership and governance. The Equalities and Diversity Manager has oversight of the staff diversity forum, which provides opportunities for staff from diverse backgrounds to raise and discuss issues outside formal reporting structures with issues of concern reported to the People Plan Governance Board via the Equalities and Diversity Group which is a two way process.

Work undertaken in the last 12 months was outlined in the report at paragraph 8 and the findings set out in paragraph 9 pages 19 and 20.

As a result of the findings the following activity were initiated:

- A focus on increasing the accuracy and completion of equalities data among existing staff to improve data collection and recording to ensure confidence in the evidence base. This piece of work will be followed up with targeted communication to managers to encourage completion or for staff to provide an opportunity to express concerns about completing the information.
- Detailed analysis of existing and prospective employee data to be undertaken and include: recruitment attrition in terms of what stage

candidates are being rejected and the detail behind circumstances in which people leave the organisation.

- Exit interviews to be revised and included in the equalities data asking specific questions on discrimination and experience of council as an equal opportunities employer.
- A review of the Leadership Management Programme and there was no cohort in 2019. It is intended to reactivate the programme to target BAME staff to ensure future cohorts are more diverse and reflective of the workforce. Work had also been carried out on staff below M3 have the appropriate support and progress and will have clear equalities and diversity focus order to address the current under-representation.
- Unconscious bias training to be rolled out across the organisation underlining the message that it was vital training for all recruitment managers and senior leadership team scheduled to undertake in March. This will also be open to Elected Members in their role in appointing to senior management positions.
- Exploring best practice looking at local experience of Bedfordshire Police in improving recruitment from minority communities as well as recognising good practice within other sectors.

As well as overseeing and developing the work mentioned above, the work programme will also include leading the development of a new Equalities Charter for the Council to include the new corporate values. A commitment was made by the Group to lead the development of an Equalities Strategy, and evidence how the commitments will be made and how the revised Charter will be delivered.

The Strategy will be accompanied by a framework that will evidence performance and progress to the revised Equality Charter and equality objectives developed as part of this work. The objectives will be developed in consultation with staff across the organisation including Elected Members and residents.

A member commented on the good work that had been undertaken including the findings and asked for the Committee to have oversight of the equalities charters when finalised. The Customer Services Manager advised she would be seeking input from elected members on the shaping of the document before it is finalised.

**Resolved:** (i) That the Committee the ongoing work of the Equality and Diversity Board be supported and noted.

(ii) That further updates on the development of the new Charter and Strategy be made available to the Committee before it is finalised.

## **15. BUSINESS DELIVERY & DEVELOPMENT TEAM STRUCTURE (REF: 9)**

The Head of Building and Technical Services presented the report (Ref 9) which sought approval to the proposed changes to the Building and Technical Services (BTS), Business Delivery & Development Team.

He informed the Committee that BTS was a division of the Customer and Commercial Services directorate with responsibility for housing repairs and improvement works for the Council's 8000 properties and new builds. The aim of the business delivery and development team was to support and improve frontline BTS operations, which involves high-level management of change and the provision

of strategic information and advice to the senior management team relating to departments key aims and objectives. The team was divided into five business areas:

- repairs control centre
- facilities,
- stores and transport
- finance
- business support

The repairs control centre operates a 24-hour service between the hours of 8am and 8pm Monday to Friday and an out of hour's emergency service between 8pm and 8am Monday to Friday and a 24 hours service at the weekend.

He further advised the previous Service Director, Housing took the decision in 2018 to review working practices of the repairs control centre for it to be consistent with competitors, offer value for money to residents and provide quality and lasting repairs. That review found the out of hours' service was no longer fit for purpose and the repairs control centre struggled to cope and provide the service between the hours of 8pm and 8am. The service provided was only for emergency calls for repairs which cannot wait until the following day, and transferred to a mobile device taken home by a member of staff.

Only two employees were willing to take out of hours call due to the low remuneration offered which raised concern over the employee's wellbeing due to the excess hours they worked and concluded that service was no longer sustainable for the business.

An alternative review was carried out by the BTS Senior Managers and resulted in an external solutions with an external provider for this service which would achieve financial savings for the council of approximately £112,000 which equates to £32.7k from the General Fund and £78.9k from the Housing Revenue Account.

The proposal affected four people who had been consulted and well as employee who occupied posts being deleted and those potentially at risk of redundancy. Although it was hoped all staff would successfully secure a post in the new structure through ring fenced interviews.

During the consultation period job descriptions were reviewed and re-evaluated to ensure they were fit for purpose and that process resulted in the deletion of some posts and the creation of new ones to aid a more effective decision making team.

The Committee was requested to agree the following proposals:

- i) That the out of hours service be outsourced to a third party, which will release BTS of the burden of trying to resource and provide the service and the cost involved to achieve savings of approximately £70k to the HRA;
- ii) That the provision of the service issued out to tender by the Procurement Team and following that process and procedures chose the company 'ORCA' to provide the out of hours service;

- iii) Introduce a flatter structure to enable better vision of present deficiencies and aid important performance enhancements in key business areas, bringing greater alignment with corporate and BTS objectives through improved communication and interaction between senior managers, Business Delivery and development manager and the five business areas with swifter assessment and shared decision making.

The flatter structure to achieve further savings and efficiencies to realign the following roles:

- The Finance Supervisor and Business Support Officer posts be deleted and a new post created of Business Support Supervisor. Bringing these two posts together would bring them in line with the business needs and facilitate a more effective decision making process;
- The Customer Support Manager post be deleted and the tasks split between the newly created Business Intelligence Analyst and Team Supervisor posts;
- The Contracts Manager (Repairs) to take leadership and responsibility for the running of the repairs contract centre to bring the reporting structure in line with business needs.

The tables below outlines the proposals affecting staff:

Existing posts to be deleted:

Customer Support Manager	M1	x 1 fte
Tradesperson	L7	x 1 fte
Finance Supervisor	L6	x 1 fte
Business Support Officer	L5	x 1 fte
Customer Support Officer (out of hours)	L4	x 2 fte
Administration Assistant	L3	x 1 fte

New posts to be created (with indicative grades):

Business Intelligent Analyst	M1	x 1 fte
Team Supervisor	M1	x 1 fte
Business Support Supervisor	L6/L7	x 1 fte

Vacancies to be filled:

Customer Support Officer	L4	x 2 fte
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The new staffing structure was likely to have an impact on some affected staff line management and the net reduction in post numbers was 4.0FTE.

Consultation with all affected staff and trade unions took place between January and March 2020. The consultation period was also extended to allow changes to be made to the proposed organisation structure.

In response to the difference in savings outlined in paragraph 11 in the report the committee was advised the overall savings would be £112k, which relates to staff savings, the £70k relates to savings on the HRA.

In response to a supplementary question on the number of posts being deleted the committee was advised that 4 posts would be deleted and 3 new posts created.

A Member commented on the proposal of removing the in-house out of hours service and enquired how much it cost to bring in an external company (ORCA) and was advised the £112k savings excluded the cost of the external company which would be £13,850 to engage the contract.

The Member further commented that the figures in the report did not add up particularly those relating to staff outlined in paragraph 23 and requested the Committee defer the report due to missing key information was missing.

A Member commented on paragraph 35 and enquired whether costs were being managed and kept under control and was advised they were managing what they were doing and performance feedback over the six month was that the council was satisfied with the performance of ORCA who were performance managed and dealt with the homeless at the moment and not aware of any issues of concern.

A Member commented on concern over the council not getting value for money by outsourcing this area of work.

A Member commented that he did not agree with the recommendations and the Executive were in the process of reviewing an emergency budget to go to Full Council in July. He requested the Committee defer the report and the Officer be instructed to report back to a future meeting of the Committee to include the missing information before a decision is made.

In response to what would be the impact of deferring the report on affected employees the committee was advised that they would continue in their current posts.

**Resolved:** (i) That the recommendations in the report (Ref 9) not be approved.

(ii) That the report be deferred to a future meeting of the Committee to allow the Officer to provide a more detailed report on the missing information.

## **16. PARENTAL BREAVEMENT LEAVE AND UPDATED OF SPECIAL AND COMPASSIONATE LEAVE (REF: 10)**

The HR Strategy and Policy Officer presented the report (Ref 10) which sought approval to agree the updated compassionate and special leave procedure.

She informed the Committee that parental bereavement leave was a statutory right which came into force on 6<sup>th</sup> April 2020. The Council's compassionate and special leave already provides for family bereavement leave and parental leave with a separate provision relating to the death of a child.

The Compassionate and special leave was recently updated to allow for blood donations to be paid and was now updated to include limited paid time off for stem donation. Authorisation for bereavement leave was agreed to be lowered from Service Director to Service Manager in the last update with a view to revisit all authorisation levels and formed part of the consultation.

Parental bereavement leave give a statutory right to a minimum of two weeks leave for all employed parents if they lose a child under the age of 18, or have a still

birth from the 24<sup>th</sup> week of pregnancy and that right exists irrespective of how long they have worked for their employer. Parents with 26 weeks continuous service will be entitled to statutory parental bereavement pay at the rate of £151.60 per week, or 90% of average weekly earnings if this is lower. Any other employees were entitled to unpaid leave.

The Council's compassionate and special leave procedure provides for 7 days paid leave for bereavement for immediate family including 3 days on the death of the child, an additional 2 days to make funeral arrangements and a further 2 days for travel if required.

The proposal provides a separate provision in relation to the death of a child increasing the current provision for pay for an additional 3 days. It also makes both leave and pay a day one right and enhance the pay to full pay in line with the current provision for family bereavement leave.

Trade Unions were consulted and supportive of the procedure in terms of the inclusion of parental bereavement leave and pay and the proposed enhancements to the statutory provision and supported the inclusion of time off for stem cell donation.

A Member asked whether kidney donations could be included and the Officer agreed to look into that and what was involved and the time needed to recuperate.

**Resolved:** (i) That the proposed changes to the scheme be agreed specifically the enhanced provision of statutory parental bereavement leave to be a day one right all employees with pay (paragraph 6.2) and the addition of stem cell donation (paragraph 16).

(ii) That the procedure attached at Appendix A to the report (Ref 10) be approved implemented via Netconsent in time for the introduction of the parental bereavement leave on 6<sup>th</sup> April 2020. Paper copies to be issued to employees who do not have access to email.

## **17. TRAVEL ASSISTANCE TEAM OCA (REF: 11)**

The Service Director, Healthcare and Adults Commissioning presented the report (Ref 11) which sought approval to the proposed changes to the Council's Travel Assistance Services responsible for adults, home to school and special educational needs (SENs) transport.

She informed the Committee that an 'invest to save' proposal to create a travel assistance team to manage travel demand more effectively had been agreed by the Corporate Leadership Management Team; which was largely due to the increased demand in SEN, and the budget continued with a projected overspend of £373k by April 2020. The OCA was put on hold while funding was found and agreed which had now been identified through a growth bid from 1<sup>st</sup> April 2020.

The new structure proposes the team is part of the quality assurance and care placement team and sits in the Public Health and Wellbeing directorate. The team will have responsibility for all care placements, home care, residential and supported living; and have oversight of the quality of the market and assure and monitor all statutory and non-statutory provision in Luton. The location of the team in the new structure will strengthen its management and leadership capabilities and provide better oversight of the quality and performance of the independent providers



aligning the Service Manager for Adult Commissioning and the wider market management.

Affected staff include all current staff carrying out activity in relation to the travel assistance team outlined in paragraph 5 in the report. The restructure of the team aims to ensure demand for the service is managed more effectively, with clearer decision making and efficiency of service delivery.

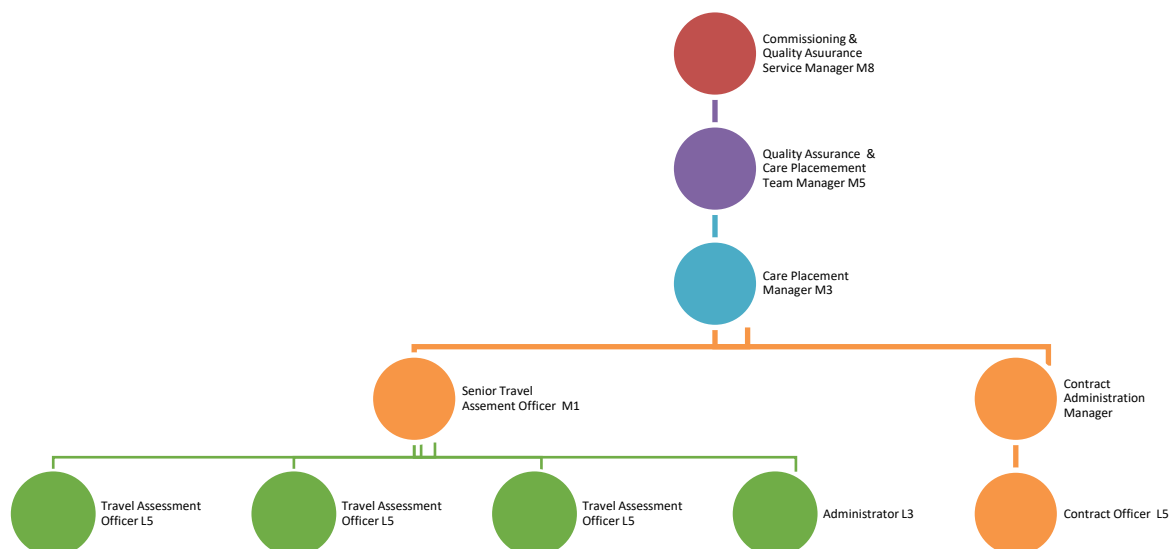
The proposals involve creating 6 new posts, deleting 3 posts and one post remaining unchanged. The cost of the new team is £237,651 based on the assumptions made to the levels and grades. Existing staff costs was £152,294 and the extra investment needed will be £85,375.

Staff consultation took place during 3<sup>rd</sup> February to 6<sup>th</sup> March 2020 in the form of one to one meetings. A job evaluation panel was held on 27<sup>th</sup> February.

Feedback from the consultation and comments made were around:

- Support for the rationale of a centralised team;
- The grading of the roles in the new structure (addressed and clarified through the job evaluation panel);
- The level of administration support in the contract element of the team (addressed through the new structure where assessment phone calls will be dealt with through the assessment officers, freeing up the contract side of the team to concentrate on dealing with contract management issues);
- The location of the team, initially suggested the team should remain in the education service (addressed explaining the rationale of the decision for the team to be better aligned with the adults commissioning team in the public health and well-being directorate);
- The adult travel element not to be included as a key part of the OCA, (to be brought into operational plans as a part of the transition of the service);
- Other operational issues (to be addresses as part of the transition and implementation plans.

The new team structure:



A Member requested the Committee defer the report until it is clear what is happening with the budget. He further enquired where the £85k shortfall was coming from and advised that some of the funding had been achieved through ‘invest to save’.

The Service Director HR & Monitoring Officer further added if the OCA was not to proceed with would mean staff not knowing what was happening with their roles and suggested the Committee approve the restructure proposals in principle; and if the additional funding of £85k had not been committed request the Officer to report back to a future meeting of the Committee in July on how the savings are to be met.

**Resolved:** (i) That the report (Ref 11) be deferred to the July meeting.

(ii) That the Service Director, Healthcare and Adult Commissioning be requested to report back to a future meeting in July on how the £85k savings will be met.

## 18. CREATION OF A NEW SECTION OF PATHWAY-CYCLE TRACK TO THE HOUGHTON BROOK FLOOD STORAGE AREA (REF: 12)

The Strategic Policy Adviser presented the report (Ref 12). He informed the Committee that the Environment Agency (EA) wants to create a new flood defence at the Houghton Brook FSA, on an area of land west of the M1 Motorway and north of Kestrel Way in Luton. The flood scheme received planning permission from Central Bedfordshire Council (CBC) in December 2019. The FSA is being constructed on land in Central Bedfordshire as no sufficient size area is physically available in Luton, Members should note the scheme’s primary purpose is to benefit over 600 properties and key infrastructure in Luton’s town centre through reducing flooding on Houghton Brook, Lewsey Brook and the River Lea.

The £8.5M scheme comprises of an earth embankment and a flow control device which will hold the flood waters back during heavy rainfall and only release a limited amount of flow into Houghton Brook, protecting several thousands of Luton residents and numerous businesses from rapidly raising river levels and preventing substantial travel disruption along the New Bedford Road (A6) and also on busy connections to the bus interchange in Mill Street, Crawley Road and Telford Way.

The measures will minimise flooding and go a long way towards reducing the blight of flood risk from riverside homes and businesses in Sundon Park, Leagrave, Lewsey, Icknield, Barnfield, High Town, Biscot and South wards, but also contribute towards Luton's climate change ambitions by increasing the levels of adaptation to the inevitable changes of climate in terms of more intensive rainfall.

The construction of the FSA requires stopping up of Chalton Footpath/cycleway No. 8 between the Lewsey area of Luton and Houghton Regis, and the creation of a new 3-metre wide shared footpath and cycle track, a short (20 metre long) section of which crosses into LBC's boundary on land to the north of Kestrel Way in Lewsey Farm.

The Council's Highways are amenable to the proposal and are willing to confirm LBC's consent for CBC to make an order and to create the section of footpath/cycleway within LBC's boundary.

The EA will carry out the FSA works, including the construction of all the new footpaths and cycleways but do not have the legal powers to stop up or create public rights of way, which rests with the local Highway Authorities. The EA have agreed to pay Central Bedfordshire Council (CBC) to make these changes.

The proposals are set out below:

The CBC Chief Highways Officer is asked to:

- Approve the making of an order under Section 257 of the Town and Country Planning Act 1990 ("the 1990 Act"), and for its confirmation under Section 259 of the 1990 Act, to stop up that part of Chalton Footpath No. 8 between points A-B as shown on the plan at Appendix 1 and to create an alternative section of footpath within the parish of Chalton with a width of 2.0 metres between points A-Y-C as shown on the plan at Appendix 1.
- Approve the making of a public path order under Section 26 of the Highways Act 1980 ("the 1980 Act") to create a new footpath with a width of 3.0 metres within the parish of Chalton between points E-F-G-C-X-Z at Appendix 1 and, under powers delegated from Luton Borough Council, create an additional section of footpath with a width of 3 metres between points Z-D.
- Approve the making of a cycle track conversion order under Section 3 of the Cycle Tracks Act 1984 - the order to be made subsequent to the confirmation of the creation of the 3 metre wide footpath - to convert that section of

the new footpath between points E-F-G-C-X-Z at Appendix 1 and, under powers delegated from Luton Borough Council, between points Z-D to a cycle track for use by both pedestrians and pedal cycles.

The Council has not actively consulted on the scheme, but was consulted by CBC who agree the proposals. The consultation carried out by CBC is summarised in paragraphs 32 - 43 in Appendix 3 and no objections are anticipated. If they are made and not withdrawn, the order would have to be forwarded to the Secretary of State for confirmation.

The vast majority of the scheme is within CBC's area, a further report will need to be sent to Full Council recommending the powers of the Council's Highway Authority area are delegated to Central Bedfordshire Council to undertake all administrative and physical works required for the entire scheme, pursuant to Section 101 of the Local Government Act 1972, which permits a local authority to arrange for the discharge of any of its functions by any other local authority.

In response to extending the footpath between points Z to D to the M1 underpass the Officer advised he would look at the options previously considered by the consultants who did the original design for the EA and also consider moving the path away from the bend in Kestrel Way (bringing it nearer to houses) to see if they can come up with an amendment to the design which could result in further changes to the order, and would want to avoid bringing it back to Committee.

The Democracy Manager further advised that a possible solution to this was to delegate that to the Officer in consultation with the Chair of the Committee to avoid a conflict of interest with the Member of the Committee who was also the Portfolio Holder for that area.

**Resolved:** (i) That the suggestion made to extend the footpath width of 3 metres between points Z-D on the plan at Appendix 2 pursuant to a public path order under Section 26 of the Highways Act 1980 be delegated to the Officer to agree minor amendments in consultation with the Chair be agreed.

(ii) That subsequent conversion to a cycle track with shared pedestrian use pursuant to a cycle track conversion order under Section 3 of the Cycle Tracks Act 1984 be agreed.

(iii) That the report be recommended to Full Council for approval.

## **19. ADMINISTRATION AND REGULATION COMMITTEE WORK PROGRAMME 2020-21(REF: 13)**

**Resolved:** That the following items be included on the work programme 2020-21:

### **15<sup>th</sup> July 2020**

- Business Delivery and Development Team Structure – Tim Keogh
- Revised Market Supplement Policy and Annual Update - Anne Davies
- Travel Assistance Team OCA – Sally Cartwright

**1<sup>st</sup> October 2020**

- Missing Equality and Diversity Data on ITrent – Denise Morgan

**(meeting ended 19:35pm)**