

**CANNOCK CHASE COUNCIL**  
**COUNCIL**  
**29 SEPTEMBER 2010**  
**REPORT OF MONITORING OFFICER**  
**CONSTITUTIONAL AMENDMENT ON TIMES OF MEETINGS**  
**KEY DECISION – (NO)**

**1. Purpose of Report**

- 1.1 To respond to the Notice of Motion 8.2 submitted to the last Council meeting by the Leader of the Council under Rule 6 requiring all meetings to commence no earlier than 6:30 p.m.

**2. Recommendation(s)**

- 2.1 That the Council consider the Notice of Motion and determine whether to:
- (i) Accept the Motion as presented and adopt the Constitution amendments contained in 5.1 below, or
  - (ii) Accept some or all of the recommendations and constitutional amendments in 5.1, 5.2 or 5.3, below, or
  - (iii) Decide not to make changes to the constitution in respect of times of meetings.
  - (iv) If the Council accepts the Motion, to agree to a supplementary estimate of £7,500 in a full year.

**3. Summary (inc. brief overview of relevant background history)**

- 3.1 Under Rule 6 of the Council Procedure Rules the Leader submitted the following Motion:-

“Constitutional Amendment

- 1. That all meetings of the Council, the Cabinet, Shadow Cabinet, Committees, Sub-committees and Working Groups will commence no earlier than 6:30 p.m.
  - 2. That all such meetings will conclude by 9:00 p.m. unless the Committee resolves to continue beyond that time in order to deal with urgent business. “
- 3.2 The Council adjourned consideration of the Motion pending a report from the Monitoring Officer after consulting the Chief Executive.
- 3.3 The Procedure Rules which are affected are:-

1. Cabinet Procedure Rule 1.2
2. Council Procedure Rules 1(5) and 13

**4. Key issues and Implications**

- 4.1 There are several issues to be considered in deciding this Motion. These include possible Human Resources and Financial consequences of evening meetings. For these please refer to the relevant sections in this report.
- 4.2 The Motion as presented would affect the regulatory and quasi-judicial Committees and sub-Committees. These are Planning Control Committee, Licensing Committee or sub-Committee, Rate Relief Committee and Standards Committee. Licensing and Standards Committees or sub-Committees when holding Hearings should not be constrained by the suggested time limits.
- 4.3 Community Forums already hold evening meetings starting at 7:00 p.m. and some of the dates of Forums and / or Committee or sub-Committee meetings might need to be changed on the Calendar of Meetings to ensure that the two don't clash.

**5. Conclusions and Reason(s) for the Recommendation(s)**

**5.1 Amendments to Accept the Motion;**

Cabinet Procedure Rule 1.2 to read:

“The Cabinet will meet at 6:30 p.m. or later on such day and at such location agreed by the Leader of the Council. “

Council Procedure Rule 1(5) to read

“Meetings will be held not earlier than 6:30 p.m. on such days and at such locations as determined by the Proper Officer. “

Council Procedure Rules 13 to read

“If the business of the Council be not disposed of by 9:00 p.m., the Chairman shall ask for an immediate vote to be taken of the Members present as to whether they desire to proceed with the remaining business. If the Members decide to proceed with the remaining business the meeting will continue for a further hour when Chairman shall again ask for an immediate vote as to whether to proceed with business. If the Members fail to vote to proceed with the remaining business the Chairman shall adjourn the meeting to a date agreed at the meeting or to the next ordinary meeting. “

New Rule to read:

“Council Procedure Rules 1(5) and 13 shall apply to all Committees and sub-Committees including Scrutiny and Shadow Cabinet.”

- 5.2 Alternative New Rule to restrict the effect of the Motion to Council, Cabinet, Shadow Cabinet, Scrutiny Committee and Policy Development Committees thus excluding the regulatory and quasi-judicial committees:

“Council Procedure Rules 1(5) and 13 shall apply to Council, Cabinet, Shadow Cabinet, Scrutiny Committee and Policy Development Committees only. “

- 5.3 Additional words to Rule 1(5) to be adopted if Council wish to agree to extra flexibility:

“...unless by a unanimous decision of the Council or Committee Members an earlier time for a meeting is agreed.”

6. **Report Author Details**

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**SCHEDULE OF ADDITIONAL INFORMATION**

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**Section 1**

**Contribution to Council Priorities (i.e. CHASE, Corporate Plan)**

The Council, through its democratic process, contributes to the each of the Council's strategic objectives, represented by the acronym CHASE.

**Section 2**

**Contribution to Promoting Community Engagement**

There are no identified contributions to promoting community engagement arising from this report, though a move to evening meetings may encourage more people to consider standing for the Office of Councillor.

**Section 3**

**Financial Implications**

The additional Budget requirement arising from estimated staff costs of holding evening Council meetings amounts to £7,500 per annum. This makes a number of assumptions:

- That all meetings start at 18:30pm (Planning and Licencing meetings may be held earlier or require day time site visits).
- Heads of Service and above are not entitled to additional payments. Only staff graded K and below are entitled to payments or time off in lieu for evening work.
- This assumes the current Committee structure remains.
- This assumes no change in staff terms and conditions from current arrangements. Consideration of such changes to minimise additional staff hours being payable should be made but in the short term this would be subject to consultation and agreement.
- There would be an increase to electricity and heating costs associated with evening meetings. This is not included in the costs above as it is difficult to quantify. Revisions to these Budgets at a later date may be necessary following collection of usage data to quantify any required Budget increases.
- An allowance has been made for the Council Caretaker to close the Civic building following the close of any meeting. This assumes that the building is clear 20 minutes after the end of the estimated meeting duration. If any sub meetings occur following programmed meetings and the building remains open longer than estimated then additional staff costs will be incurred.
- This assumes staff have to attend meetings as they do now. These requirements would need to be reviewed by Heads of Service in light of staff being entitled to additional hours.
- This assumes all entitled staff claim additional hours as a payment instead of time off in lieu.

- Cleaning of the Chamber and associated areas takes place during the mornings and therefore there would be no additional costs incurred.

The Council would have to grant a Supplementary Estimate to cover the additional staff costs which would be split over various service codes of the staff who attend the meetings.

#### **Section 4**

#### **Legal Implications**

There are no Legal considerations other than the ability of the quasi-judicial hearings being able to proceed in a manner which ensures a fair hearing is made and the rules of natural justice are complied with and all relevant matters heard.

This may mean giving sufficient access to the hearings by parties and witnesses and sufficient time to conduct the matters.

#### **Section 5**

#### **Human Resource Implications**

Moving to evening meetings will have a significant impact upon a number of employees of the Council as follows:

Democratic Services:

Contracts of employment state that normal hours for these employees are 37 per week (days) and that overtime is payable once the basic 37 have been worked. Under the single status agreement payment officers in that team would be entitled to overtime or compensatory time off at plain time rate for hours worked in excess of 37 per week. The Job descriptions/person specifications make it clear that *some* evening work will be required so it is reasonable to expect that employees will, in fact, do *some* evening work – but the exact quantity is not defined so it is an arguable point as to whether staff can be compelled to attend a large number of additional evening meetings. Notwithstanding this, attending evening meetings mean that either:

- These employees will be entitled to be paid overtime at plain time rate if they work evenings on top of their standard daytime 37 hours per week – thus increasing employee costs to the Council, or
- These employees will need to be given time off in lieu of attending evening meetings – which will reduce their availability during the day as this time off is taken, or
- We could consider negotiating revised working hours so that employees work afternoons and evenings as part of their standard 37 hours per week (effectively creating a shift rota). The practicality of this approach depends on the regularity and predictability of meetings.

Should the overtime approach be taken we would also need to make sure that there is due observation of the Working Time Regulations which restrict working hours to no more than an average of 48 per week and allow employees a minimum of 11 hours rest between shifts. Note: since the work is outside the current standard hours for the role it would be difficult to compel people to do overtime in excess of the levels suggested by their Job descriptions and person specifications. Any material change to terms

and conditions of employment would need to be subject to negotiation with the affected employees as an employer may not unilaterally change employees' terms and conditions.

Other Officers (Green Book):

Other officers that may attend meetings, (that are employed under the Green Book national terms and conditions), have the same rights to overtime or time off in lieu as described above (i.e. Service Managers). Account would need to be taken of the potential impact on caretaking and cleaning staff as a large number of evening events would make it difficult for some parts of the premises to be cleaned within current working patterns. This proposal might necessitate changing cleaning rotas to bring cleaners in during the day instead of in the evenings. Again any changes to cleaners working hours would need to be subject to consultation as an employer may not unilaterally change an employee's terms and conditions of employment. The alternative would be to make use of overtime or casual cleaning staff on an ad-hoc basis to clean meeting rooms during the day ready for evening meetings.

Heads of Service and Above:

Heads of Service and above are not entitled to overtime under the single status agreement for this group of employees. In addition the single status agreement says that any requirement for additional hours working beyond the standard 37 hours per week are reflected in the salary of the post and no further payments will be made. Consequently moving to all evening meetings means that any HOS or above will not receive any additional payment or compensatory time off if required to attend evening work on a more frequent basis. We would need to be mindful, however, of limits to working hours as specified in the working time regulations which should not exceed an average of 48 per week.

Members

Whilst clearly consideration may be being given to moving to evening meetings as a means of better accommodating attendance by those Members that are in paid employment, it is important to remember that for those who do work they have statutory rights to reasonable time off for public duties. These rights are enshrined within Section 50 of the Employment Rights Act 1996 and Members may make a claim to a Tribunal if their employer unreasonably refuses a reasonable request for such time off.

**Section 6**

**Section 17 (Crime Prevention)**

There are no identifiable implications in respect of Section 17 (Crime Prevention) arising from this report.

**Section 7**

**Human Rights Act Implications**

There are no identifiable implications in respect of Human Rights Act arising from this report.

**Section 8**

**Data Protection Act Implications**

There are no identifiable implications in respect of Data Protection Act arising from this report.

**Section 9**

**Risk Management Implications**

As detailed in the Human Resource implications at Section 5, above, changing to evening meetings will have a significant impact upon a number of employees of the Council with consequential changes to their conditions of service. It is important, therefore, to ensure that the process is properly managed with appropriate consultation and negotiation, as required, to ensure a smooth transition and implementation, otherwise service delivery could be adversely affected.

**Section 10**

**Equality and Diversity Implications**

A move to evening meetings may encourage more people from across the electorate to consider standing for the Office of Councillor.

**Section 11**

**List of Background Papers**

**Section 12**

**Report History**

<b>Council Meeting</b>	<b>Date</b>
Council (Motion to Council)	25 August, 2010

**Annexes to Report**

Annex 1 Amendments to the Constitution: