

MINUTES of the meeting of the General Services Committee held on 17 July 2012 at 7.00 p.m.

Present: Councillors John Kent (Chair), Val Morris-Cook (Vice Chair), Phil Anderson, Rob Gledhill (substitute for Mark Coxshall), Diana Hale, Steve Liddiard (substitute for Andy Smith) and Barry Palmer.

Apologies: Councillors Mark Coxshall and Andy Smith

In attendance: Tasnim Shawkat – Head of Legal Services
Chris White - HR Strategy & Policy Manager
Steve Jones – Democratic Services Manager

6. MINUTES

The Minutes of the meetings of the General Services Committee, held on 25 April and 24 May 2012, were approved as a correct record.

7. ITEMS OF URGENT BUSINESS

The Chair informed the Committee that he had agreed to the consideration of one item of urgent business and that this was concerned with appointment of a shared Head of Legal & Democratic Services and Monitoring Officer with the London Borough of Barking and Dagenham.

The Chair advised Members that he would take the item of business after Agenda Item 5.

8. DECLARATION OF INTERESTS

No interests were declared.

9. SMOKE FREE POLICY – EXEMPTION PROPOSAL

The HR Strategy & Policy Manager presented a report which requested the Committee to consider a proposal to exempt select groups of staff from specific parts of the smoke free policy.

Members were reminded that the Committee had approved a new smoke free policy in January 2012, which prevented staff from smoking in or around all council-owned premises (Minute No.12 refers).

Members were advised that since the policy had been approved, it had emerged that there could be genuine operational and potentially legal difficulties with enforcing parts of the policy in small pockets of the council's employment.

It was reported that the agreed Smoke Free Policy stated the following:

“Smoking will not be permitted in any Council-operated buildings and associated outdoor areas such as depots, yards and car parks.”

The Committee were informed that the areas of concern with regard to the application of this part of the policy were in respect of the night-shift staff within the following services:

- Collins House (residential care)
- Kynoch Court (independent living)
- Piggs Corner (independent living)

Members were advised that, at present, staff breaks in those areas were taken on site to ensure the statutory minimum levels of cover were still maintained and also, to an extent, to ensure their own safety as their break time would normally fall in the early hours of the morning.

Members were advised that the report provided the following two options that were considered to be available to the Committee:

1. Insist on the enforcement of the policy in these areas and that staff cannot leave site for their breaks
2. Allow an exemption to rules around smoking on premises for these staff (NB: they would still only be allowed to smoke during their one contractual break, the same as other staff)

The Committee considered the issues that had been raised, together with the options available to them. It was felt that the particular issues raised were specific to night shift workers at the aforementioned locations, where there were fewer staff working than during the daytime. It was noted that no members of staff working at the identified locations during the daytime had requested such an exemption to be made.

A Member did express concern over a precedent possibly being set, whereupon the Chair advised Members that this was the reason for the request coming before the committee, so that a policy decision could be made.

In addition, it was felt that the exemption being requested was specific to those employed at night to look after vulnerable people.

It was proposed by the Chair, with the agreement of Members:

“That the Committee agree to option 2, as set out in the report, to allow an exemption to rules around smoking on premises to cover those staff working the night-shift at Collins House, Kynoch Court and Piggs Corner (NB: those staff would still only be allowed to smoke during their one contractual break, the same as other staff).”

Members indicated their agreement to this proposal.

RESOLVED:

That the Committee agree to option 2, as set out in the report, to allow an exemption to rules around smoking on premises to cover those staff working the night-shift at Collins House, Kynoch Court and Piggs Corner (NB: those staff would still only be allowed to smoke during their one contractual break, the same as other staff).

10 ITEM OF URGENT BUSINESS - ARRANGEMENTS FOR THE APPOINTMENT OF THE HEAD OF LEGAL & DEMOCRATIC SERVICES AND THE MONITORING OFFICER

The Head of Legal Services introduced a report that had been submitted by the Chief Executive. This requested the Committee to consider and agree to the proposed arrangements for the appointment of a shared Head of Legal & Democratic Services and Monitoring Officer with the London Borough of Barking and Dagenham.

In considering the report, Members enquired whether there would be any changes to the arrangements for sharing the post by the two authorities from those that were currently in place. The Head of Legal Services advised the Committee that there would be no changes and that the same arrangements would continue. However, it was noted that the process was slightly different now to when the arrangement had originally commenced and that this was due the Head of Legal Services already being in post at the time the arrangement began.

Members enquired what would happen if a candidate could not be appointed and there was a long gap without someone in post. Members were advised that arrangements could be made for a shared appointment to be made, or, one authority only could seek to appoint to the post with the other sharing this through a secondment agreement.

A further query was raised as to which authority would be classed as the employer if the post was advertised to and filled by an external candidate. Members were informed that this would have to be discussed by the respective authorities.

In addition, the Committee were advised that, in the case of the internal process that was proposed to be undertaken, if the successful candidate was drawn from Thurrock, Thurrock Council would be classed as the employer and vice versa.

Members enquired whether they were able to discuss and agree what could happen in the event of an internal candidate being unsuccessful. The Chair advised Members that this would not be possible, as options were required to be discussed with the London Borough of Barking and Dagenham. It was reported that the Assistant Chief Executive had suggested that Governance Steering Group could be established to look at this.

The Committee then considered the practicalities of having two panels drawn from both authorities to undertake interviews side-by-side. Some concern was expressed that this could become unwieldy in size. It was suggested by the Chair that it be recommended to the London Borough of Barking and Dagenham that a total of 8 Members should undertake the interview process, with a Panel of 4 being appointed by Thurrock Council.

Furthermore, after consulting with the Leader of the Independent Group, it was suggested that the 4 members to be appointed to the Interview Panel be 2 members of the Labour Group and 2 members of the Conservative Group.

A number of Members advised that they were comfortable with the suggestion that had been put forward, but requested a further recommendation to be agreed in respect of the governance arrangements for shared appointments between the two authorities.

It was proposed by Councillor Anderson:

“That governance arrangements for shared appointments be considered and reviewed by both Thurrock and the London Borough of Barking and Dagenham before further shared or joint appointments were made.”

The Chair indicated that he was happy with the proposal and this was subsequently agreed by the Committee.

RESOLVED:

- 1. That the General Services Committee agree to make arrangements for the appointment of a Head of Legal & Democratic Services, to be shared between Thurrock and London Borough of Barking and Dagenham, as set out in paragraphs 3.6 and 3.7 of the report.**

2. That it be recommended to the London Borough of Barking and Dagenham that 8 Members should undertake the interview process, with a Panel of 4 being appointed by Thurrock Council to comprise 2 members of the Labour Group and 2 members of the Conservative Group, to be nominated by the respective Group Leaders.
3. That governance arrangements for shared appointments be considered and reviewed by both Thurrock and the London Borough of Barking and Dagenham before further shared or joint appointments are made.

The meeting finished at 7.39 p.m.

Approved as a true and correct record

CHAIRMAN

DATE

Any queries regarding these Minutes, please contact
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or alternatively e-mail sjones@thurrock.gov.uk