

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **STANDARDS COMMITTEE**

DATE: **MONDAY, 14 OCTOBER 2013**

REPORT BY: **MONITORING OFFICER**

SUBJECT: **REQUESTS FOR DISPENSATION**

1.00 **PURPOSE OF REPORT**

1.00 To consider the requests for dispensations to participate in the briefings and debate on single status.

2.00 **BACKGROUND**

2.01 In 1997 the Local Government Employers and the national negotiating body for the unions agreed to try and harmonise the different sets of terms and conditions that existed within local government. For example, at that time manual workers were employed on one set of terms and conditions (Blue Book), clerical and professional staff on another (Green Book) and trades people were employed on yet another (Red Book). There are several other sets of terms and conditions as well.

2.02 Each set of terms and conditions included slightly different provisions for such matters as the normal working week, how pay was to be calculated, the number of days annual leave and when and whether staff would be paid for being on call. The different terms and conditions naturally produced differences in earnings. This posed an equal pay risk because traditionally jobs predominantly undertaken by women were paid less than those predominantly done by men.

2.03 As part of the single status process it was also agreed that each council would adopt a system of evaluating jobs so that salaries could be calculated in a consistent manner. Flintshire County Council has chosen to use the GLPC ("Greater London Provincial Council") Scheme which breaks jobs down into 11 different factors such as responsibility for supervising/managing people, a level of knowledge and skill required to undertake the job, the physical demands imposed by the role and so on. Each of these factors is scored resulting in every job having a certain number of "points".

2.04 The Council employs about 7,000 members of staff of whom 5,000 are covered by single status. All of those posts have been evaluated and there is now a rank order which lists jobs in a hierarchy from the

most demanding (with the highest number of points) to the least demanding (with the least number of points). The Council has also jointly developed with the unions a “pay model” which allocates salary grades based on points bands. So for example jobs with between 250-280 points might be on grade ‘B’ with a salary of between £11K-12.5K with three increments of £500 making up the grade. (Please note both the points range and the salary grade are illustrative only).

- 2.05 In addition, the Council has agreed a single set of terms and conditions which set out such matters as expected working week, when people qualify for overtime and so on. It also includes the remuneration rates for work related travel. These have been jointly negotiated with the trade unions. All staff within the scope of single status will be put on to these terms and conditions.
- 2.06 The job evaluation process can result in an employee’s salary going up (green circle), staying the same (white circle) or going down (red circle). Likewise the changes to terms and conditions might be more or less favourable to an employee or might make no difference to their earnings. In the pay model that is proposed the number of green circles outweigh the number of red circles (as one might hope). In some way or other the majority of staff will therefore be affected either through their salary or their terms and conditions.
- 2.07 Clearly, councillors will know and some be related to members of staff. Where that relationship is sufficiently close then the member of staff will be regarded as a “closely associated person” under paragraph 10(2)(c) of the Code and councillors will have to declare at least a personal interest. Where that relationship is particularly close, or where there is a large impact on an individual, then a councillor might need to declare a prejudicial interest. I have given councillors advice about what interests they need to declare as set out in Appendix A.
- 2.08 The Monitoring Officer and Deputy Monitoring Officer have responded to queries from Members about their particular circumstances. Currently there are 69 councillors of whom 47 believe they have no interest, 10 think they have only a personal interest and 16 believe they have a personal and prejudicial interest. 16 have said they would like to apply for dispensations and the completed applications received at the time of writing this report are set out at Appendix B.

3.00 CONSIDERATIONS

- 3.01 The grounds on which Councillors have applied for dispensations are set out below:-
- (c) Members’ inability to participate would upset the political balance of the Council, or any of its committees by which the business is to be considered, to such an extent that the

outcome would be likely to be affected;

- (d) the nature of the Member's interest is such that the Member's participation in the business to which the interest relates would not damage public confidence in the conduct of the Council's business;
- (e) the interest is common to the Member and a significant proportion of the general public;
- (f) the participation of the Member in the business to which the interest relates is justified by the Member's particular role or expertise;

NB Some will only know when they have a personal and prejudicial interest when they become aware of how their closely associated person is affected.

3.02 When considering whether it is appropriate to grant a dispensation on any of these grounds the Committee will need to assess what information each councillor will have and what actions or level of participation that councillor proposes to take. This is set out in the following paragraphs.

3.03 A series of briefings for political groups and all councillors is planned. Each political group has been given the offer of a briefing specifically for that group and each group leader has been given the offer of a personal briefing for him/her. In addition, three workshops are planned for October with a final briefing on the morning of the 29 October prior to the Council meeting at which the matter will be debated in the afternoon. Clearly, it is one of the biggest decisions that will be made in respect of the Council's workforce for the foreseeable future in terms of not only scale and cost but also the ability of the Council to modernise working practices on the back of more flexible terms and conditions.

3.04 By finding out from councillors which members of staff count as "closely associated persons", officers have been able to ensure that councillors have not been given information about what will happen to the earnings of any individual that is known to them or any other councillor. When councillors come to vote on whether to endorse the proposed single status agreement, they will know only in broad terms what is likely to happen to the organisation and not specifically whether and to what extent their friends, family and loved ones are affected.

3.05 The Council has been in the position of considering whether to endorse a single status agreement once before. It reached this stage of the process in 2009 (and subsequently decided that further work was required) and at that time 9 councillors applied for and were

granted dispensations. 7 of those councillors are still members of Flintshire County Council, and have made fresh applications for a dispensation. The terms of the dispensations are set out in Appendix C.

- 3.06 It is appropriate to consider each of the grounds for dispensation in turn:

Paragraph (c) - effect on political balance: The number of councillors from each political group seeking dispensation is as follows:

Political Group	No. of Councillors
Conservative	2
Independents	1
Independent Alliance	3
Labour	6
Liberal Democrats	3
New Independents	1

Clearly, the number of Councillors from the Labour Group who have personal and prejudicial interests is higher than from any other group. Given that the Labour Group is currently one of the two groups in the administration, it would be reasonable to expect that the outcome of the debate might be affected if they were not able to take part.

Paragraph (d) – public confidence in the conduct of council business: As was described above, no councillor knows exactly how their close associated person will be affected. There can therefore be no suggestion that he/she is motivated by either financial gain or a desire to avoid financial loss on behalf of a closely associated person. This should be sufficient for the public to have confidence that the decision is being made impartially and it would therefore be appropriate to grant dispensations under this ground.

Paragraph (e) – the interest is common to a significant proportion of the general public: Given that the population of Flintshire is approximately 150,000 and that only 5,000 employees are affected by single status, I do not believe it is possible to argue that the interest is common to a “significant proportion” of the general public. I would not recommend granting any dispensations under this paragraph.

Paragraph (f) – particular role or expertise: The Leader, Deputy Leader of the Council and the Cabinet Member for Corporate Management have made applications under this ground. Given the significant budgetary implications of the decision and the impact on the Council’s ability to modernise its working practices, it is important that these Councillors are able to participate because of their roles. Again I would advise that it is appropriate to grant dispensation under this paragraph.

4.00 RECOMMENDATIONS

- 4.01 That the following Councillors be granted dispensations under paragraph (c) and (d) of the Standards Committee (Grant of Dispensations)(Wales) Regulations 2001.

Councillors: A Aldridge, B Attridge, A Bragg, H Brown, A Davies-Cooke, C Dolphin, R Dolphin, H Isherwood, K Jones, C Legg, B Mullin, N Phillips, A Shotton, I Smith, C Thomas, D Williams

- 4.02 That Councillors Attridge, Mullin and Shotton also be granted dispensation under paragraph (f) of the above regulations.

- 4.03 That all dispensations are granted in the following terms:

“That the councillor is allowed to participate in all briefings and meetings in respect of the current proposed single status agreement and that they be allowed to communicate with officers, whether orally or in writing, on the issues of general principle involved (including the impact of changes to general terms and conditions such as travelling expenses etc). This dispensation to include approval to remain in the room, speak and vote on the issue.”

- 4.04 The dispensation does not permit the councillor to ask about the impact on a closely associated person and will not apply if the councillor is or becomes aware of any impact that is specific to the post occupied by any closely associated person within the meaning of paragraph 10(2)(c) of the Code of Conduct.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None arising from the grant of the dispensation.

6.00 ANTI POVERTY IMPACT

- 6.01 None arising from the grant of the dispensation.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None arising from the grant of the dispensation.

8.00 EQUALITIES IMPACT

- 8.01 None arising from the grant of the dispensation.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None arising from the grant of the dispensation.

10.00 CONSULTATION REQUIRED

10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 The Public Services Ombudsman for Wales was consulted on the terms of the advice given to councillors at Appendix A.

12.00 APPENDICES

Appendix A –1 Advice to councillors (letter dated 16 September 2013)

Appendix B – Dispensation request forms

Appendix C – Decisions on previous dispensations

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Contact Officer: Gareth Owens
Telephone: 01352 702344
Email: gareth.legal@flintshire.gov.uk