

## **JOINT EMPLOYEE COUNCIL**

### **Minutes of the Meeting held on Wednesday, 5<sup>th</sup> April 2017 at Worksop Town Hall**

#### **Present:**

##### Employer's Representatives:

Councillors J Evans, M T Gray and D R Pressley.

##### Employee Representatives:

K Circuit (Vice-Chair in Chair), M Bassett and D Fretwell.

Officers in attendance: K Childs and B Pinkney.

(Meeting commenced at 3.00pm.)

(The Chair welcomed all to the meeting and read out the Fire Alarm/Evacuation Procedure. He also enquired as to whether any member of the public wished to film/record the meeting or any part thereof; however, there were no members of public present.)

#### **28. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors C Entwistle, S A Greaves, Pidwell and employee representatives R Parr and J Whalley.

#### **29. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS**

##### (a) Members

There were no declarations by Members.

##### (b) Officers

There were no declarations of interest by officers.

#### **30. MINUTES OF MEETING HELD ON 18<sup>TH</sup> JANUARY 2017**

**RESOLVED** that the Minutes of the meeting held on 18<sup>th</sup> January 2017 be approved.

#### **31. MINUTES FOR ACTION**

**RESOLVED** that the Minutes for Action be received.

#### **32. OUTSTANDING MINUTES LIST**

**RESOLVED** that the Outstanding Minutes List be received.

### **SECTION A – ITEMS FOR DISCUSSION IN PUBLIC**

#### **Key Decisions**

None.

## **Other Decisions**

### **33. REPORT OF THE EMPLOYER'S REPRESENTATIVES**

#### **(a) Intermediaries Legislation**

Members were given the proposed amendments to the Agency Workers Policy and Procedure to ensure compliance with amendments to the Intermediaries Legislation commonly referred to as 'IR35'.

Members were advised that from 6<sup>th</sup> April 2017 amendments have been introduced to the Intermediaries Legislation commonly referred to as IR35. IR35 comprises a set of tax rules that applies to people who work for a client through an intermediary – which can be a limited company or “personal service company”.

Members were advised that if IR35 applies to a worker supplied by the council through an agency, then the agency is required to make deductions from the workers earnings in respect of tax and national insurance contributions, to pay employers national insurance, and to provide real time information to the HMRC. The Council has an obligation to determine whether IR35 applies and to notify the agency upon request, otherwise the obligations move from the agency to the Council. To ensure recruiting officers understand these obligations, the Council's Agency Workers Policy and Procedure has been amended to incorporate additional steps that recruiting officers need to undertake.

IR35 is dependent on whether an intermediary exists and also the circumstances in which the work is carried out, according to certain measures.

**RESOLVED** that the contents of the report be noted and the revised Agency Workers Policy and Procedure be recommended to Cabinet for adoption.

## **SECTION B – ITEMS FOR DISCUSSION IN PRIVATE**

### **Key Decisions**

None.

### **Other Decisions**

### **34. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED** that, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, and after considering the public interest test as set out by the officer in the body of the report, Members agreed that the following items of business involved the likely disclosure of exempt information as defined in Paragraph 4, and therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item No.7(a) – Pay and Grading Review – Paragraph 4

Agenda Item No.7(b) – Review of Agency Workers – Paragraph 4

## **SECTION B – ITEMS FOR DISCUSSION IN PRIVATE**

### **Key Decisions**

None.

## **Other Decisions**

### **35. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES**

#### **(a) Pay and Grading Review**

Members were given an update outlining progress on the Pay and Grading Review. The HR Service Manager advised that the outcome of appeals at the informal stage had been communicated to staff and commented on progress to date and future timescales.

**RESOLVED** that the update on the Pay and Grading Review be noted.

#### **(b) Agency Workers**

Members were updated on the use of agency workers and consultants for the period 1<sup>st</sup> October 2016 to 31<sup>st</sup> December 2016. The data was appended to the report with a years' worth of data for comparison.

The data and particular incidences were discussed by Employee Representatives and elected Members.

Members were given an update on the number of hours worked per week between the months of October and December 2016 in relation to Markets as the details were not provided in the report.

It was agreed by members that the use of agency workers is to be a high priority.

**RESOLVED** that:

1. The report on the use of agency workers be noted.
2. In order to seek to reduce the incidence of agency workers, managers be required to complete the quarterly monitoring form and data be reported to the Joint Employee Council.
3. Managers to take note of concerns and issues raised by the Joint Employee Council.
4. Details in relation to posts in Property Service unit be circulated to members.

### **36. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT**

As there was no other urgent business to discuss, the Chair thanked everyone for their attendance and closed the meeting.

(Meeting closed at 3.50pm.)