

THE EXECUTIVE
MEETING, 2ND FEBRUARY, 2009

Councillor Morris	Leader of the Council – Strategy and External Relationships
Councillor J. Byrne	Development
Councillor Sherrington	Cleaner, Greener, Safer
Councillor Kay	Human Resources and Diversity
Councillor Adia	Development
Councillor Ibrahim	Culture, Young People and Sport
Councillor Peel	Environmental Services
Councillor Murray	Health and Adult Social Care
Councillor Zaman	Housing and Regeneration

Non-Voting Members

Councillor Hornby
Councillor Spencer
Councillor R. Allen
Councillor Shaw
Councillor J. Walsh
Councillor Mrs Brierley
Councillor Morgan
Councillor Hayes
Councillor Mrs Ronson
Councillor D. A Wilkinson

Officers

Mr. S. Harriss	Chief Executive
Mr. S. Arnfield	Director of Corporate Resources
Mr. K. Davies	

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	Director of Development and Regeneration
Mrs. M. Stoney	Assistant Director Legal and Democratic Services
Mr. D. Winstanley	Assistant Chief Executive
Mr. J. Smethurst	Chief Housing and Regeneration Officer
Ms. L. Ridsdale	Assistant Director Human Resources and Organisation Development
Mr. A. Jennings	Democratic Services Manager

Councillor Morris in the Chair

Apologies for absence were submitted by Councillor Mrs Thomas.

68. MINUTES

The minutes of the proceedings of the meeting of the Executive held on 12th January, 2009 were submitted and signed as a correct record.

69. TRANSFORMING ESTATES

Councillor Spencer declared a personal interest in the following matter being the Chairman of the Bolton at Home Board.

The Director of Development and Regeneration submitted a report that sought the Executive's approval to commence the initial preparatory work leading to the introduction of a new housing model, in anticipation of Government support to develop the Transforming Estates proposal.

The Executive had previously approved, in principle, the Outline Business Case for Transforming Estates which dealt with the issues of projected repair funding shortfalls; the poor environmental quality of the council estates; and the

socio-economic disadvantage experienced by the communities living there. The option included the establishment of a new leasehold transfer housing organisation, which would require a ballot of all tenants.

It was anticipated that the Government would formally announce its view of the Outline Business Case in May 2009 but, in order to achieve the targeted all-tenant ballot during September, certain tasks needed to be commenced forthwith.

The Transforming Estates option made stock transfer in Bolton different to that carried out elsewhere in the country. A consequence was that communications and project management would be much more complex, needing to be about the full package on offer, rather than just on future repair and management issues.

A more detailed proposal including stock options would be presented to the Executive after the Government announcement but an outline of the main tasks leading to a tenant ballot were set out in Appendix A. There was a clear government-prescribed procedure to follow on consulting and balloting tenants in advance of transfer.

The immediate tasks required were as follows :-

- Stock condition survey;
- Appointment of an independent tenant advisor;
- Consultations and communications;
- Consultancy fees; and
- The establishment of project teams.

The immediate known 2008/10 cost implications of the above proposals were estimated at £410,000 with £229,000 expected to be spent in 2008/09 which would be funded by the HRA; recovery of such monies would be made from and when the new model was eventually agreed.

A further report would contain a more detailed, time tabled project plan and full costings for all elements of the Transforming Estates Proposal.

Resolved – That the following tasks, as detailed and costed in paragraphs 3 and 4 of the report, be approved to commence as soon as possible in order to enable the delivery of the Transforming Estates timetable:-

- (i) the commissioning of an independent Stock Condition Survey (excluding energy performance survey work proposed in the report) and that Standing Orders relating to Contracts be excepted in the matter to allow Savilles to undertake the work;**
- (ii) the recruitment of an Independent Tenant Adviser;**
- (iii) the development of a consultation and communications plan, with associated commissioning of specialist elements;**
- (iv) the continued financial and legal consultancy; and**
- (v) the establishment of project teams.**

70. RESPONDING TO THE ECONOMIC DOWNTURN

The Chief Executive submitted a report that requested the Executive to review the steps Bolton Council and its partners were taking to mitigate the impact of the economic downturn and to identify options for future service development to further restrict the impact of the economic downturn on the Borough and its residents.

It was explained that Bolton's more diverse economic base meant that the Borough was better positioned to manage the impact of an economic downturn, when compared to previous slowdowns.

However, recent data showed 5,985 people in Bolton were claiming Jobseekers' Allowance in December; 3.7% of the working age population, compared with 2.6% 12 months before. This was in line with increases in the rest of Greater Manchester, although HM Treasury forecasted that Jobseekers' Allowance claims were set to double by October 2009, so further rises in unemployment locally were anticipated.

The report explained that Bolton's major developments remained key to the long-term prosperity of the Borough, bringing large-scale investment and job opportunities. They included:-

- The £150 million development at Church Wharf, bringing a new cinema, new family homes, new hotel and new shops to the town centre;
- The £110 million Central Street redevelopment, with new shops, apartments and car parking; and
- The £300 million Bolton Innovation Zone: phase one included a leisure centre, NHS diagnostic centre, further education college co-location and car parking facilities.

Although the economic climate may result in some slippage in timescale or project reprofiling, the Council was working closely with its partners to progress these developments.

The report set out the Council's response to the downturn and members were reminded that An Economic Summit for Bolton, drawing together key private and public sector leaders, would be held on 10th February, 2009. The summit would identify how the Council and its partners could best support the local economy through the current situation. It would include discussions with banks on the availability of credit to local business and more events and networking opportunities would follow.

Bolton was playing a full part in ongoing work with the North West Development Agency and the GM Commission for Economic Development, Employment and Skills to bring together national policy announcements into an agreed regional and sub-regional programme. This was reflected in the actions that had been taken so far by Bolton Council and its partners locally – which included:-

- Business Support;
- Procurement from local suppliers;
- Employment and skills;
- Affordable and accessible homes;
- Developing new housing; and
- Advice and support services.

The report explained that as the economic picture continued to evolve the response of the Council and its partners would develop. A wide range of options were currently under consideration for further development.

Sources of financial support for this additional activity were currently being explored and would be considered fully as part of the Council's budget process, for both mainstream and one-off grant funding, for the new financial year. The options under consideration included:-

- Business support;
- Business accommodation;
- Capital investment;
- Employment and skills;
- Procurement from local suppliers;
- Affordable and accessible homes; and
- Advice and support.
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Resolved – (i) That the measures taken to date and proposed be noted.

(ii) That the Development and Regeneration Policy Development Group be requested to develop more detailed proposals for minimising the impact of the economic downturn locally, making recommendations to future Executive meetings.

(iii) That the Director of Corporate Resources be requested to identify options for funding additional activity to address the impact of the economic downturn either through mainstream or one-off budgets.

71. EXCLUSION OF PRESS AND PUBLIC

Resolved - That, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as specified in paragraphs 3, 4 and 5 of Part 1 of Schedule 12A to the Act; and that it be deemed that, in all the circumstances of the case, the public interest in their exemption outweighs the public interest in their disclosure.

72. LAND AT HOLLAND NURSERIES, DARWEN ROAD BROMLEY CROSS

Councillors Hornby, Hayes, Morgan, Murray, Peel and D. A. Wilkinson declared personal interests in the following matter having been party to the decision to grant planning permission and those members exercising executive powers took no part in the decision.

The Director of Legal and Democratic Services submitted a report that informed the Executive that an application had been made by Holland Nurseries requesting that the Council did not enforce the restrictive Covenants contained in the Birtenshaw Agreement.

Members were reminded that on 8th October, 2007, planning permission was granted for the erection of a replacement nursery building (including office, growing and sales areas), together with car parking areas, boundary fencing and security lighting and also the change of use of the land to playing fields, together with the erection of changing rooms, with associated car parking and a temporary growing/storage building on land off Darwen Road, Bromley Cross.

The decision notice reminded the applicant that no authorisation had been granted under the terms of the Birtenshaw Covenant and that separate consent from the Council would be required in respect of that covenant. The owner had now made a request to the Council for the Covenant not to be enforced in respect of the proposed development.

The report detailed the following:-

Planning history;

The 1934 agreement:

Enforceability of covenant; and

Holland Nurseries submissions.

Members were also apprised of the views of the local ward members .

Resolved – That the restrictive Covenants contained in the Birtenshaw Agreement be not enforced in this instance.

(Subsequent to the decision and in accordance with Article 5 of the Council's Constitution Councillors A. Wilkinson; D. Brierley; P. Brierley; N. Critchley; W. Hall and J. Walsh called the matter in for scrutiny at the Corporate Issues Scrutiny Committee on 9th February, 2009.)

73. THE PAY AND GRADING REVIEW: FINAL PROPOSED PAY STRUCTURE & IMPLEMENTATION TIMESCALES

The Director of Legal and Democratic Services submitted a report that set out the Council's final pay and grading structure and implementation plans for approval.

A letter from Unison outlining their position on the pay review was tabled, as was the Council's reply to the matters raised. The Chief Executive drew Member's attention to a number of the points raised.

Members were reminded that the review had been concluded in September and a proposed future pay model for Bolton was developed and consulted on, for implementation in April 2009.

The report set out the detailed proposals for the future pay structure, including the legislative, financial and organisational implications and the proposed implementation arrangements. The report explained that as from April, 2009 the proposals would deliver a pay structure that satisfied the requirements of the National Agreement within existing or planned budgetary provision and took account of the Council's obligations under equal pay legislation.

The report also referred to the implementation date envisaged by the National Agreement of 1st April 2007 and explained that, given the volume and complexity of the work involved, it had not been possible to meet this timescale. Moreover, given the budgetary position at the time, it would have been necessary to apply a much lower pay line that would not have met the aspirations of the Council's Pay Policy, resulting in a much higher number of people losing money and the consequential industrial relations issues.

In order to achieve the implementation date of April, 2009 a comprehensive programme of communication and consultation had been undertaken and the following changes and amendments had been made to the package:-

- * It was proposed to maintain, on an interim basis, pay at double time plus a day off in lieu for staff working on a Bank Holiday. This arrangement would, however, be further considered in the context of the various

planned reviews of terms and conditions during 2009/10;

- * From April 2009 it was proposed that the number of working weeks per year would be standardised at 52.14;
- * Attendance allowances would be removed;
- * The travel to work allowance paid to School Crossing Patrollers would be removed; and
- * The proposal to apply a regular allowance equivalent to 7% of salary for those posts that operated over a 6/7 day period and 30% of salary for hours worked at night had been amended and clarified.

The Trades Unions had balloted their members on the proposals during the consultation period. Unison had indicated verbally that the result of their ballot was to accept the proposals. GMB had advised that the original ballot returned a rejection, although they were now in the process of planning a re-ballot following clarification of the proposals.

The Chief Executive informed members that following further discussions with the Trade Unions the definition of night time working was defined as 10.00pm to 7.00am as originally proposed.

It was proposed to complete a number of reviews during the protection period, in consultation with the Trades Unions as follows:-

- * a review of annual leave entitlement to consider if it was possible to make it more competitive;
- * a review of enhancements for Bank Holiday working;
- * a review of all honoraria payments to validate the payments that were being made and remove those that were no longer required;

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- * a review of the criteria for and provision of car user allowance and car parking passes;
- * determination of the basis of progression through the incremental grades;
- * a review of HR policy framework, beginning with a post implementation review of the managing attendance policy, to ensure all policies met the organisation's needs and continued to reflect best practice in people management; and
- * a review of subsistence payments.

Members were reminded that the Executive had approved a report on 8th December, 2008 which set out the proposed process for implementing the pay and grading review including:

- * the provision to seek agreement from staff to a consensual variation of their contracts of employment;
- * the process for imposing contract changes on those staff who did not agree to the changes consensually which would involve the process of termination and reengagement including 90 days notice; and
- * the process and consultation arrangements relating to Section 188 notification

The specific activities and timetable for the process were set out in the report.

Details were also provided with respect to the following:-

- The proposed pay structure;
- Organisational implications;
- Discussions with Trade Unions;
- The financial position;
- Implementation arrangements;

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- Legal advice;
- Voluntary early retirement;
- Market rate supplements; and
- Review of non-NJC groups

The Chief Executive undertook a presentation relating to the legal and financial position in respect of the pay and grading review. The Director of Corporate Resources, Assistant Chief Executive and Assistant Director, Legal and Democratic Services also provided members with advice on the legal and financial position and human resources issues, together with the proposed strategy. The presentation and advice covered the following key points:

- * the costs and potential costs of the new pay and grading structure including protection arrangements;
- * appropriate assessments of issues relating to equal pay and equal value; and
- * the requirement for pay protection and the issues and considerations in determining the pay protection period and staff groups covered

Resolved - The Executive and Head of Paid Service agreed:-

- (i) the Council's proposed pay structure for staff on NJC and Craft terms and conditions as now detailed;**
- (ii) the proposed implementation arrangements including the process for achieving contractual changes; and**
- (iii) that the Chief Executive be authorised to finalise the proposals following section 188 consultation.**