

COUNCIL FUNCTIONS COMMITTEE

26th September 2006

Present: Councillor Wylie (Chair)
Councillor D Scudder (Vice-Chair)
Councillors Baddeley, I Brown, Counter, Hastrick, Mann and Razzaq

CF01- **APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP**
06/07

Apologies were received from Councillor Mrs Punter. There was a change of membership for this meeting: Councillor Baddeley replaced Councillor McGovern.

CF02- **DISCLOSURE OF INTERESTS**
06/07

There were no disclosures of interest.

CF03- **MINUTES**
06/07

The minutes of the meeting held on 27th February 2006 were submitted and signed.

CF04- **FREEDOM OF INFORMATION ACT REQUESTS JANUARY TO JUNE 2006**
06/07

The Chair outlined the report of the Head of Legal and Democratic Services and invited any comments from Members.

One Member asked if any £10 fees for photocopying and postage of Freedom of Information Act requests had been refunded and if so, how many. The Democratic Services Officer advised that she would find the answer to this question and inform the Committee at a date as soon as possible after the meeting.

RESOLVED –

1. that the report be noted
2. that the Democratic Services Officer report back to the Committee at a later date advising if any £10 fees had been refunded and if so, how many

CF05- **EMPLOYEMENT EQUALITY (AGE) REGULATIONS 2006**
06/07

The Deputy Head of Human Resources presented the report on the Employment Equality (Age) Regulations 2006. The Chair then invited comments and questions from Members.

One Member asked if there had been any comments from UNISON. The Deputy Head of Human Resources advised that they had received a variety of comments from UNISON which were all very positive and constructive. He said that they had engaged with them and shared resources and he was not aware of any disagreements. In response to a question from a Member, the Deputy Head of Human Resources said that it would not be unusual if this new legislation led to Employment Tribunals.

Another Member asked what the current age limits were for unfair dismissal and redundancy rights. The Deputy Head of Human Resources explained that where previously, those under the ages of 18 or over 64 could not claim unfair dismissal or be entitled to redundancy rights, they would now be able to do so.

A Member asked if there would be no retirement age under the new legislation. The Deputy Head of Human Resources said that the retirement age would still be 65, but that a person could apply to work beyond this age and if refused, would have the right of appeal. Another Member asked if the legislation would affect the minimum wage with regard to young people. The Deputy Head of Human Resources said that he understood that the minimum wage would remain unchanged in terms of differential training or apprentice rates which were irrespective of age.

A Member asked how managers would be trained in this legislation. The Deputy Head of Human Resources said that the information had already been distributed and that e-learning and lunch time courses would be set up.

RESOLVED –

that the contents of the report be approved

CF06-
06/07

DRAFT DISCRETIONARY COMPENSATION REGULATIONS 2006

The Deputy Head of Human Resources presented the report and explained that the problem was of uncertainty over the draft Discretionary Compensation Regulations 2006 as they were still in final discussion with central Government despite becoming law on 1st October 2006 unless deferred. He said that it primarily related to pensions, early retirement and redundancies where currently age and length of service were taken into account. Under the new Employment Equality (Age) Regulations 2006, it would no longer be lawful to consider a person's age. He said that it was recommended that the current scheme be suspended until the final regulations and transitional arrangements were received.

One Member asked what the likely cost to the Council would be. The Deputy Head of Human Resources said that this was not yet known. The options and costing of those options was currently being investigated and would be reported to the Corporate Management Board. It would then be reported back to the Committee for a final decision.

Another Member commented that it seemed a person would be penalised for long service. The Deputy Head of Human Resources said that it was recognised as a potential issue and that a distinction was needed between length of service and age. One Member mentioned the two staff who were currently facing redundancy and asked whether, if they decided not to terminate their employment by 30th September 2006, their level of compensation would not be known until the final scheme was agreed. The Deputy Head of Human Resources said that if employment was terminated after 30th September 2006, the compensation would be subject to the conditions agreed in the new scheme. At this stage, officers did not know if there would be a transitional arrangement or when the new scheme would be put forward. He said that when the new scheme was agreed, any payments would be backdated to the 1st October 2006 and that officers had been in discussion with the two people concerned.

The Chair said that the Council had to follow Government legislation and that ideally the consultation would have begun six months ago but this had not been possible as the details of the legislation had just been received and had to be implemented with effect from 1st October 2006. The Council would therefore have to go forward as best they could.

RESOLVED –

1. that the provisions of the Council's current early retirement scheme, which would not meet the requirements of the new age discrimination regulations, be suspended with effect from 1st October, 2006 until the final regulations and transitional arrangements have been received
2. that consultations with Unison on the Council's future policy in this area, commence immediately
3. that a further report be made to the Functions Committee when the details of these new regulations are clearer along with proposals for a revised scheme.
4. the two staff who are currently facing redundancy and are affected by the situation regarding the regulations be given the opportunity to terminate their employment by 30th September under the current provisions

Chair
Council Functions Committee

The meeting started at 7.30pm.
and ended at 7.55pm