

# Personnel and Development Committee Minutes

Date: 20 June 2018

Time: 6.05 - 6.34 pm

**PRESENT:** Councillor M Harris (in the Chair)

Councillors: M Appleyard, M Hashmi, Mrs W Mallen, S Saddique, Mrs J Teesdale and C Whitehead

## 1 APOLOGIES FOR ABSENCE

An apology for absence was received from G Hall

## 2 MINUTES

**RESOLVED:** That the minutes of the meeting of the Personnel & Development Committee held on 5 March 2018 be confirmed as a correct record and signed by the Chairman.

## 3 DECLARATIONS OF INTEREST

There were no declarations of interest.

## 4 POLITICAL RESTRICTIONS POLICY

A report was submitted which requested feedback and approval for the new Political Restrictions Policy, as attached at the appendix to the report.

Part 1 of the Local Government and Housing Act 1989 and the Local Government Regulations 1990, required all authorities to prepare, maintain and publish a list of posts which were identified as politically restricted.

The report stated that whilst the Council did not currently maintain or publish a list of politically restricted posts, it did have a process in place whereby posts designated as such were confirmed by letter to the relevant individuals.

The report specified that politically restricted posts fell into two categories. Those that were specified by legislation, and those which were sensitive, due to the requirement to provide information and advice to Members on a regular basis. Only those falling within the sensitive category had a right of appeal.

Members were informed that following approval of the proposed policy, all designated staff would be notified.

Members were informed that staff side had queried whether all posts identified on the list met the criteria of “providing advice on a regular basis” to Committees/Members. It was felt that the definition of the word `regular` was open to interpretation. In addition there was a difference between staff providing advice to an individual Member and staff providing advice to a Committee.

The presenting officer informed Members that Heads of Service had been consulted about the posts listed in the report. Furthermore neighbouring authorities had also been consulted and had adopted a similar approach on the designations, and the views of South East Employers had been sought.

The presenting officer explained that officers designated in the sensitive category had a right of appeal.

It was agreed that there would be no time limit to the appeal process (i.e. staff designated in the “sensitive” category) could appeal at any time.

Members also agreed that any politically restricted posts would be highlighted as such at the earliest possible stage of the recruitment process.

A Member sought some clarification as to the definition of politically restricted. It was specified that an employee could be a member of a political party, but that the restriction would substantially reduce the level of activities one could undertake for example in terms of campaigning or becoming a party official. This did not preclude working for a parish council so long as the individual was not sponsored by a political party.

**RECOMMENDED:** That the new Political Restrictions Policy be approved

## **5 REVIEW OF SMOKING POLICY AND FACILITIES ON THE QVR SITE**

A report was submitted which requested comment and feedback on the proposal to convert the whole of the QVR site to a smoke free zone. SMB had considered the matter in February of 2018, and had been minded to recommend that a consultation be conducted with a view to making the entire site a smoke free area.

The report stated that if the proposals were adopted, the current smoking policy would be replaced by a new smoke free policy to become effective from 1 January 2019. This would include vaping/e-cigarettes. The report detailed the three main options with regard to the review of the approach to smoking on the QVR site and the provision of facilities for smokers:-

1. Retain the existing smoking area and policy (now covering vaping/e-cigarettes)
2. Retain existing policy but identify new location with covered shelter away from entrances to office buildings

3. Designate the QVR site as a smoke free site and remove the smoking area.

The presenting officer explained that following the Health Act 2006 which banned smoking in the offices, the practice had continued to take place at a designated smoking area (attached at Annex B) of the report. Members were informed that the current designated area may not be compliant with the legislation due to its proximity to the entrance to Albert House and that following the lease of Albert House a steady flow of complaints had been received regarding smokers congregating outside the entrance. In addition social attitudes regards smoking had also changed due to new legal responsibilities regards the monitoring of public health, and it was felt that this was an opportune time to review the smoking policy in its entirety. It was acknowledged that this change could not be undertaken without the consent of Members and officers and without a full and meaningful consultation on the matter with considerable notice of any changes to be implemented. The consultation would also provide an opportunity for consultees to put forward alternative proposals that had not been considered as a potential option.

It was emphasised that following the consultation, the matter would again be brought back to the Joint Staff Committee and this Committee with a recommendation to Council, subject to the outcomes of the consultation.

Another issue to be addressed within the discussion was the requirement to be present within core working hours (9.30am to 12 noon and 2.30pm to 4.00pm) and the need to sign out during breaks taken for the purpose of smoking absences. It was considered important that any breaks (including smoking breaks) be treated in the same way and that ordinarily breaks away from the offices be undertaken by staff outside of core hours and in officers' own time (i.e. officers are "signed out."

In considering the report before them and taking the views of the Joint Staff Committee into consideration, Members felt that they wished to present consultees with choices. It was therefore,

**RESOLVED:** That options (ii) and (iii) above be considered during the consultation process with regards to the review of the smoking policy.

## **6 DATE OF NEXT MEETING**

The next meeting was scheduled to take place on Wednesday 21 November 2018 at 6pm

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Chairman

Iram Malik	- Senior Democratic Services Officer
John McMillan	- Head of HR ICT and Support Services
Paul Spencer	- Shared Support Services Manager