



HERTFORD TOWN COUNCIL

Ref: FPA/FPA (Personnel Sub Ctte) COVER

3 November 2017

TO: ALL MEMBERS OF THE
PERSONNEL SUB COMMITTEE

Dear Councillor,

A meeting of the Personnel Sub Committee will be held on:

**MONDAY 13th NOVEMBER 2017
IN THE ROBIN ROOM, THE CASTLE, HERTFORD AT 7.30PM**

The Agenda is attached.

Yours sincerely

Mr J Whelan
Town Clerk

**Members of the Sub Committee Councillors: Mrs R Bolton, P Boyle, R Deering,
Mrs S Newton, Miss J Sartin**

AGENDA OF THE PERSONNEL SUB COMMITTEE MEETING TO BE HELD ON MONDAY 13 NOVEMBER 2017 AT 7.30 PM IN THE ROBIN ROOM, THE CASTLE, HERTFORD

1. RECORDING OF MEETING

To establish if it is the intention of any person present to record the meeting.

2. APOLOGIES FOR ABSENCE

To receive apologies for absence

3. DECLARATIONS OF INTEREST

To receive Members' declarations of Disclosable Pecuniary Interests (as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) where these Disclosable Pecuniary Interests:

- a) Have not already been entered into the register and
- b) Relate to a matter to be considered

To note that such interests so declared must be formally notified to Town Clerk and the Monitoring Officer at East Hertfordshire District Council of the interest within 28 days.

To receive Members' declarations of Declarable Interests in accordance with Hertford Town Council's Code of Conduct (adopted 8th April 2013).

4. THE MINUTES

To confirm as correct the Minutes of the meeting held on 4 September 2017 and to authorise the Chairman to sign the same – **PAPER A (Page 3)**

5. QUESTIONS AND/OR STATEMENTS FROM MEMBERS OF THE PUBLIC

Members of the public may speak about specific items on this agenda which contain a recommendation, provided they have advised the Town Clerk of their wish to speak no later than midday on the Friday before the meeting (or midday of the last working day of the week before the meeting). A list giving details of the name(s) and relevant agenda item(s) will be circulated to Councillors before the meeting commences.

6. SICKNESS STATISTICS

To note the updated sickness statistics spreadsheet – **PAPER B (Page 7)**

7 OVERTIME AND TOIL REPORT

To receive a report from the Finance Manager on the overtime and toil expenditure to date – **PAPER C (Page 9)**

8 TIME OFF IN LIEU REPORT

To receive a report from the Town Clerk – **PAPER D (Page 15)**

9 CASUAL OFFICER HOURS

To receive a report detailing the hours carried out by Casual Workers since their recruitment. **PAPER E (Page 33)**

10 EXCLUSION OF PRESS AND PUBLIC

It is recommended that in view of the confidential nature of the following items, which relate to the business matters of other individuals and organisations, the public shall be excluded while the following item is discussed. This is in accordance with the Public Bodies (Admission to Meetings) Act 1960, as amended by the Local Government Act 1972.

11 DISCIPLINE AND GRIEVANCE ACTIONS

To receive details of a recent Grievance against the Council.

12 STAFF REPORT

To receive a verbal report from the Town Clerk.

**MINUTES OF THE PERSONNEL SUB COMMITTEE MEETING HELD ON
MONDAY 4 SEPTEMBER 2017 IN THE ROBIN ROOM, THE CASTLE,
HERTFORD**

PRESENT: Councillor Mrs R Bolton, in the Chair

Councillors: P Boyle, B Deering, Mrs S Newton and Miss J Sartin

IN ATTENDANCE: Mr J Whelan, Town Clerk

228. RECORDING OF MEETING

It was established that no person present wished to record the meeting.

229. APOLOGIES FOR ABSENCE

None.

230. DECLARATION OF INTERESTS

None.

231. MINUTES

It was **RESOLVED** that:

The minutes of the last meeting held on 30 May 2017 be confirmed as a correct record of the proceedings and signed by the Chairman.

232. QUESTIONS AND/OR STATEMENTS FROM MEMBERS OF THE PUBLIC

There were no members of the public wishing to speak.

233. SICKNESS STATISTICS

The Committee received an up to date report on staff sickness for the year to date January to July 2017.

It was **RESOLVED** that:

The Committee notes the report.

234. DISCIPLINARY AND GRIEVANCE ACTIONS

The Committee noted that there were no disciplinary or grievance actions to report.

235. OVERTIME AND TOIL REPORT

The Committee considered a report from the Finance Manager on the overtime and toil expenditure for the year to date.

It was **RESOLVED** that:

The Committee notes the report.

236. TIME OFF IN LIEU REPORT

The Committee considered a report from the Town Clerk regarding the amount of toil outstanding to each officer.

It was **RESOLVED** that:

- (a) The Committee notes the report.
- (b) The Town Clerk presents a report to the next meeting of the Personnel Sub-committee to examine the current approach to managing Time Off in Lieu.

237. CASUAL OFFICER HOURS

The Committee received a report outlining the amount of hours worked by each Casual Officer since their appointment.

It was **RESOLVED** that:

The Committee notes the report.

238. EXCLUSION OF PRESS AND PUBLIC

It was **RESOLVED** that:

In view of the confidential nature of the following items, which relate to the business matters other individuals and organisations, the public shall be excluded while the follow items were discussed. This was in accordance with the Public Bodies (Admission to Meetings) Act 1060, as amended by the Local Government Act 1972.

239. STAFF REPORT

The Committee received a report from the Town Clerk

It was **RESOLVED** that:

Staff reward payments be made to three staff for the reasons outlined in the report.

There being no further business the meeting was closed at 9:25 p.m.

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PAPER B

SICKNESS STATISTICS 1ST JANUARY 17 – 31 DECEMBER 17

	Jan	Feb	March	April	May	June	July	August	Sept	October	Nov	Dec
Number of long term Sick Officers	0	1	1	0	1	0	1	1	1	1		
Number of long term sick days	0	10	21	0	22	0	23	13	12	9		
Number of short term sick Officers	4	1	1	1	3	1	4	3	2	7		
Number of short term sick days	10	1	2	1	6	1	7	15.5	6	13.5		
YTD Average days off per employee*	5.7	6	8.4	6.4	8.3	7.0	8.5	9.4	9.2	9.9		

* Year to date average days off per employee = $\frac{\text{cumulative days off} \div \text{staff}}{\text{fraction of year elapsed}}$

As at October = $\frac{(173 \text{ days off} \div 21 \text{ staff})}{(10 \div 12)}$
9.9

Average level of employee absence in the UK is 7.5 days per year. In Local Government that figure is 10.5 days per year and in the private sector it is days 7.5 (CIPD Absence Management Report 2016). Hertford Town Council currently averages 9.9 days per member of staff since the start of January 2017.

The staff number used in the calculation is 21 officers for the whole reporting period.

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REPORT TO PERSONNEL SUB-COMMITTEE – 13TH NOVEMBER 2017

AGENDA ITEM 7 – STAFF OVERTIME

1. PURPOSE OF THE REPORT

To present Members with an update on the costs incurred in paying officers for additional hours worked outside of their normal working week.

2. BACKGROUND

Staff contracts and their provision for overtime and enhanced payments are based on the terms detailed in the Green Book, (the National Joint Council for local government services national agreement on pay and conditions of service).

Employees, in receipt of basic pay at or below point 28, who are required to work additional hours beyond their working week are entitled to receive enhancements on the following basis:

- Monday to Saturday Time and a half
- Sundays and Public and Extra Statutory holidays Double time (min 2 hours)

(Part-time employees are entitled to these enhancements only at times and in circumstances in which full-time employees in the establishment would qualify. Otherwise a full working week for full-time employees shall be worked by a part-time employee before these enhancements apply).

3. SALARY BUDGET

In the salary budget for 2017/18 there is a provision for overtime built into the calculation divided between the officers most likely to work the additional hours. The total provision for gross pay, employers' National Insurance and pension contributions is £32,000. This estimate of overtime is based on the known calendar of events and the general level of venue hire that is likely to require officers to work outside of their normal hours. It includes an additional £10,000 approved by the Finance Committee to allow bookings to be taken without having to consider if the associated overtime expenditure will exceed the approved budget.

Attached as **appendix A** is a schedule detailing the overtime hours claimed in the period 1st April 2017 to 8th October 2017. Overtime (including NI and pension costs) of £10,059 has been paid in the year to date. Total salary costs incurred to the end of October amounted to £400,333 compared to £400,237 which is 7/12s of the budget set for the year.

A pay increase of 1% was implemented from 1st April 2017.

Attached as **appendix B** is a schedule detailing the overtime costs associated with the calendar of events and other operational activities. This schedule shows the full cost of overtime including employers' NI contributions of 13.8% and pension contributions at 23.8% where applicable.

Activity	Relationship to Income	Overtime Cost	%
Venue Hire	Overtime relating to income generating Activities	£4,762	47.3%
Community Events	Limited Income from Stall Holders. Some external sponsorship.	£1,944	19.3%
One-Off Civic Events	No Income	£224	2.2%
HEN Events	Not offset by HCC locality budget funding.	£91	0.9%
Civic Events	No Income	£215	2.1%
Mayoral Events & Civic Dinner	No income for HTC. Fund Raising for MoHAF	£0	0.0%
Committee Meetings	No Income	£1,142	11.4%
Operational Overtime	No Income	£1,682	16.7%
	Total	£10,059	100.0%

Attached as **appendix C** is a schedule detailing the accrued hours of TOIL associated with the calendar of events and other operational activities.

4. RECOMMENDATIONS

It is **recommended** that:

The Committee **notes** the report.

Report by: Stephen Davies, Finance Manager

HERTFORD TOWN COUNCIL
STAFF OVERTIME HOURS PAID 1ST APRIL 2017 TO 8TH OCTOBER 2017

APPENDIX A

Post	Arts Festival Launch	Craft Market & Open Day	Mayor Making (& Silent Ceremony)	Civic Service	Cats at the Castle	Herford Carnival	Teddy Bear's Picnic	Battle of St Julien Service	Rock @ the Castle	Band & Openday	Open Air Cinema	Heritage Openday	Food & Drink Festival	Beer Festival & Openday	Vintage Tea Party	Remembrance Sunday	Christmas Gala	Lights of Love	Carols with the Mayor	Mayor's Quiz Night	Civic Service	Civic Dinner	Staff Cover (Sickness & holiday)	*Town Centre Events	**Mayoral Events	***HEN Events	Evening meetings	Weekend weddings / private hire	Early / Late Opening (for maintenance)	Emergency Call-out (Alarm systems)	Training	TOTAL HOURS	
Date	07/04/17	07/05/17	18/05/17	21/05/17	04/06/17	25/06/17	16/07/17	30/07/17	06/08/17	20/08/17	25/08/17 & 26/08/17	09/09/17 & 10/09/2017	06/10/16 to 08/10/16	08/10/17	26/10/17	12/11/17	24/11/17 & 25/11/17	09/12/17	08/12/17	05/01/18	21/01/18	03/03/18											
Facilities Officer					9.50	9.50	9.00	6.25	15.50		6.50	8.25										37.00			6.50	23.50	99.00					230.50	
Facilities Officer	3.50								15.25		7.50											29.00				23.50	103.75	1.00			4.25	187.75	
Customer Services (Reception)																						13.00					35.50				7.50	56.00	
Customer Services (Reception)								3.50																		24.00	50.50					78.00	
T&TIC Assistant																						2.00										2.00	
T&TIC Assistant																						28.00										28.00	
Grounds Supervisor			3.00						8.00																							11.00	
Grounds Maintenance Officer			3.00						8.00																							11.00	
Grounds Maintenance Officer			3.00																													3.00	
TOTAL	3.50	0.00	9.00	0.00	9.50	9.50	9.00	9.75	46.75	0.00	14.00	8.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	109.00	0.00	0.00	6.50	71.00	288.75	1.00	0.00	11.75	607.25		

NOTES

*Town Centre Events

**Mayoral Events

***HEN Events

30th March 2017 - Entrepreneur of the Year Awards
29th June 2017 - Hotel Chocolat / Brexit

HERTFORD TOWN COUNCIL
STAFF OVERTIME COSTS 1ST APRIL 2017 TO 8TH OCTOBER 2017

APPENDIX B

Post	Arts Festival Launch	Craft Market & Open Day	Mayor Making (& Silent Ceremony)	Civic Service	Cars at the Castle	Herford Carnival	Teddy Bear's Picnic	Battle of St Julien Service	Rock @ the Castle	Band & Openday	Open Air Cinema	Heritage Openday	Food & Drink Festival	Beer Festival & Openday	Vintage Tea Party	Remembrance Sunday	Christmas Gala	Lights of Love	Cards with the Mayor	Mayor's Quiz Night	Civic Service	Civic Dinner	Staff Cover (Sickness & holidays)	*Town Centre Events	**Mayoral Events	***HEN Events	Evening meetings	Weekend weddings / private hire	Early / Late Opening (for maintenance)	Emergency Call-out (Alarm systems)	Training	TOTAL COST	
Date	07/04/17	07/05/17	18/05/17	21/05/17	04/06/17	25/06/17	16/07/17	30/07/17	06/08/17	20/08/17	25/08/17 & 26/08/17	09/09/17 & 10/09/20	06/10/16 to 08/10/16	08/10/17	26/10/17	12/11/17	24/11/17 & 25/11/17	09/12/17	08/12/17	05/01/18	21/01/18	03/03/18											
Facilities Officer					187.00	132.00	165.00	126.50	264.00		71.50	90.75											440.00			90.75	335.50	1432.75					£3,335.75
Facilities Officer	46.59								356.04	103.15													425.92				307.79	1678.72	13.31		56.57	£2,988.10	
Customer Services (Reception)																							196.95					537.83			113.63	£848.40	
Customer Services (Reception)	£17.81							97.02																			498.96	1112.27				£1,708.25	
T&TIC Assistant																							44.22									£44.22	
T&TIC Assistant																							391.62									£391.62	
Grounds Supervisor				91.44					325.12																							£416.56	
Grounds Maintenance Officer				57.02					202.72																								£259.74
Grounds Maintenance Officer				66.33																													£66.33
TOTAL	£46.59	£0.00	£214.79	£0.00	£187.00	£132.00	£165.00	£223.52	£1,147.88	£103.15	£71.50	£90.75	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£1,498.71	£0.00	£0.00	£90.75	£1,142.25	£4,761.56	£13.31	£0.00	£170.19	£10,058.96	

NOTES

*Town Centre Events

**Mayoral Events

***HEN Events
30th March 2017 - Entrepreneur of the Year Awards
29th June 2017 - Hotel Chocolat / Brexit

NOTES

Venue Hire	Overtime relating to revenue generating activities	£4,761.56
Community Events	Limited Income from Stall Holders. Some external sponsorship	£1,943.87
One Off Civic Events	No Income	£223.52
HEN Events	Not offset by HCC locality budget funding	£90.75
Civic Events	No Income	£214.79
Mayoral Events & Civic Dinner	No income for HTC. Fund Raising for MoHAF.	£0.00
Committee Meetings	No Income	£1,142.25
Operational Overtime	No Income	£1,682.21
	TOTAL	£10,058.96

Post	Aris Festival Launch	Craft Market & Open Day	Mayor Making (& Silent Ceremony)	Civic Service	Cars at the Castle	Hertford Carnival	Teddy Bear's Picnic	Rock @ the Castle	Band & Openday	Open Air Cinema	Heritage Openday	Food & Drink Festival	Beer Festival & Openday	Vintage Tea Party	Remembrance Sunday	Christmas Gala	Lights of Love	Carols with the Mayor	Mayor's Quiz Night	Civic Services	Civic Dinner	Staff Cover (Sickness & holiday)	*Town Centre Events	**Mayoral Events	***HEN Events	Sele Neighbourhood Plan meetings	Bengeo Neighbourhood Plan meetings	Evening meetings	Weekend weddings / private hire	Early / Late Opening (for maintenance)	Emergency Call-out (Alarm systems)	Training	TOTAL HOURS		
Date	07/04/17	07/05/17	18/05/17	21/05/17	04/06/17	25/06/17	16/07/17	06/08/17	20/08/17	25/08/17 & 26/08/17	09/09/17 & 10/09/20	06/10/16 to 08/10/16	08/10/17	26/10/17	12/11/17	24/11/17 & 25/11/17	09/12/17	08/12/17	05/01/18	21/01/18	03/03/18														
Town Clerk			5.50	3.50				2.50						0.00													4.00	43.00						58.50	
Civic Administration Manager										6.50				1.00														29.00						36.50	
Finance Manager																												2.50						2.50	
Marketing & Events Manager	3.50	3.00			5.00		9.00	15.50		16.00	7.00	5.50	11.00												4.00		13.00	6.00						98.50	
Events Co-ordinator	3.50	9.00			8.50	7.00	8.50	6.00																										42.50	
Cemetery & Finance Assistant			7.50					5.00		13.50				1.50																					27.50
Town Centre Co-ordinator								3.50				13.50		1.00																					18.00
Projects Officer								4.50																		33.50	12.50	6.00							56.50
Allotments Officer			3.00																			2.50													5.50
Facilities Officer																																			0.00
Facilities Officer																																			0.00
Customer Services (Reception)																																			0.00
Customer Services (Reception)																																			0.00
T&TIC Supervisor																																			0.00
T&TIC Assistant																																			0.00
T&TIC Assistant																																			0.00
TOTAL	7.00	12.00	16.00	3.50	13.50	7.00	17.50	37.00	0.00	36.00	7.00	19.00	11.00	3.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.50	0.00	0.00	4.00	33.50	16.50	93.50	6.00	0.00	0.00	0.00	346.00		

NOTES
*Town Centre Events

**Mayoral Events

***HEN Events
30th March 2017 - Entrepreneur of the Year Awards
29th June 2017 - Hotel Chocolat / Brexit

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TIME OFF IN LIEU REPORT TO PERSONNEL SUB COMMITTEE - MONDAY 13TH NOVEMBER 2017

AGENDA ITEM 8

1. PURPOSE OF THE REPORT

The purpose of the report is to consider the Council's approach to the management of Time Off in Lieu (TOIL).

The report also discusses the current level of TOIL that staff have accrued; this is done as it provides explanation of the operational environment that staff work within to deliver the services of the Council.

2. CONTEXT

The Council considered and adopted its current approach to the use of Time Off in Lieu as part of a review of its Employee's Terms and Conditions (all staff) that took place in 2001 and was implemented during 2003. Attached at Appendix 1 is an extract of the report that from the Finance Committee Report of October 2003.

The level of Time Off in Lieu accrued by staff was discussed at the Personnel Sub-Committee at its meeting on 4th September 2017. At that meeting the Committee requested a report to this meeting examining the current approach to the management of TOIL within the Council.

The Council relies on the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (The Green Book) for its standard terms and conditions, noting that they be subject to local change. The Councils Standard Terms and Conditions are attached as Appendix 2.

As can be seen from Appendix 2, the Standard Terms and Conditions set down the following approach to the management of additional hours works (in terms of compensation)

- For posts where staff are paid at Spinal Column Point (SCP) 28 or below staff have a choice whether to claim overtime for additional hours or they can opt for Time Off in Lieu.
- For posts where staff are paid at the Spinal Column Point of SCP 29 or more stipulate that Time Off in Lieu (only) will be granted for members of staff working above their contracted weekly hours. The TOIL is paid at single time (regardless of when it is worked).

Decisions made during the appointment to particular posts means that the above approach has not been followed for staff posts within the establishment. This is discussed further in section 3 below.

Members have previously expressed concerns about staff building up TOIL to such a level that if a member of staff were to leave then accrued TOIL would be requested to be taken by the member of staff during their notice period; this in turn may mean that staff are absent for a (possibly) significant proportion of their notice period and this could lead to disruption of the provision of Council services.

The following table describes the notice periods that the Council will give to staff:

Continuous Service	Period of Notice
One month or more but less than two years	Not less than one week
Two years or more but less than twelve years	Not less than one week for each year of continuous service
Twelve years or more	Not less than twelve weeks

The minimum period of notice that the employee is required to give to the Council is four weeks. The Town Clerk is required to give three months' notice.

The level of notice required of staff is unusually flat for an organisation that has a strong hierarchy.

At present, there is no clear policy setting down requirements (or limitations) to the amount of TOIL staff may accrue and the length of time that it can be carried over. For reasons considered in the Committee report referred to in Appendix 1 it is not always possible to use TOIL soon after it is accrued. Moreover with a small staffing team cover for matters such as Reception and also to ensure the Facilities Officer role is covered has to be provided from a limited number of staff. This will limit the ability to take TOIL very soon after it is accrued.

The key point with the current management approach of TOIL is that it generally encourages staff to volunteer to do additional hours and they are able to determine the timing taking that TOIL back. The Council relies heavily on the willingness of staff to work extra hours (including both through paid overtime and the accrual of TOIL). The Council's Committee structure, the running of key civic events and busy events programme could not function without staff regularly working additional hours. Much of this takes the form of working hours at the weekends including during the summer (which is a very busy time). During busier times it is not always possible for staff to take TOIL, hence it can accrue during a period of 6 months or more for certain staff.

TOIL for staff is generally less than 10 hours during March of each year. This is indicative of its careful management to reduce it to workable level. This is important as it reflects the seasonal nature of some of the work that the Council undertakes, particularly the events programme.

It is important to bear in mind the Working Time Regulations that limit average working weeks to a limit of 48 hours. Staff are not exceeding this limit.

3. ACCRUAL OF TOIL

Time Off in Lieu arises when staff are required to work hours that are in addition to their contracted hours. The circumstances that give rise to the accrual of TOIL are:

- To attend meetings that are outside of normal working hours – this includes Committee meetings, Mayor Making, Mayor’s Church services Neighbourhood Plan meetings, Hertford Entrepreneurs events and other sessions.
- To prepare and staff the Castle and Mill Bridge Rooms for private hire events.
- To attend/work at an event that is organised by the Town Council – such as Rock at the Castle, the Christmas Gala and Open Air Cinema.
- To attend an event that is important to the Town such as Remembrance Sunday.
- To work additional hours to cover for other staff during absence particularly where staff are on long term sick. This includes the potential for significant additional work
- General workload.

Feedback from managers within the Council suggests that there are not efficiency or capability issues with any individual staff but that TOIL arises from genuine business need in order to manage and deliver the services of the Council.

The following table notes the current level of accrued TOIL.

Post	TOIL OUTSTANDING as at 31 October 17
Staff entitled to TOIL only	
Town Clerk	61
Civic Administration Manager	22.5
Marketing and Events Manager	82.5
Tourism and Development Manager	7.3
Finance Manager	3.5
Events Co-ordinator	32
Project Officer	23.5
Town Centre Officer (PT)	17.5
Private Hire and Functions Co-ordinator	25.5

Staff with option of TOIL or paid overtime	
Cemeteries and Finance Officer	35.5
Allotments Officer	4.5
Town and Tourism Information Assistant	3

The Council has 21 staff on the establishment; the Table above refers to twelve of these posts. Staff not listed above had no accrued TOIL at the time of writing of this report.

As can be seen from the above table there are two main issues arising from accrual of TOIL.

Staff with options of Overtime/TOIL

Only one member of staff has accrued TOIL that is more than the equivalent of one working day. This TOIL has arisen resulting from volunteering to staff evening and weekend events that the Council runs.

For staff with the option of TOIL or paid overtime then is not generally an issue of accrual of TOIL beyond the equivalent of one or two 'days/off'. The likelihood of multiple staff requesting to take periods of accrued TOIL as leave in blocks of several days or more, with the potential to disrupt the provision of Council services, is at present very low.

For staff with the option of choosing paid overtime, taking that paid overtime is generally the preferred choice. This means that the level of overtime should (and is) monitored and managed to ensure that staff welfare is given careful consideration. The employment of Casual Hours staff is an effective way that is being utilised to reduce the pressure on establishment staff to work private hire events during the evening and at weekends. Customer feedback on the pool of three casual hours staff who currently work at private hire events is excellent.

Staff with TOIL only option

The situation for this group of staff is mixed. Some staff very rarely accrue few if any TOIL hours. Others however accrue during the year in excess of 50 hours and in some cases in excess of 100 hours TOIL.

The Marketing and Events Manager will be taking all of their accrued TOIL during January 2018. This is in keeping with the current policy of the Council that allows this level of flexibility for staff to make use of accrued TOIL in this way.

For the Town Clerk the hours accrued are a reflection of general workload including evening meetings. The recent restructuring added an additional work pressure between January and June 2017.

At present there are some posts that where the Standard Terms and Conditions are not being applied.

The posts with terms and conditions that do not follow the Green Book Terms and Conditions of the Council (as appended to this report) are listed in the following table.

Post
Events Co-Ordinator
Town and Tourism Development Manager
Private Hire and Functions Co-ordinator
Town Centre Officer
Mayor's Secretary and Receptionist
Grounds Supervisor

For the majority of the above posts are graded such that the pay range include SCP 28 (the threshold above which the TOIL only compensation starts for additional hours worked. Decisions taken at the time of recruitment, in relation to delivering the business of the Council and the function of the job, have led to the situation described above.

The one exception is Grounds Supervisor. The postholder is paid at a level higher than the threshold of SCP 28 and has the option of claiming paid overtime.

4. MANAGEMENT OF TOIL

As discussed above there are a small number of staff who continually build up what may be seen as significant accrued TOIL.

For full-time employees at the Council, the contracted working week is 37 hours.

For staff who only need to provide 4 weeks' notice of their intention to terminate their employment with the Council, 37 hours accrued TOIL would equate to one week of that notice period if taken as leave during the notice period. The current Council policy on TOIL is silent on the option to pay accrued TOIL. The views of Committee are welcomed on this point.

With the exception of the Town Clerk, all officers currently have discretion as to when they wish to seek to take accrued TOIL as leave. In common with any leave request made by Council staff, the request to take TOIL is must be made to the officer's line manger ahead of taking leave and must not prejudice the operation of council services. This is an important point as its application will help avoid a 'rush' or 'bunching ' of TOIL in excess of a single day being taken by a 'group' of staff.

The Town Clerk is contractually obliged to take accrued TOIL within two weeks of it arising.

The issues that arise in the current approach to the management of the accrual and taking of TOIL are:

- Is the workload on individual members staff too high to be sustained. The Council has adopted policies in relation to work life balance and ensuring that staff welfare is paramount in how the Council delivers its services.

The Council may wish to review staffing capacity prior to embarking on any significant new projects.

- Is the Council leaving itself open to risk of service disruption resulting from the current TOIL policy. Committee are asked to consider whether they wish to examine the capping of the amount of carry forward TOIL that individual members of staff. Some Councils cap the amount of carry forward time (as part of flexi-time schemes). Introducing a cap may lead to a changing of staff behaviour with staff taking some TOIL more regularly if they are in their role leads to build up in excess of any cap set. Any cap would mean a reduction in the flexibility of current leave arrangements. The senior managers at the Council are concerned at the potential impact of the introduction of a cap on TOIL on the goodwill of the staff that results in events not being sufficiently staffed. Temporary staff would need to be hired; the cost of hiring temporary staff would have an impact on budget.
- Is there a need for the Council to recognise the workload of certain members of staff is at such a level that paying a proportion of staff TOIL as paid overtime is necessary since taking of the accrued TOIL may not be possible. This would have a direct cost implication on the Council's budget and would need careful consideration.

A suggestion has been made recently that new ways of working in terms of managing TOIL could be introduced when new officer colleagues join the Council. This approach was discussed with HR advisers at East Herts Council (with whom the Council has a Service Level Agreement in place for HR advice).

The advice is that this approach should not be followed as it is potentially divisive and could lead to staff doing equivalent jobs or being paid similar salaries being treated differently. The Town Clerk discussed the situation for a small number of other Town Clerks and the comments received were that a mixed economy on managing overtime and TOIL leads to unrest and loss of goodwill.

The Council does not have a formal recognition agreement in place with any trade union. Therefore if the Council wished to examine the renegotiation of notice periods then such a change would be subject to consultation with affected staff and any trade union that Council staff may be a member of.

Changes to terms and conditions relating to TOIL need to be carefully considered. If Committee would like to examine any changes to the current Terms and Condition then a dialogue should be opened with all staff at the earliest opportunity.

The recent restructuring that has taken place within the staffing group gave rise to a difficult and stressful situation, particularly for staff who were directly affected.

RECOMMENDATIONS

It is RECOMMENDED that:

- a) The Committee notes the report.
- b) The Committee comments on the current approach to the management of Time Off in Lieu and overtime.

Excerpt from Finance Committee Report of October 2003

“In order to maintain the services provided by the Town Council some staff are required to work outside the normal working week. All time off in lieu or overtime will need to be approved by the line manager or the Town Clerk. With the exception of emergency or call-out situations the approval must be obtained before the time is worked. Compensation will be made to employees, as a minimum, in accordance with the national provisions set out in the “Green Book”.

As an alternative, where staff are eligible for compensation by way of overtime payment, they should have the option to take some or all of this compensation as time off in lieu (TOIL). Staff may be encouraged, but not required, to take this option where it would reduce the costs to the Town Council but not impinge on the provision of the services. Individual employee’s TOIL will be monitored by their line manager.

However, in any small organisation, such as the Town Council, that requires employees to be present at evenings and weekends, as well as maintaining appropriate cover during the normal working week, it may be difficult for staff to take TOIL entitlement and therefore this will have to be considered on a case by case basis. It is also important to take account of the maximum hours that staff can legally work, and the need to ensure the health & welfare of staff is not effected by the requirement to work long periods or extended hours without time off.”

The approach of the Council is that contracts of employment with staff paid at the Spinal Column Point of SCP 29 or more stipulate that Time Off in Lieu will be granted for members of staff working above their contracted weekly hours.

For posts where staff are paid at Spinal Column Point (SCP) 28 or below, staff have a choice whether to claim overtime for additional hours or they can opt for Time Off in Lieu.

HERTFORD TOWN COUNCIL – Terms and Conditions of Employment

1. Conditions of Service

Your appointment will be governed by the National Joint Council for Local Government Services, National Agreement on Pay and Conditions (the “Green Book”), subject to such amendments as may be agreed at National and Local levels.

Your appointment will also be subject to the rules, regulations and policies of Hertford Town Council (the Town Council), including Standing Orders, Financial Regulations, and such local rules and policies that may be adopted including those relating to staff conduct, fees, rewards and gifts, safe working practices and equal opportunities. Full details of these are available from the Town Clerk.

If you wish to accept the appointment on the Terms and Conditions set out please complete and sign the enclosed acceptance form and return it to the Town Clerk.

2. Individual Post details

Appointment:

Post Number:

Full-time/Part-Time:

Permanent/Temporary:

Scale Range:

Starting Salary:

London Weighting: In addition to the salary quoted above you will be paid an amount equal to the Outer Fringe London Weighting, currently £xxx per annum.

Holidays Your annual leave entitlement is 22 working days (2 of which are statutory and the Town Council reserve the right to request that these are taken at a specific time). This will rise to 27 days after five years continuous service

Date of Commencement of Employment:

Period of Continuous Employment:

Your post is not a politically restricted post within the meaning of the Local Government and Housing Act 1989.

3. Place of Work

Your normal place of work is specified in your job description but you are advised that any employee of the Town Council may be required to perform their duties at any other Town Council premises or at any other location if this is necessary for the effective performance of the role and responsibilities.

4. Duties

Your duties will initially be as set out in your job description, but please note that the Council reserves the right to update your job description from time to time to reflect changes in or to the job and changes in legal requirements. You will be consulted about any proposed changes.

The list of duties in the job description is not to be regarded as exhaustive and there may be other duties and requirements associated with your job. In addition, as a term of your employment you may, from time to time, be required to undertake other duties either at your usual place of work or at any other premises if this necessary for the effective performance of your role and responsibilities.

5. Probationary period

Your appointment is subject to a probationary period of six months, during which time you will meet regularly with your line manager.

6. References

This appointment is offered subject to receipt of satisfactory references and medical clearance.

7. Hours of Work

This is a full-time position and the standard weekly hours of full-time employees is 37 hours per week

Normal office hours are 9.00 am to 5.00 p.m., Monday to Thursday, 9.00am to 4.30pm Friday, with a lunch break each working day of a minimum of 30 minutes.

8. Working Time Arrangements

The National Provisions set down a standard working week of 37 hours.

Employees in receipt of basic pay at or below scale point 28 who are required to work (a) beyond the full-time equivalent hours for the week in question or (b) on Saturday or

Sunday or (c) at night or (d) on public holidays are entitled to the compensation set out below.

- (a) Employees who are required to work additional hours beyond their working week are entitled to receive enhancements on the following basis:
- Monday to Saturday time and a half
 - Sunday double time (min 2 hours)

Part-time employees are only entitled to these enhancements at times and in circumstances in which full-time employees in the establishment would qualify. Otherwise part-time employees will be required to work a full working week before these enhancements apply.

- (b) Employees who are required to work on a Saturday and/or Sunday as part of their normal working week are entitled to an enhancement:
- Saturday time and a half
 - Sunday time and a half (basic pay above point 11), double time (basic pay at or below point 11)

- (c) Employees who work at night as part of their normal working week are entitled to receive an enhancement of time and one third for all hours worked between 8.00pm and 6.00am.

- (d) Employees required to work on public or extra statutory holiday shall, in addition to the normal pay for that day, be paid at plain time rate for all hours worked within their normal working hours for that day. In addition, at a later date, time off with pay shall be allowed in accordance with the Green Book.

Employees in receipt of basic pay above scale point 28 who are required to work (a) beyond the full-time equivalent hours for the week in question or (b) on Saturday or Sunday or (c) at night or (d) on public holidays will receive compensation at single time rate.

9. Time off in lieu / overtime

In order to maintain the services provided by the Council some staff will be required to work outside the normal working week. All time off in lieu or overtime must be approved by the line manager or the Town Clerk. With the exception of emergency or call-out situations the approval must be obtained before the time is worked. Compensation will be made to employees, as a minimum, in accordance with the national provisions set out in the Green Book.

The Green Book sets down the enhancements that all employees, who are in receipt of basic pay at or below scale point 28, who are required to work beyond their working week, are entitled to receive:

Monday to Saturday	Time and a half
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Sunday, Public and
Extra Statutory Holidays

Double time (min 2 hours)

As an alternative, where employees are eligible for compensation by way of overtime payment, they have the option to take some or all of this compensation as time off in lieu (TOIL). Individual employee's TOIL will be monitored by their line manager.

Employees in receipt of basic pay above scale point 28 will only be entitled to TOIL at single time rate.

10. Attendance at meetings

Where staff in receipt of basic pay at or below scale point 28 are required to attend weekday evening Council and Committee meetings they are entitled to TOIL or pay at time & a half. Such payments will be made to both full and part-time staff.

11. Pensions

You eligible to join the occupational pension scheme. A copy of the pension information booklet, produced by Hertfordshire County Council, and a Superannuation form (LGS1), is available from the Finance & Administration Manager. If you do not wish to join the scheme you must indicate this on the form.

12. Salary

Your salary scale and starting salary are set out above. Where progress through the scale is dependent on age or qualifications or performance you will be given full details. Permanent Full-Time employees and Part-Time employees who work 8 or more hours a week will be paid on the 15th day of each calendar month (or the nearest working day preceding the 15th).

All staff will be issued with pay slips detailing payments and deductions for that individual month on or about the 15th of the month.

The Council reserves the right at any time during or in any event on termination to deduct from your remuneration any monies owed to the Council by you including but not limited to any missing property including petty cash that was in your control or was your responsibility, excess holiday, outstanding loans, advances and the cost of repairing any damage or loss to the Town Council's property caused by you. In the event of shortages arising of cash or of stock the Town Council reserves the right to recover an equitable amount from any payments due to any employee concerned.

13. Local Weighting

In addition to the salary a Local Weighting Allowance is paid. The rate is that set for the “Outer Fringe” which is revised in conjunction with any annual salary awards.

14. Loyalty Award

After employment with Hertford Town Council for three years staff are eligible for a 5% loyalty award. The Loyalty Award is paid, as an addition to each salary payment, at a rate of 5% of the scale point that the employee is on at the time and will increase in line with the spinal point increments. Any London Weighting Allowance, overtime payments, and other allowances are disregarded in the calculation.

15. Overpayments to staff

In the event of an overpayment of your salary, training allowances or expenses the Town Council will require you to repay any such sums. Payment may be deducted from your salary and may be spread over a period of time by mutual consent.

16. Period of Continuous Employment

Your period of continuous service for statutory employment rights is set out above. If you have previous continuous service with an organisation covered by the Redundancy Payments (Local Government) (Modification) Orders (which covers local authorities and related bodies) this will be included in calculating your entitlement to: -

- a redundancy payment
- sickness allowance
- annual leave
- notice period (at half rate)

With the exception of redundancy payment, the above will also apply if, prior to joining the Town Council, you were made redundant from an organisation covered by the above Orders within the last two years, or if you left such an organisation for maternity reasons within the last 8 years and have not been in permanent full-time paid employment since. The 8-year time limit does not apply in the latter circumstances for the calculation of annual leave entitlement.

17. Leave

The Town Council operates a leave year from 1st April – 31st March. Those employees leaving employment during the year are entitled to leave proportionate to the number of completed months. Requests for annual leave during the probationary period of employment, will be decided at the discretion of the line manager.

Leave is to be taken by prior arrangement and confirmed in advance by the line manager or Town Clerk to ensure appropriate cover is maintained. Records of leave taken and planned are maintained by the Finance and Administration Officer.

Up to five days annual leave not taken during the leave year may be carried forward into the next leave year and any additional days with the prior written consent of your line manager or the Town Clerk. Any days carried forward to the next leave year must be taken during the first quarter of the next leave year.

All employees, irrespective of length of service, are entitled to holiday with a normal day's pay for each of the statutory, general and public holidays as they occur. Holiday arrangements will be made in co-operation with colleagues in the light of workload.

The minimum paid annual leave entitlement for a full-time employee is 20 days, with a further 5 days after 5 years of continuous service. For part-time employees this will be calculated pro-rata.

Employees have an entitlement to two extra statutory days leave, which are added to annual leave entitlement.

18. Notice

The minimum period of notice to which each employee is entitled is as follows:

Continuous Service	Period of Notice
One month or more but less than two years	Not less than one week
Two years or more but less than twelve years	Not less than one week for each year of continuous service
Twelve years or more	Not less than twelve weeks

The minimum period of notice that the employee is required to give is four weeks. The Town Clerk is required to give two months notice.

The Town Council reserves the option in its absolute discretion to terminate your employment by paying in lieu of the relevant notice period. The payment shall be solely your basic salary (at the rate payable when the option is exercised) without taking into account any benefits in kind and shall be subject to deductions for income tax and national insurance contributions as appropriate. You will not have any right to payment in lieu unless the Town Council has exercised its option to pay in lieu of notice. If the Town Council elects to make a payment in lieu of notice it shall be entitled to make such payment by way of equal installments representing net pay and to deduct such amounts as may be earned (as salary and/or other remuneration) by you should you find new employment in what would have been the contractual notice period had the Town Council given you notice to terminate your employment.

Once notice to terminate your employment has been given by the Town Council or by you or if you seek to resign without giving notice or by giving shorter notice than contractually required provided if the Town Council continues to pay your basic salary (without taking into account any benefits in kind) until the termination of your employment you agree that the Town Council shall be entitled as its absolute discretion:

- to require you not to carry out your duties or to exercise your responsibilities under this Agreement during the remaining period of your notice period (or any part of such period); and/or
- to require you not to attend your place of work or any other premises of the Town Council during the remaining period of your employment (or any part of such period); and/or
- to require you not to make contact with any employees, suppliers, agents or customers or clients of the Town Council except as directed by the Town Council during the remaining period of your notice (or any part of such period); and/or to require you to work from home and/or carry out exceptional duties or special projects outside the normal scope of your duties and responsibilities; and/or
- to require you to abide by your employment duty of faith and fidelity and for the avoidance of doubt you agree you shall not provide services to any third party or prepare to provide such services.

Nothing in this clause shall prevent the Town Council from terminating your employment without notice or salary in lieu of notice in circumstances of gross misconduct or gross negligence or other substantial grounds justifying your immediate dismissal.

The Town Council may require you to take (or not to take) any outstanding accrued holiday entitlement during your notice period.

The Town Council shall have the right to suspend you (with or without the continued payment of your salary and any other contractual benefits) pending any investigation into any potential dishonesty, gross misconduct or other circumstances which might lead to dismissal for such period as it thinks fit.

Upon or within one month of termination of your employment you are required to surrender to the Town Council any documents or materials that you have been holding on behalf of the Town Council.

19. Sickness Allowance

Entitlement during any absence due to sickness or injury is below, as set out in the “Green Book” and local rules:

Length of Service	Sick Pay Entitlement
During 1 st year of service	1 month’s full pay and (after completing 4 months service) 2 months half pay

During 2 nd year	2 months full pay and 2 months half pay
During 3 rd year of service	4 months full pay and 4 months half pay
During 4 th and 5 th year of service	5 months full pay and 5 months half pay
After 5 years service	6 months full pay and 6 months half pay

Where such absence occurs you should ensure that the Town Clerk or your line manager is notified of your absence by 10.00 a.m. on the first day of such absence, or within 1 hour of the start your shift for the day. For absences of up to and including 7 days you should complete a self-certification form available from the Finance and Administration Officer. For absences beyond 7 days you are required to obtain a medical statement signed by a Doctor. Saturdays and Sunday are deemed as working days for these purposes. This certificate must be sent to the Town Council as soon as possible and within a working day of your doctor providing it.

If you are involved in any accident when on duty it must be reported immediately. Details of the accident must be recorded in the Accident Book and on an accident report form, both these documents are available from the Town Clerk.

20. Disciplinary and Grievance Procedure

Inspection copies the Town Council's Disciplinary and Grievance Procedures are available from the Town Clerk and you will be provided with a copy on request.

21. Health and Safety

Your attention is drawn to the Town Council's policy statement on Health and Safety at Work, in particular to the requirements covering individual members of staff. Any queries relating to Health and Safety should be directed to your line manager or the Town Clerk.

22. Equal Opportunities

Your attention is drawn to the Town Council's Equal Opportunities Policy. All employees are required to comply with statutory Equal Opportunities guidance and the Town Council's own Equal Opportunities Policy. Any queries relating to the Equal Opportunities Policy should be directed to your line manager or the Town Clerk.

23. Code of Conduct

Your attention is drawn to the Town Council's Code of Conduct. All employees are required to comply with this Code of Conduct. Any queries relating to the Code of Conduct should be directed to your line manager or the Town Clerk.

24. Loss or Damage to Personal Property

The Town Council can accept no responsibility for any loss, by theft or otherwise, or damage occurring to personal property of members of staff whilst on Town Council premises, or occurring whilst members of staff are travelling on Town Council business. You are, therefore, recommended to take out an insurance policy to cover your personal property.

25. Car Allowance

Your post may be eligible for a casual user car allowance, which will be subject to annual review. If the post you hold requires you to drive, it is a condition of your continued employment with the Town Council that you hold a current driving licence at all times. Please also ensure that your motor insurance covers you for business mileage before undertaking any journey to a location other than your base, in the course of your duties. Any member of staff who is required to drive or claims casual car allowance will be required to produce your driving licence and /or details of your motor insurance on request from the Town Clerk or the Finance and Administration Officer.

The rates for car allowances are as agreed from time to time by the National Joint Council for Local Government Services.

26. Changes to Terms of Employment

Where changes to the terms set out in this statement and/or the annexes hereto occur by agreement with you, your representatives or your representative body, or otherwise in accordance with any term of your contract providing for such changes to be made, you will be informed of these by means of a written statement of change which will be issued to you within one month of the change. For any changes to the organisation's sickness or injury, including sick pay, and to the pension or pension scheme, the statement of change may refer you to a document which can be read in the course of your employment or which will otherwise be made reasonably accessible to you and which contains information about the change.

From time to time variations in your terms and conditions of employment will result from negotiations and agreement with the specified union or unions, and these will be notified to you in a statement of change and incorporate in the relevant documents above within one month of the change.

27. Other Employment

All staff are required to advise the Town Clerk of any work, be it paid or unpaid, which is undertaken outside their employment with the Town Council. This is to ensure there is no conflict of interest with the individual's responsibilities and their role and to ensure adherence to the provisions of the Working Time Directive.

Individuals should understand that failure to disclose outside employment or responsibility and or failure to provide adequate information will be considered a serious breach of contract and could lead to disciplinary action.

Please sign both copies and return one to your line manager or the Town Clerk

I confirm that I have read and accept the above Terms & Conditions of Employment

Signed

Date

Casual Officer Hours March – October 2017

	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Total
Casual Officer 1						8.5							
Casual Officer 2				11.75	12.75	12	19.5	13					
Casual Officer 3				9.5	8.5	8	3.25	2.75					
Casual Officer 4	3	10.5	13.25		7.5			5.75					
Total	3	10.5	13.25	21.5	28.75	28.5	22.75	21.5					

It was not possible to recruit a suitable candidate for the annualised Customer Services position. This position was also offered to the casual officers, who each declined the position as it paid a lower salary than the £12.50ph rate they have been appointed to. The current set up by using three casual officers works as the staff are reliable, consistently receive positive feedback from hirers and agree to be on call when required. The recruitment process will only be revisited if the current situation changes.