

Leaders' Committee

Report from the Greater London Provincial Council – 22 October 2015

Item no:

Report by: Selena Lansley **Job title:** Head of London Regional Employers Organisation
Date: 22 October 2015
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Summary: Summary of the minutes of the Greater London Provincial Council held on 22 October 2015

Recommendations: For information.

1. **Attendance:** Cllr Colin Tandy (Bexley), Cllr Tim Stevens (Bromley), Cllr Alison Wells (Sub) (Camden), Cllr Toni Letts (Sub) (Croydon), Cllr Doug Taylor (Chair) (Enfield), Cllr Sophie Linden (Hackney), Cllr Katherine Dunne (Hounslow), Cllr Joanna Gardner (Kensington & Chelsea), Cllr David Glasspool (Kingston), Cllr Jenny Braithwaite (Sub)(Lambeth), Cllr Kevin Bonavia (Lewisham), Cllr Richard Clifton (Sutton), Cllr Angela Harvey (Westminster), April Ashley (UNISON), Vicky Easton (UNISON), Sue Plain (UNISON), Kim Silver (UNISON), Helen Steel (UNISON), Mary Lancaster (UNISON), Simon Steptoe (UNISON), Julie Kelly (UNISON), Gary Carter (GMB), Wendy Whittington (GMB), Gary Cummins (Unite), Danny Hoggan (Unite) and Susan Matthews (Unite).
2. **In Attendance:** Selena Lansley (London Councils), Debbie Williams (London Councils), Mehboob Khan (Political Advisor to the Labour Group, London Councils), Jade Appleton (Political Advisor to the Conservative Group, London Councils) and Helen Chater (UNISON).
3. **Apologies for Absence:** Apologies for absence were received from Cllr Dominic Twomey (Barking & Dagenham), Cllr Theo Blackwell (Camden), Cllr Tony Newman (Croydon), Cllr Paul McGlone (Lambeth), Jackie Lewis (UNISON), Sean Fox (UNISON), Dave Powell (GMB), Vaughan West (GMB), Kath Smith (Unite) and Onay Kasab (Unite)
4. **Election of Chair and Vice-Chair for 2015/16:** Danny Hoggan (Unite) was elected Chair and Cllr Doug Taylor (Enfield) was elected as Vice Chair for 2015/16.
5. **Minutes of the meeting held on 12 March 2015:** The minutes of the meeting held on 12 March 2015 were agreed.
6. **Matters Arising: Item 4 - Matters Arising - UNISON Ethical Care Charter:** Sue Plain (UNISON), informed colleagues of a recent case which concerned a decision were workers who have no fixed workplace and spend each day travelling from home to their first customer and from their last customer to their homes. In this particular case it was ruled that this should be counted as working time and not a rest period under the Working Time Directive. Case reference: Federación de Servicios Privados del sindicato Comisiones obreras (CC.OO.) v Tyco Integrated Security SL, Tyco Integrated Fire & Security Corporation Servicios SA (ECJ) 5 CONTINUITY OF EMPLOYMENT: TUPE AND THE TIME

Further information on the case law can be found in the LGA bulletin attached which states 'the ECJ's finding only applies to mobile workers with no fixed place of work, and second, as the ECJ said, the Working Time Directive, save in relation to annual leave, does not apply to pay. Therefore, the method of remunerating workers in this situation is not covered by the Directive, meaning in practice that unless the contract provides otherwise, this case does not mean mobile workers have to be paid for the time they spend travelling from home to their first and last place of work.'



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The union side reported that National Institute for Health and Care Excellence (NICE) has recommended that fifteen minute visits are too short and that these should be extended.

The union Side Joint Secretary, Vicky Easton (UNISON), informed colleagues that Southwark, Camden and Islington had now signed UNISON's Ethical Care Charter. The following boroughs will be signing up shortly Greenwich, Hounslow, Barking & Dagenham, Hammersmith & Fulham, Hackney, Croydon and Tower Hamlets.

Cllr Kevin Bonavia (Lewisham) asked that Vicky Easton contact him as Lewisham would also like to sign up to the Charter.

Cllr Jenny Braithwaite (Lambeth) informed colleagues that following this meeting she would enquire why Lambeth had not signed up to the Charter as yet.

The Chair informed colleagues that the Social Care Lead at the LGA also supported the work to ensure ethical care standards where maintained.

Cllr Angela Harvey (Westminster) informed the Union Side that a number of London boroughs brand their own standards which also support ethical practice.

7. To confirm the member of the GLPC and the Co-Secretaries of the GLPC: The Employers' Side Joint Secretary, Selena Lansley, updated colleagues following the circulation of the GLPC papers, as two new members on the Employers Side had been confirmed as Cllr Dominic Twomey (Barking & Dagenham) and Cllr David Glasspool (Kingston).

The updated membership of the GLPC for 2015/16 is attached for information.



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8. Update on London Living Wage: The Union Side asked the Employers Side whether any London boroughs had made a decision to increase the London Living Wage (LLW) in relation to the reduction in tax credits.

The Employers Side responded that this would be considered at a local level once the GLA announce the new LLW rate on 2 November 2015.

The Chair mentioned that some boroughs had been pro-active in giving advice to employees on the likely impact on their family income but more needed to be done to help families on low incomes who would be severely impacted by the welfare cuts.

Cllr Jenny Braithwaite (Lambeth) stated that advice drop-ins should be extended to residents not just staff.

Cllr Katherine Dunne (Hounslow) informed colleagues that Hounslow were already running programmes for local residents.

The summary list was noted.

9. National Pay Negotiations: Sue Plain (UNISON) informed colleagues that it was the unions understanding that the National Employers Side was considering the claim and so the Union Side are waiting a response.

The Union Side wished to note that hopefully both sides can reach agreement well before the 1 April 2016 implementation date.

10.. The Trade Union Bill and its Implications for Industrial Relations: Vicky Easton (UNISON) highlighted that the principal for both facilities time and check-off is enshrined in the Green Book. Section 18.1 of Part 2 (Key National Provisions) states "Authorities shall provide the recognised trade unions with facilities necessary to carry out their functions, including paid leave of absence to attend meetings concerned with the work of the NJC and Provincial Councils and the operation of a check off system whereby, with the consent of the individual, trade union dues are deducted from pay."

The Union Side are aware that these issues could have a significant and negative impact. Reducing facilities time would create problems for employers and trade unions as from experiences having the resources to sort out problems and issues quickly was often critical for the smooth running of services.

Well managed facilities time saves the employers money and generally speaking councils are fully reimbursed by the unions for any costs associated with the deduction of union subscriptions from payroll. The trade unions subscriptions is one of the many things deducted from an employee's pay.

Sue Plain (UNISON) reminded colleagues that the Greater London Provincial Council Job Evaluation scheme, which London boroughs use extensively, was designed and agreed due to a lot of joint work on building the scheme. The risk is that if this Bill goes through then any future work is likely to cease and there are lots of areas of joint working e.g. equalities, pensions, ethical care charter.

Simon Steptoe (UNISON) stated that this was an appalling attack on local democracy and that councils from all political persuasions should reject this Bill.

The union suggested two options on how to progress this important matter:

- Agreement to jointly refer the NJC and ask them to consider; or
- Refer to the Joint Secretaries for them to look at how we can move forward.

The Vice Chair responded noting the logical points raised by the Union Side and acknowledging the benefits for the employer in relation to facilities time and Check-Off facilities. The Employers Side Chair and Vice Chairs agreed to consider what contribution could be made to this issue.

11. Schedule of Outstanding Differences: Cllr Angela Harvey (Westminster) highlighted that compared to past years where disputes had remained unresolved for some time there were no current outstanding disputes and differences registered on the list and thanked the Joint Secretaries for their hard work at getting to this position.

12. Any Other Business: There was no further business.

13. Date of next meeting: The next meeting would be held on **Thursday 17 March 2016**
Group meetings will take place at 10.45am and the main meeting at 11.30am (or on the rising of the sides).