

Decisions of the General Functions Committee

9 September 2013

Committee:

*Councillor Joan Scannell (Chairman)

Councillor Wendy Prentice (Vice-Chairman)

*Councillor Claire Farrier

*Councillor Robert Rams

*Councillor Daniel Thomas

*Councillor Susette Palmer

*Councillor Barry Rawlings

*Councillor Richard Cornelius
(substituting for Councillor
Wendy Prentice)

* denotes Member Present

1. MINUTES (Agenda Item 1):

RESOLVED – That the Minutes of the meeting of the Committee held on 22 July 2013 be agreed as a correct record.

2. ABSENCE OF MEMBERS (Agenda Item 2):

Apologies for absence were received from Councillor Wendy Prentice (Councillor Richard Cornelius substituting).

3. DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (Agenda Item 3):

Members declared the following interests:

| Councillor | Agenda Item | Interest |
|-------------------|--------------------------------------|--|
| Richard Cornelius | 7 – Director Induction and Awareness | Non pecuniary interest as Councillor Cornelius was in receipt of the advice as a nominated director of the joint venture company. Councillor Cornelius remained in the room during the determination of this item. |

4. PUBLIC QUESTION TIME (IF ANY) (Agenda Item 4):

There were no public questions.

5. MEMBERS ITEM (IF ANY) (Agenda Item 5):

There were no Members' Items.

6. TUPE TRANSFER OF THE DEVELOPMENT AND REGULATORY SERVICES ("DRS") TO CAPITA (BDRS) LIMITED (Agenda Item 6):

The Director for Place introduced the report.

The Committee noted a UNISON response to the report, which had been circulated by UNISON to the members of the Committee prior to the meeting.

Councillor Barry Rawlings moved a motion that that the wordings of paragraphs 1.2 to 1.4 of the recommendations be amended to include "To note that, those staff who are currently carrying out non-delegable statutory functions on behalf of the Council will not transfer under Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) but will remain employees of Council and will be seconded to the Joint Venture Company". The Motion was voted on and lost.

RESOLVED

- (1) To note that Cabinet resolved on 24 June 2013 to the transfer of the Development and Regulatory Services ("DRS") to Capita (BDRS) Limited.
- (2) To note the automatic TUPE transfer of staff in the Council's DRS to Capita (BDRS) Limited with effect from the service commencement date on 1 October 2013. The Chief Operating Officer will ensure that all relevant information is provided to Capita as required under TUPE.
- (3) To approve that, following the TUPE transfer, the relevant posts be deleted from the Council's staffing establishment.
- (4) To note that, following the TUPE transfer, those staff who are currently carrying out non-delegable statutory functions on behalf of the council will be employed on a joint employment contract with Capita (BDRS)Limited and the council.

7. DIRECTOR INDUCTION AND AWARENESS (Agenda Item 7):

The Human Resources Consultant introduced the report.

RESOLVED - That the Committee note the advice provided to Members and Officers of the Council on becoming nominated directors of companies in which the Council has a material shareholding interest. In particular, to note the advice provided vis a vis the nominated directors of the holding company and joint venture company created as part of the new partnership arrangements for Development and Regulatory Services.

8. ANY ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT (Agenda Item 8):

There were no urgent items.

The meeting finished at 6.25 pm