

BARNSELY METROPOLITAN BOROUGH COUNCIL**OVERVIEW AND SCRUTINY COMMITTEE****3rd DECEMBER 2013**

17. Present: Councillors Margaret Sheard (Chair), Phil Birkinshaw, Sharron Brooke, Gill Carr, Tim Shepherd (vice Alice Cave), John Clarke, Lesley Duerden, Paul Hand Davis, Joe Hayward, Caroline Makinson, Kath Mitchell, Margaret Morgan, Tom Sheard (vice Jeff Ennis) Ralph Sixsmith, Harry Spence, Peter Starling, Sarah Jane Tattersall, John Wilson and Jennifer Worton together with the co-opted members, Tony Haigh, Kate Morritt and Joan Whitaker. Apologies were received from the parent governor co-opted member John Winter.

18. Declarations of pecuniary and non-pecuniary interest

There were no declarations of pecuniary and non-pecuniary interest

19. Minutes of the last meeting**IT WAS AGREED**

The minutes of the last meeting of the Committee were a true and accurate record.

20. The Task & Finish Groups - reports from the first round of their investigations.

The Committee considered the findings and recommendations from the first round of investigations carried out by the Reducing Health Inequalities and Keeping our Communities Safe Task & Finish Groups (TFGs). The Chair of the Committee explained that the report of the investigation carried out by the Growing the Economy Task & Finish Group still required further work and for that reason it would be submitted to the next meeting of the Committee, in February 2014.

The Lead Member for the Health Inequalities TFG, Councillor Gill Carr, began by explaining the investigation carried out by the group into why we had not had more success in persuading people not to smoke?

In particular, the group had learned that:

- The proportion of Barnsley adults who smoke is high and is greater than the regional and national average. People living in the most deprived areas are significantly more likely to smoke and at greater risk of smoking related diseases.
- Tobacco control in Barnsley is going through a significant time of transition as Public Health has now moved to the Council and in the context of this, changes

are already occurring. A full review of the services to help reduce and prevent people from taking-up smoking is currently being carried out.

- A lot of activity and good practice is taking place across schools and colleges to ensure that key messages on healthier lifestyles are embedded within the curriculum and in school activities.

She also explained that the group felt:

- There was scope to get schools even more involved in campaigns to discourage smoking. Elected members could help with this as many of them were members of school governing bodies.
- More needs to be done to reduce the smoking rate amongst pregnant women in Barnsley, which is nearly 10% higher than the national average. This represents a significant health risk to infants and it should be an important priority for action in the future.

Members welcomed the report. During the discussion of its findings and recommendations it was made clear that the Council is looking to establish a policy on the use of E-cigarettes. At the moment they are not covered by the legal restrictions placed on smoking conventional cigarettes in public places. Although further research was required, there were concerns that they too could have serious health consequences for those that use them as they contain high levels of nicotine and other harmful substances.

At the moment, it was explained, E-cigarettes are widely available and often sold on town centre streets by traders, who operate under a so called 'pedlars licence'. Members were told that work was under way across South Yorkshire to try and develop a common policy to discourage their sale in town centres.

The Chair thanked the Task & Finish Group members and all those who had contributed to the investigation for what had been an excellent piece of work.

The Committee then considered the report from the Keeping our Communities Safe Task & Finish Group. This group had carried out an investigation into whether we have succeeded in getting local people more involved in caring for vulnerable people in our communities. The Lead Member of the Task & Finish Group, Councillor Ralph Sixsmith, explained what the investigation had looked at and what the TFG members had found out.

In particular, the group was told that:

- It is difficult to be clear about how many people carry out voluntary work to help vulnerable people in our communities. This is because a lot of people do things, such as caring for elderly relatives or helping out their neighbours, without realising that this is voluntary work.
- Voluntary Action Barnsley (VAB) provides a 'brokerage' or matching service which brings organisations and volunteers together. Over 6000 people are currently registered as volunteers, although it is not known how many of these people are actively volunteering.

He also explained that the group felt:

- The Area Councils need to embrace fully the task of encouraging people to volunteer and that they could play a lead role in helping to ensure local co-ordination of opportunities and ensuring effective liaison between different agencies.
- The contribution of people who volunteer needs to be properly recognised, so that people realise just what a valuable contribution they make. One possibility might be to hold an awards ceremony or presentation evening as a reward for their efforts.

The Committee welcomed the report. Members were concerned that there was a lack of clarity about what activities those who are registered as volunteers actually carry out. The Committee welcomed the recommendation in the report that all agencies be encouraged to register volunteering opportunities with the VAB's volunteering centre, which would, it was felt, enable organisations to signpost volunteers to where there are opportunities.

It was explained that the Council was working with Voluntary Action Barnsley to help pull together a volunteers database. However, it was recognised that there were limitations on what could be done because of the restrictions on sharing information imposed by the Data Protection Act.

The Committee asked if more could be done to overcome these limitations and in particular to share information about those Council employees who wished to volunteer with the VAB.

The Assistant Chief Executive (Human Resources, Performance & Partnerships and Communications) agreed to refer this matter to the Council's Senior Management Team.

The Chair again thanked the Task & Finish Group members and all those who had contributed to the investigation for what had also been an excellent piece of work.

IT WAS AGREED

That the Committee endorse the findings of the Task & Finish Groups and report these to the Council's Cabinet.

21. Call-In of Cabinet Decision: Employee opt outs from the Working Time Directive

The Committee then considered the Cabinet's decision to change aspects of the Council's current policy to allow employees to voluntarily opt out of the Working Time Directive, so that they could be employed, either by the Council or other organisations for up to 78 hours a week. The Cabinet spokesperson for Corporate Services, Councillor Alan Gardiner, the Assistant Chief Executive (Human Resources, Performance & Partnerships and Communications) Julia Bell and the Health & Safety Adviser, Simon Dobby, were welcomed to the

meeting for this item as were Brian Steele, representing UNISON and Lee Parkinson for the GMB trade union.

The Committee was reminded of the purpose of the Call-In procedure and the options that would be available to members when responding to it.

The Chair then called on Councillor Peter Starling, who had initiated the Call-In to explain the reasons for his concerns. He made the following key points:

- (i) There was no reason why, in health & safety terms, the policy should now change. He pointed out that the 48 hour limit was considered appropriate by the Council in order to protect employees in the past and that they needed the same level of protection now.
- (ii) Given the difficult economic position we should not encourage our employees to work for longer hours. Not only would this be bad for them as individuals, it would also prevent others from getting on to the jobs ladder, by reducing the number of vacancies unemployed people can apply for.

The Chair thanked Councillor Starling for his comments. She then invited the Cabinet Spokesperson for Corporate Services, Alan Gardiner and the Assistant Chief Executive (Human Resources, Performance & Partnerships and Communications) for their views. They made the following points:

- (a) The change to the policy was requested by the Council's employees, who made it clear during the 'Talkabout' sessions that given the difficult financial situation they wanted the opportunity to work longer in order to earn extra income.
- (b) Employees would not have an automatic right to voluntarily opt out of the Working Time Directive limit. Rather, each request would be judged individually and assessed in terms of the impact on the health & safety of the employee. The Council would not agree to any request that was judged to be unsafe.

The Chair then asked for the trade union representatives, Brian Steele (Unison) and Lee Parkinson (GMB) for their views. They confirmed that many of their members wanted the opportunity to work longer hours as a way of getting the additional income they required in order to supplement their wages. However, in the longer term they felt that we should seek to increase salaries, so that people were better able to cope.

Members of the Committee then discussed the issue. It became clear from this discussion that the Committee would like to monitor how this change to the policy was implemented in order to assess what the impact on employees had been.

IT WAS AGREED

That the Committee now support the introduction of the revised policy to allow employees to voluntarily apply to opt-out the working time directive, so that they can work for more than 48 hours per week; and

That the Committee maintain a watching brief on this issue and that it asks for clear evidence in six months time that the new policy has worked and not harmed our employees.

22. Corporate Plan Performance Report 2012/13 - Growing the Economy

The Cabinet Spokesperson for Development, Environment & Culture, Councillor Roy Miller and the Acting Executive Director for Development, Environment & Culture, Matt Gladstone, were welcomed to the meeting to discuss and explain the significance of the performance information around 'Growing the Economy' and to answer questions from members about it.

They made it clear that there had been a positive start towards delivering the Council's Economic Strategy, which aims to encourage more businesses to locate in the borough, increase skills levels, create jobs and attract more visitors to Barnsley.

Members welcomed these developments. They then discussed the data contained in the performance report about Growing the Economy. The following key points emerged from this discussion.

- (i) Barnsley Town Centre and especially the market is a hub for independent retailers. It successfully attracts visitors from other parts of the country. It is important to build on the success of the market and to make sure that it is more effectively promoted, both now and in the future.
- (ii) Employers need to work with the Council, the Integrated Transport Authority and service providers to try and help improve public transport links to employment opportunities. There have been some good examples of this co-operation leading to improved services, but also some instances where less progress was made.
- (iii) A lot of effort is being put into attracting spectators of the Tour de France race next summer to both stay and visit Barnsley; for instance by identifying possible campsites for the 80,000 spectators who may line the route for the race as it passes through the borough.

At the conclusion of the discussion the Chair thanked the witnesses for attending.

IT WAS AGREED

That the Committee note the performance information contained in the Corporate Plan Performance Report and to return this again at a later date.

The Chair then closed the meeting, reminding members that the next meeting of the Overview & Scrutiny Committee would take place on Tuesday 11th February 2014.