

EMPLOYMENT COMMITTEE

WEDNESDAY, 10 SEPTEMBER 2025 -
3.00 PM



PRESENT: Councillor G Christy (Chairman), Councillor Dr H Nawaz (Vice-Chairman), Councillor I Benney, Councillor J Clark, Councillor Mrs M Davis and Councillor S Imafidon

APOLOGIES: Councillor A Gowler

Officers in attendance: Sam Anthony (Head of HR and OD), Phil Hughes (Head of Leisure Services/SRO March Future High Street Project) and Jo Goodrum (Member Services & Governance Officer)

EC7/25 **PREVIOUS MINUTES**

The minutes of the previous meeting held on 18 July were agreed and signed.

EC8/25 **OVERVIEW OF FORTHCOMING EMPLOYMENT RIGHTS BILL**

Members considered an overview of the forthcoming Employment Rights Bill presented by Sam Anthony.

Members made comments, asked questions and received responses as follows:

- Councillor Nawaz asked for clarification with regards to the Public Outsourcing Two Tier Code. Sam Anthony stated that the new measures are expected for public sector outsourcing, and explained that the last outsourcing exercise that the Council undertook was with regards to outsourcing the leisure service. Sam Anthony explained that Freedom Leisure took over the Council's leisure function which produced two tiers of pay, with anybody who was TUPE (Transfer of Undertakings (Protection of Employment) Regulations) over from the Local Authority being in receipt of local authority pay and conditions and anybody employed by Freedom Leisure had different terms and conditions and the new tier two code will eliminate that.
- Councillor Nawaz stated that he appreciates that the report is only for noting and there is nothing that the committee can do to influence the outcomes. He made the point that it is useful to be made aware of the changes and added that there are some good changes, but he also has reservations about some of the proposals too. Councillor Nawaz stated that he welcomes the change being proposed relating to sexual harassment given the percentage of female employees that there generally are, and also welcomes the gender pay gap which is being closed. He expressed the view that with regards to the Trade Unions and the regulations this will have an impact on businesses by making things more difficult and expensive and he is unsure as to what the long-term impact will be, but he believes it will be of a negative nature.
- Councillor Benney asked Sam Anthony to confirm how many extra hours and resources her team are going to require in order to implement the required changes? Sam Anthony explained that it is a difficult question to answer and the reason she is bringing it forward to the committee now is in order that it can be factored into the departments work programme now and, therefore, the work can be spread over the next couple of years. She added that some of the proposed changes may not come to fruition, and some will not impact the Council at all. Sam Anthony explained that whilst the Council has Trade Union recognition and works very effectively with Trade Unions already some of the proposals and changes

are quite significant which means that they will need to be managed going forward. She made the point that she will not be looking for an additional resource for her department due to the financial situation of the Council.

- Councillor Clark asked whether there was an estimate on the cost that all of these changes are going to mean for the Council? Sam Anthony stated that it would be impossible for her to provide a figure with regards to the cost as the changes are quite significant and that when considering the changes such as the day one dismissal it would be imperative for managers and Human Resources to ensure that there were procedures in place to ensure that everything was actioned correctly from the moment the individual joins the Council whereas at the current time, most employers have a two-year opportunity. She added that should there be the need to change someone's terms and conditions such as the need to change somebody's contract, at the current time you can 'fire and rehire' and alter a person's terms of employment, but going forward this is going to be very difficult. Sam Anthony explained that there is going to be a greater amount of time spent with regards to negotiating changes to contracts and she cannot provide any sort of cost implication which is going to be because of the changes.
- Councillor Clark made the point that it is going to be a negative rather than a positive cost. Sam Anthony stated that is correct as it is going to cause more work.
- Councillor Mrs Davis referred to the day one rights, and the litigation risks the Council could encounter and, therefore, it is imperative that to ensure that the Council is protected. Sam Anthony stated that is correct and is why the Council has just commenced an updated management development programme for all managers and aspiring managers. She explained that there will be an element of employment law included so that officers can be upskilled much earlier and it will include day one rights along with the six-month deadline for an individual to bring forward an employment tribunal.
- Councillor Mrs Davis referred to the issue of harassment and asked what work needs to be undertaken in 2026 to be ready for the implementation of the changes? Sam Anthony explained that the work can commence now as the Council already has a very robust policy in place for harassment and work will take place to include management development, upskilling managers and ensuring that it is promoted within the management team so that they have an awareness on what to recognise as an issue. She added that a great deal of the preliminary work is being undertaken now.
- Councillor Benney stated that the changes are being imposed on the Council by Central Government and he feels that the changes are excessive and could cause significant issues for businesses. He expressed the view that several of the changes appears to be anti-business, and that circumstances will mean that people will decide to give up working and employers will scale back and choose to stop employing people. Councillor Benney referred to the issues that the strike action is having in other parts of the country and added that everybody suffers when people choose to go on strike. He added that he appreciates that legislation has to be implemented to safeguard people which is fair and if he worked for the Council he would join a union to ensure he had the protection that a union brings. Councillor Benney expressed the view that the changes need to be within a framework which is workable for the employer as well because without employers there are no employees. He added that he has looked at some of the extensions of time with regards to unfair dismissals where the allocated time is 12 weeks which he feels is excessive. Councillor Benney made the point that there is uncertainty with regards to what will happen in the future, and he feels that some of the proposals may never come to fruition. He added that there is already legislation in place with regards to sexual harassment and he questioned why there needs to be additional legislation and laws in place to protect against one aspect. Councillor Benney expressed the opinion that some of the changes will not affect the Council because they are already good employers, but that the burden of work which the changes will bring as well as the costs and time off for Trade Union representatives in paid working time will all add costs to the Council and procedures already work and are in place.
- Councillor Imafidon stated that with regards to 8.1 in the officer report where it refers to unfair dismissal rights from day one and he feels that as a result that is going to prove to be

incredibly difficult for employers. He added that there always used to a probation period for employees when they commenced a role which used to work well for both the employer and the employee. Councillor Imafidon added that it appears that when the changes are implemented an employee can take out an unfair dismissal case if their employment is terminated, which is going to create a great deal of work and make it increasingly difficult for everyone. Sam Anthony stated that with regards to the unfair dismissal day one rights, there is much discussion taking place in the House of Lords and the discussions include some potential transition arrangements for probationary periods. She explained that if there is a problem then a full process will need to take place and currently at the Council that does not happen for the first six months because there is no requirement to do so.

- Councillor Mrs Davis asked how the Council will respond to stronger Union rights, and she asked how assurances can be met to ensure that relationships do not turn adversarial at times? Sam Anthony stated that the current Union membership is 28% and is not a majority, however, there is a close and collaborative working relationship with the Union which includes a monthly meeting which she hopes will continue. She added that the historic strike situations which have been seen in Local Government have been few but there does need to be a careful overview to see how things progress.
- Councillor Mrs Davis stated that the changes may not go ahead but questioned whether consideration has been given to the additional costs in accordance with Local Government Reorganisation to a Unitary Authority. She added that there are people on different pay scales and those working four-day weeks and, in her view, it will be a minefield to navigate.
- Councillor Benney referred to zero hours contracts which, in his opinion, do have their place in a workplace and if a business is operated which needs casual labour work cannot be guaranteed every week and there are also numerous people who do not want regular work and only want to work when it suits them. He asked for confirmation as to how many staff are employed on zero hours contracts? Sam Anthony confirmed that there are in excess of 30 staff who are employed on casual contracts and she added that those staff have their place and a value and those employers take the staff on knowing that they are on a zero hours contract which suits them and it suits the Council. She added that because of the proposal that will have to change and there will be the requirement to have a minimum of guaranteed hours.
- Councillor Nawaz asked for clarification as to how many Trade Unions are engaged with the staff at the Council?. Sam Anthony explained that the Council recognises Unison, and also recognises the GMB. She added that 28% of staff belong to Unison and the membership figure of the GMB is not known as there is no obligation of the GMB to declare who their members are. Sam Anthony added that if staff pay for their Union membership through their payslip then the Council will know but staff can pay for their Union fees separately.
- Councillor Christy thanked the committee for their comments and debate. He made the point that it would appear that the Employment Committee are likely to have a busy time going forwards

Proposed by Councillor Nawaz, seconded by Councillor Imafidon and AGREED to note the report.

**EC9/25 CULTURE AND CREATIVITY DEVELOPMENT OFFICER REVIEW -
CONFIDENTIAL**

Members considered the Culture and Creativity Development Officer Review report presented by Phil Hughes.

Members made comments, asked questions and received responses from officers.

Proposed by Councillor Nawaz, seconded by Councillor Imafidon and AGREED to Option 2 on the future of the Culture and Creativity Development Officer post.

(Members resolved to exclude the public for this item of business on the grounds that it involves the disclosure of exempt information as defined in Paragraphs 2, 3 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972).

EC10/25 **CONFIDENTIAL MINUTES**

The confidential minutes of the meeting held on 18 July 25 were agreed and signed.

3.52 pm

Chairman