

At a MEETING of the **TAYSIDE CONTRACTS JOINT COMMITTEE** held at Dundee on Monday, 26th June, 2017.

Present:-

Representing Angus Council:-

Councillor Bob Myles
Councillor Gavin Nicol
Councillor Lynne Devine
Councillor Brenda Durno

Representing Dundee City Council:-

Bailie Christina Roberts
Councillor Alan G Ross
Councillor Margaret Richardson
Councillor Philip Scott

Representing Perth and Kinross Council:-

Councillor Kathleen Baird
Councillor Angus Forbes
Councillor Caroline Shiers
Councillor Anne Jarvis (for Councillor Willie Wilson)
Councillor Dave Doogan (for Councillor Henry Anderson)
Councillor Sheila McCole
Councillor Mike Williamson

Councillor Angus FORBES, Convener, in the Chair (from Article III).

I INTERIM CHAIR

In the absence of the Clerk to the Joint Committee, Kenny McKaig, Legal Manager, Dundee City Council took the Chair in the interim period prior to the appointment of the Convener.

II MEMBERSHIP OF JOINT COMMITTEE

The Joint Committee agreed to note the following appointments made by each of the three constituent Councils:-

Angus Council - Appointed Members (5)

Councillor Angus MacMillan-Douglas
Councillor Bob Myles
Councillor Gavin Nicol
Councillor Lynne Devine
Councillor Brenda Durno

Dundee City Council - Appointed Members (6)

Depute Lord Provost Bill Campbell
Bailie Christina Roberts
Councillor Alan G Ross
Councillor George McIrvine
Councillor Margaret Richardson
Councillor Philip Scott

Perth and Kinross Council - Appointed Members (7)

Councillor Kathleen Baird
 Councillor Angus Forbes
 Councillor Caroline Shiers
 Councillor Willie Wilson
 Councillor Henry Anderson
 Councillor Sheila McCole
 Councillor Mike Williamson

III APPOINTMENT OF CONVENER

The Joint Committee agreed to note that Perth and Kinross Council had appointed Councillor Angus Forbes to the position as Convener in accordance with the Minute of Agreement. Thereafter, Councillor Forbes took the Chair.

IV APPOINTMENT OF VICE CONVENER AND VICE CONVENER-ELECT

(a) VICE CONVENER

The Joint Committee agreed to note that Dundee City Council had appointed Bailie Christina Roberts to the position as Vice Convener in accordance with the Minute of Agreement.

(b) VICE CONVENER ELECT

The Joint Committee agreed to note that Angus Council would make an appointment in due course to the position as Vice Convener Elect in accordance with the Minute of Agreement.

V AUDIT REPORTS

There was submitted an Agenda Note seeking the views of the Joint Committee on whether or not they wished to retain the current process whereby all audit reports were considered by the full Joint Committee or whether they would wish that these be considered by a new Audit Sub Committee.

The Joint Committee agreed to retain the current process.

VI GENERAL PURPOSES SUB-COMMITTEE - RECONSTITUTION

Reference was made to Article V of the minute of meeting of this Joint Committee held on 11th June, 2012 wherein the General Purposes Sub-Committee was established.

The Joint Committee was asked to reconstitute the General Purposes Sub-Committee. The Terms of Reference of the General Purposes Sub-Committee were as follows:-

1. To consider and approve the Annual Abstract of Accounts and to deal with any other finance related issues;
2. To consider and determine appeals by employees in terms of any nationally agreed scheme and appeals falling to be determined by Tayside Contracts in terms of their adopted grievance and disciplinary procedures;
3. To short list, interview and appoint officers who would form the Senior Management Team of Tayside Contracts; and
4. To consider any other items of business which the Joint Committee may refer to it and make recommendations thereto.

The membership of the Sub-Committee comprised the Convener, Vice Convener and Vice Convener Elect (or their nominees).

The quorum of the Sub-Committee would be three elected members on the basis of one elected member from each constituent Council.

The Joint Committee agreed to the reconstitution of the General Purposes Sub-Committee on the terms as outlined.

VII APPOINTMENT OF CLERK AND PROPER OFFICER

The Joint Committee agreed that there be no change to the current appointments of Clerk to the Joint Committee and Proper Officer, Mr Roger Mennie, Head of Democratic and Legal Services, and Mr Gregory Colgan, Executive Director of Corporate Services, Dundee City Council, respectively.

VIII STANDING ORDERS AND FINANCIAL REGULATIONS

The Joint Committee agreed to note that the Clerk and Proper Officer were reviewing the Standing Orders and Financial Regulations and that amended versions would be brought forward in due course and that the current versions of these documents would be issued to the membership of the Joint Committee together with the Minute of Agreement and the last amended Minute of Agreement.

IX APOLOGIES/SUBSTITUTIONS

Apologies for absence was submitted on behalf of Councillor Angus MacMillan-Douglas (Angus Council), Councillor George McIrvine (Dundee City Council), Depute Lord Provost Bill Campbell (Dundee City Council), Councillor Willie Wilson (Perth and Kinross Council) and Councillor Henry Anderson (Perth and Kinross Council).

X DECLARATION OF INTEREST

No declarations of interest were made.

XI MINUTE OF PREVIOUS MEETING

The minute of meeting of the Tayside Contracts Joint Committee, held on 20th March, 2017 was submitted and approved.

XII MINUTE OF MEETING OF GENERAL PURPOSES SUB-COMMITTEE

The minute of meeting of the General Purposes Sub-Committee held on 22nd March, 2017 was submitted and noted for information and record purposes, a copy of which is attached to this minute as an appendix.

XIII NEW JOBS/REGRAIDINGS – GRADE 11 AND ABOVE

There was submitted Report No [JC6/2017](#) by the Managing Director reporting that Tayside Contracts was required to report to the Joint Committee, on an annual basis, the creation of, or amendments to, any permanent posts at Grade 11 or above.

The Joint Committee agreed to note that there were no new permanent posts created or regraded during the financial year 2016/17.

XIV REDUNDANCY/FLEXIBLE RETIREMENT

There was submitted Report No [JC7/2017](#) by the Managing Director reporting that Tayside Contracts was required to report to the Joint Committee on an annual basis, the details of any redundancies and flexible retirements which had occurred.

The Joint Committee agreed:-

- (i) to note that eight employees were made redundant during 2016/17;
- (ii) to note that four of the redundancies were voluntary and the remaining four were compulsory;
- (iii) to note that the total cost of redundancy payments was £51,690;
- (iv) to note that the net staff costs savings arising from the four voluntary redundancies amounted to £462,101 over five years and that this figure took into account total severance costs, including redundancy payments and employer's pension costs;
- (v) to note that six employees were granted flexible retirement during 2016/17; and
- (vi) to note that, the net staff costs savings arising from the six flexible retirements amounted to £255,759 over five years and that this figure took into account total severance costs, including employer's pension costs.

XV AUDIT UPDATE

Reference was made to Article V of minute of meeting of this Joint Committee held on 20th March, 2017 wherein the Joint Committee agreed to note the content of the report providing an update on audit work and approved the action plans contained.

There was submitted Report No [JC8/2017](#) by the Managing Director providing members with; an update on Internal Audit work carried out by the appointed internal auditors, Wylie and Bisset, for the financial year 2016/17 since the last report on 20th March, 2017; an overview of Internal Audit work carried out by Wylie and Bisset for the financial year 2016/17 against the plan for the year giving an audit opinion of the adequacy and effectiveness of Tayside Contracts' risk management control and governance processes; details of the proposed Internal Audit Plan for 2017/18; a progress update on the three highly graded recommendations contained within the IT General Controls audit and on the one medium graded recommendation contained within the Risk Management audit, both reported on 20th March 2017; and, the Interim Audit Report for 2016/17 from the External Auditors, Audit Scotland.

The Joint Committee agreed:-

- (i) to note the contents of the Transport Audit, the Workforce Planning Audit, the Annual Report 2016/17 and Interim Audit Report 2016/17;
- (ii) to approve the Internal Audit Plan for 2017/18;
- (iii) to approve the action plans for the Transport and Workforce Planning Internal Audits; and
- (iv) to approve the action plan for the interim external audit.

XVI LOCAL CODE OF CORPORATE GOVERNANCE

There was submitted Report No [JC9/2017](#) by the Managing Director seeking approval of the Joint Committee to the review of compliance to the Local Code of Corporate Governance.

The Joint Committee agreed to approve the content of the report.

XVII ANNUAL REPORT AND ACCOUNTS FOR THE YEAR TO 31ST MARCH 2017

There was submitted Report No [JC10/2017](#) by the Managing Director reporting that this report complemented the Tayside Contracts Annual Report for 2016/17 which was appended to the report, and provided a summary of the key points contained within the accounts for the year to 31st March, 2017.

The Joint Committee agreed:-

- (i) to approve the Annual Report for 2016/17 and the Financial Statements contained within the report; and
- (ii) to approve the onward submission of the Annual Report to Audit Scotland.

XVIII BUSINESS PLAN 2014 TO 2017 – ANNUAL UPDATE

There was submitted Report No [JC11/2017](#) by the Managing Director seeking to provide the Joint Committee with the annual update of progress for 2016/17 against the priorities, action plans and targets detailed in Tayside Contracts business plan for the period 2014 to 2017.

The Joint Committee agreed to approve the content of the report.

XIX BUSINESS PLAN FOR THE PERIOD 2017 TO 2020

There was submitted Report No [JC12/2017](#) by the Managing Director seeking approval from the Joint Committee of the business plan for the period 2017-2020.

The Joint Committee agreed:-

- (i) to the business plan which was appended to the report as appendix 1, setting out the key aims, objectives and targets of Tayside Contracts for the period 2017-2020 and the broad framework of achieving these;
- (ii) to the method and frequency of monitoring and reporting progress on the targets, action plans and priorities detailed in the business plan; and
- (iii) that, the minimum value of surplus earned by Tayside Contracts returned to the constituent Councils should remain at the current value of £750k per annum, over the life of the business plan.

XX FINANCIAL ARRANGEMENTS WITH DUNDEE CITY COUNCIL

There was submitted Report No [JC13/2017](#) by the Managing Director informing the Joint Committee of arrangements for the maintenance of treasury, payroll and insurance services for the financial year 2017/18.

The Joint Committee agreed to note the provision of certain financial and associated services to Tayside Contracts by Dundee City Council for the financial year 2017/18.

XI WORKLOAD REPORT

There was submitted Report No [JC14-2017](#) by the Managing Director providing the Joint Committee with an update of the workload for the Facilities Services Division and Construction Division for the final quarter of 2016/17 and projections for the first and second quarters of 2017/18, and details of the action being taken in response to these workloads.

The Joint Committee agreed to note the contents of the report and that further detailed reports would be brought forward as necessary.

XII APSE ANNUAL SEMINAR AND SERVICE AWARDS 2017 – BEYOND AUSTERITY: ENSURING A FUTURE FOR THE LOCAL GOVERNMENT’S FRONTLINE

It was reported that the above mentioned seminar would take place on 6th-7th September in Oxford, England and that members had in the past, found the annual seminar to be a worthwhile event and it was recommended that the Joint Committee authorised the Convener, Vice Convener and Vice Convener-Elect to attend the seminar on the Joint Committee’s behalf. The cost of attendance at the seminar would be £399 per person excluding accommodation and travel and subsistence and could be contained within the 2017/18 revenue budget.

Following consideration of this matter and having heard the Managing Director of Tayside Contracts, the Convener, seconded by Councillor Myles, moved that attendance at the seminar be on the basis of the Convener, Vice Convener and Vice Convener - Elect.

As an amendment, Councillor Doogan, seconded by Councillor McCole, moved that attendance at the seminar be suspended for this year subject to the benefits of attendance of elected members from the Joint Committee being established by means of objective evidence being provided to the membership of the Joint Committee.

On a division, there voted for the motion – Councillors' Forbes, Myles, Nicol, Ross, Scott, Baird, Shiers and Bailie Roberts; and for the amendment – Councillors' Devine, Durno, Richardson, Doogan, McCole and Williamson - whereupon the motion was declared carried.

As a further amendment Councillor Ross seconded by Councillor Shiers moved that attendance at the seminar be on the basis of the Convener or their nominee.

On a division, there voted for the motion – Councillors' Forbes, Myles, Nicol, Scott and Bailie Roberts; and for the amendment – Councillors' Devine, Durno, Ross, Richardson, Baird, Shiers, Doogan, McCole and Williamson, whereupon the amendment was declared carried and it was agreed that attendance at the seminar be on the basis of the Convener or their nominee.

XIII PROGRAMME OF MEETINGS

The Joint Committee agreed to note that the programme of meetings of the Tayside Contracts Joint Committee for the remainder of 2017 was as follows:-

<u>Date</u>	<u>Venue</u>	<u>Time</u>
Monday, 28th August, 2017	Committee Room 1, 14 City Square, Dundee	10.15 am
Monday, 20th November, 2017	Committee Room 1, 14 City Square, Dundee	10.15 am

XIV DATE OF NEXT MEETING

The Joint Committee agreed to note that the next meeting of the Joint Committee would be held in Committee Room 1, 14 City Square, Dundee on Monday, 28th August, 2017 at 10.15 am.

The Joint Committee resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973 that the press and public be excluded from the meeting for the undernoted items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 6, 8, 9 and 10 of Part I of Schedule 7A of the Act.

XV FLEET PURCHASES 2017/2018 PHASE 2 - PROPOSED

Reference was made to Article VII of the minute of meeting of this Joint Committee held on 20th March, 2017, wherein the report on Revenue and Investment Budgets 2017/2018 was approved.

There was submitted Report No JC15/2017 by the Managing Director detailing the proposed 2017/18 Phase 2 purchases of various fleet items, the estimated costs of which were included within the report on the Revenue and Investment Budget 2017/2018 which was approved by the Joint Committee at its

meeting on 20th March, 2017. The report also proposed an increase to the capitalisation threshold for all assets.

The Joint Committee agreed:-

- (i) to approve the purchases detailed in Appendix 1 of the report;
- (ii) to authorise the Managing Director to place orders subject to the successful tenders not exceeding 10% of the estimated figures;
- (iii) to authorise the Managing Director to place orders if the successful tenders exceeded 10% of the estimated figures after agreement by the Convener; and
- (iv) to approve the increase of the capitalisation threshold from £7,500 to £10,000.

XVI ACCEPTANCE OF TENDERS OVER £25,000 FOR THE THREE MONTHS FROM 1ST JANUARY TO 31ST MARCH 2017

There was submitted Report No JC16/2017 by the Managing Director covering acceptance of tenders over £25,000 for the three months from 1st January, 2017 to 31st March, 2017.

The Joint Committee agreed to note the 'Works' tenders accepted in terms of Standing Orders.

XVII THE TRANSFER OF JANITORIAL AND SCHOOL CROSSING PATROL SERVICES FROM PERTH AND KINROSS COUNCIL TO TAYSIDE CONTRACTS

There was submitted Report No JC17/2017 by the Managing Director advising the Joint Committee of the transfer of the janitorial and school crossing patrol functions and employees, on the basis of TUPE, from Perth and Kinross Council to Tayside Contracts with effect from 1st June, 2017.

The Joint Committee agreed:-

- (i) to note that, on 2nd November, 2016, Perth and Kinross Council's Education and Learning Committee approved the transfer of janitorial and school crossing patrol functions and the employees carrying out these functions to Tayside Contracts on 1st April, 2017 (or a mutually agreed date thereafter);
- (ii) to note that the janitorial and school crossing patrol services and those employed in delivering these services, transferred to Tayside Contracts on 1st June, 2017; and
- (iii) to note that the revised structure would achieve cash-release savings of £200k per annum year on year through reduced charges to Perth and Kinross Council for an integrated Facilities Management Service provided by Tayside Contracts.

XVIII PROPOSED REGRADING OF POST OF HEAD OF FACILITIES MANAGEMENT AND HUMAN RESOURCES

There was submitted Report No JC18/2017 by the Managing Director seeking approval of the Joint Committee to regrade the post of Head of Facilities Management and Human Resources.

The Joint Committee agreed to approve the regrading of the post of Head of Facilities Management and Human Resources on the terms as indicated in the report with effect from 1st July, 2017.

Angus FORBES, Convener.

APPENDIX

At a MEETING of the **GENERAL PURPOSES SUB-COMMITTEE of TAYSIDE CONTRACTS JOINT COMMITTEE** held at Dundee on 22nd March, 2017.

Present:-

Councillors:

Councillor Jim HOUSTON, Angus Council
Councillor David BOWES, Dundee City Council
Councillor Joe GIACOPAZZI, Perth and Kinross Council

Councillor HOUSTON, Convener, in the Chair.

The Sub-Committee resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973 that the press and public be excluded from the meeting for the undernoted item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 7A of the Act.

I DECLARATION OF INTEREST

No declarations of interests were made.

II APPEAL AGAINST DISMISSAL

It was reported that an appeal against dismissal had been submitted by an employee of Tayside Contracts.

The Sub-Committee heard the representative of Tayside Contracts, witnesses on behalf of Tayside Contracts, the representative on behalf of the Appellant, and the Appellant on their own behalf.

After questions had been put and answers given by both parties to each other and the witnesses and by members of the Sub-Committee, the parties withdrew.

Thereafter, following careful consideration of all the information including the documentation submitted, the Sub-Committee agreed that the grounds of the appeal had been substantiated in part and the appeal be upheld to the extent that the penalty was excessive and that it be replaced with a final written warning to the Appellant which would be effective from the date of his dismissal on 18th August, 2016 and that the period between his dismissal and 22nd March, 2017 be regarded as unpaid suspension from work.

Jim HOUSTON, Convener.