

**MINUTES OF A MEETING OF THE CORPORATE OVERVIEW AND SCRUTINY COMMITTEE
HELD IN COUNCIL CHAMBER - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB
ON TUESDAY, 6 NOVEMBER 2018 AT 10:00**

Present

Councillor CA Green – Chairperson

JPD Blundell	N Clarke	M Jones	RL Penhale-Thomas
RMI Shaw	T Thomas	CA Webster	

Apologies for Absence

J Gebbie, T Giffard and JC Spanswick

Officers:

Gail Jewell	Democratic Services Officer - Scrutiny
Andrew Rees	Senior Democratic Services Officer - Committees

Invitees:

Rachel Jones	Corporate Procurement Manager
Kelly Watson	Head of Legal & Regulatory Services
Councillor Hywel Williams	Deputy Leader

87. DECLARATIONS OF INTEREST

Councillor M Jones declared a personal interest in agenda item 5 – Code of Practice – Ethical Employment in Supply Chains as a member of the GMB Trade Union.

Councillor RMI Shaw declared a personal interest in agenda item 5 – Code of Practice – Ethical Employment in Supply Chains as a member of the Unite Trade Union.

Councillor JP Blundell declared a personal interest in agenda item 5 – Code of Practice – Ethical Employment in Supply Chains as a member of the GMB and USDAW Trade Union.

Councillor R Penhale-Thomas declared a personal interest in agenda item 5 – Code of Practice – Ethical Employment in Supply Chains as a member of the GMB Trade Union.

Councillor T Thomas declared a personal interest in agenda item 5 – Code of Practice – Ethical Employment in Supply Chains as a member of the Unite Trade Union.

88. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meetings of the 25 July and 26 September 2018 be approved as a true and accurate record.

89. FORWARD WORK PROGRAMME UPDATE

The Scrutiny Officer reported on items to be considered at the next meeting of the Committee on 12 December 2018 and sought confirmation of the information required for the subsequent meeting to be held on 14 January 2019. She also reported on the list

of responses, comments, recommendations and requests for additional information and requests for additional information arising from the previous meeting of the Committee.

The Scrutiny Officer outlined a list of potential Forward Work programme items for formal prioritisation and allocation to each of the Subject Overview and Scrutiny Committees.

Conclusions

- The Committee discussed BCBC's current arrangements for webcasting and asked to receive information regarding provision in other Local Authorities in Wales for comparison.
- Members requested to add 'Strategic Review of Health and Safety Responsibilities' to the Forward Work Programme and agreed to complete a criteria form for its addition.

The Committee confirmed the following items for the Subject Overview and Scrutiny Committee Forward Work Programme:

24 January 2019	SOSC 3	Revised CAT Process
29 January 2019	SOSC 2	Direct Payment Scheme
30 January 2019	SOSC 1	Education Outcomes
26 February 2019	SOSC 3	Empty Properties
28 February 2019	SOSC 1	Review of Fostering Project

90. CODE OF PRACTICE - ETHICAL EMPLOYMENT IN SUPPLY CHAINS

The Committee received an update on the authority's position in relation to the Code of Practice – Ethical Employment in Supply Chains.

The Committee referred to all employees being paid a minimum of £9.00 per hour and from April 2019 and questioned whether the Council would move to being a Living Wage Employer in April 2020. The Head of Legal and Regulatory Services stated that the pay structure for the Council has been agreed as part of a two year pay award to its employees. It was unlikely the Council would be in a position to become a Living Wage Employer in advance of a requirement to do so due to budget constraints. The Committee considered that the Council should aim to be a Living Wage Employer.

The Committee questioned why the Council has not signed up to the Code of Practice – Ethical Employment in Supply Chains and suggested that the Council should have a corporate responsibility to adhere to the Code. The Deputy Leader stated that the Council does adhere to Welsh Government policy on procurement but the Code of Practice referred to, are guidelines only. He informed the Committee that the Code suggests how the Council adheres to it and the report provides detail of how the Council has put in steps to comply with the Code. The Committee asked whether officers are aware of the various toolkits in being to sign up to the Code. The Head of Legal and Regulatory Services stated that officers are aware of the existence of the toolkits in place but reiterated the Code of Practice presents recommendations for implementation and confirmed that there is not a legal requirement to sign up to them.

The Committee queried the number of local authorities which had signed up to the Code, the Head of Legal and Regulatory Services confirmed that the take up was relatively low and in practice local authorities adopt elements of the Code voluntarily as is the practice with this Council. This Council would adopt elements of the Code insofar as resources allow. The Head of Legal and Regulatory Services stated she would provide the Committee with detail of which local authorities in Wales had signed up to the Code of Practice along with costs accrued in relation to its implementation.

The Committee questioned whether suppliers are encouraged to sign up to the Code through its contracts with suppliers. The Head of Legal and Regulatory Services informed the Committee that the Council does not compel contractors to adhere to the Code as it has not signed up to the Code itself.

The Committee referred to the Council not currently undertaking an assessment in relation to illegal or unethical employment work practices and questioned how does the Council monitor that employees who work for the Council's suppliers and contractors are being treated fairly. The Corporate Procurement Manager informed the Committee that suppliers and contractors are required to comply with questions relating to anti-slavery, blacklisting and ethical employment in its SQUID document.

The Committee questioned whether there had been a cost analysis carried out to implement the Code and toolkits. The Head of Legal and Regulatory Services stated that implementation of the Code had not been costed.

The Committee asked what would be the estimated cost of implementation the Code of Practice. The Head of Legal and Regulatory Services stated that while Directorates monitor the contracts it manages, the authority would need to employ additional officers in each Directorate and an additional officer in Procurement to monitor compliance with anti-slavery, blacklisting and ethical employment. The Deputy Leader informed the Committee that signing up to the Code had to be considered in line with pressures in the Medium Term Financial Strategy. He stated that the Council would need to assess whether it would become an accredited Living Wage Employer and again would have to consider the pressures it faced in meeting the requirements of the Medium Term Financial Strategy. The Head of Legal and Regulatory Services informed the Committee that the Council would be compliant with paying the National Living Wage up until such time as the rate per hour increases. The Deputy Leader confirmed that Cardiff Council is a Living Wage Employer.

The Committee questioned whether there was a will politically to adopt the Code of Practice. The Deputy Leader commented there is a political aspiration to adopt the Code of Practice but this was dependent on the Welsh Government settlement and the Council having the resources to do that.

The Committee asked whether consideration had been given to appointing a Champion for Anti-Slavery and Ethical Employment. The Deputy Leader stated that responsibility for Anti-Slavery and Ethical Employment was within his portfolio. He was considering an initiative by Preston Council on Anti-Slavery and Ethical Employment and he would produce a briefing note which he would share with the Committee.

The Committee questioned whether a report on gender pay gap had been produced. The Head of Legal and Regulatory Services stated that a gender pay gap was not part of the Ethical Code, but the HR Department is looking at gender pay gap and she would progress the timescale for the production of that report.

The Committee questioned the relationship with the Trade Unions. The Deputy Leader believed the relationship to be a positive one. Both regular and informal meetings take place with Trade Unions and are held on a bi-monthly basis and are generally on a good footing.

The Committee questioned whether the Council has employees engaged on zero hours contracts. The Deputy Leader stated that the Council had no intention to change its position on zero hours contracts. The Head of Legal and Regulatory Services informed

the Committee she would request the HR Department provide the Committee with information on the Council's position with regard to the use of zero hours contracts.

The Committee questioned whether contractors engaged by the Council are in compliance with the Council's on zero hours contracts. The Corporate Procurement Manager informed the Committee that contractors are not made to comply with the Council's policies when work is put out to tender but contractors would need to have employment practices in place in order to tender. Contractors are required to sign that they are ethical employers. She stated that she was unaware of any complaints made against the Council's contractors or sub-contractors in relation to unethical practices.

The Committee questioned whether the Council has used non-disclosure agreements or has guidelines for their use. The Head of Legal and Regulatory Services informed the Committee that non-disclosure agreements are not used in Procurement, but there are some circumstances in the area of employment where settlement agreements are used. She stated that ACAS guidelines are followed in the use of settlement agreements.

The Committee asked whether the Council and its suppliers use unpaid internships. The Head of Legal and Regulatory Services informed the Committee that the Council offers work experiences opportunities, but she would need to clarify the position on the use of internships. The Corporate Procurement Manager informed the Committee that contractors tendering for large construction contracts with the Council are required to offer apprenticeship opportunities. The Deputy Leader informed the Committee that all procurement documentation is written in accordance with Welsh Government policies which take account of ethical employment and anti-slavery requirements. He stated that he would be prepared for the Council to sign up to the Code of Practice providing its implementation was resourced by the Welsh Government. The Head of Legal and Regulatory Services informed the Committee that the Corporate Procurement Manager is working on a procurement strategy which will include a requirement for contractors to adhere to ethical employment practices. The Procurement Strategy would be the subject of approval by Council. She stated that everything the Council already does is in line with the Code of Practice. The Deputy Leader assured the Committee that the requirements of the Code of Practice are practised internally.

The Committee thanked the invitees for their contribution.

Conclusions

General Comments

Whilst the Committee understand the budget implications, Members encourage Bridgend County Borough Council to commit to paying all staff comparably to the Living Wage Foundation's Living Wage in the future.

Recommendations

With reference to the financial implications of signing up to the Code of Practice, the Committee recommend that a full cost analysis is undertaken and then reported back to Members.

In addition to the above recommendation, the Committee further recommend that Bridgend Council work with Trade Unions to implement the Code of Practice – Ethical Employment in Supply Chains on a cost neutral basis.

Additional Information

- How many Local Authorities in Wales have signed up to the Code of Practice – Ethical Employment in Supply Chains and what costs have these Councils encountered?

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- The Committee asked to receive a copy of the report being produced on gender pay gaps within Bridgend County Borough Council.
- Members requested detail on whether the Council has any unpaid internships.
- The Committee queried the Local Authority's policy on zero hour contracts and further questioned whether BCBC currently employed anyone under a zero hour agreement.
- Whilst discussing ethical employment within the organisation and supply chains, Members agreed to receive a briefing note prepared by the Deputy Leader detailing research undertaken into what has been accomplished by Preston Council on the topic.

91. URGENT ITEMS

There were no urgent items.

The meeting closed at 11:10