

Neath Port Talbot County Borough Council
Cyngor Bwrdeistref Sirol Castell-nedd

Democratic Services
Gwasanaethau Democrataidd

Decision Notice

PERSONNEL COMMITTEE - URGENCY ACTION , TUESDAY, 30TH JUNE, 2020

Please see below approval of decision as follows:

1. **Materials Recovery and Energy Centre, Crymlyn Burrows - Outcome of Management of Change Consultation (Appendices A and B are Exempt under Paragraphs 13, 14 and 15)**
(Pages 3 - 22)

To determine personnel issues further to a decision by Cabinet on 25 June 2020 to change the operation at the Materials Recovery and Energy Centre, to that of a transfer station.

1. That the proposed structure detailed at private Appendix A to the attached report, be approved;
2. That the issuing of appropriate notices of change and/or redundancy as set out in private Appendix B to the attached report, be approved;
3. That the new roles be subject to Local Government Terms and Conditions;
4. That officers continue to work with Trade Union representatives during the notice period for change to endeavour to secure suitable alternative employment for the two members of staff who are not currently placed.

For Immediate Implementation

Yours sincerely

Tammie Davies

p.p Chief Executive



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Personnel Committee

July 2020

Private Report of the Head of Streetcare Mike Roberts

Appendices A and B are not for publication pursuant to Regulation 5(2) & (5) of Statutory Instrument 2001 No. 2290 and Paragraphs 13, 14 and 15 of Part 4 of Schedule 12A to the Local Government Act 1972. Pursuant also to Paragraph 21 of the Schedule, and in all the circumstances of the case, the public interest in maintaining the exemption is considered to outweigh the public interest in disclosing the information.

Matter for Decision

Wards Affected: All

Materials Recovery and Energy Centre, Crymlyn Burrows

1.0 Purpose of the Report:

To determine personnel issues further to a decision by Cabinet on 25th June 2020 to change the operation at the MREC to that of a transfer station.

2.0 Executive Summary:

Further to staff consultation in conjunction with the Trade Unions, a decision was taken by Cabinet on 25th June 2020 to change operations at the MREC in line with that of a transfer station, with enhanced capacity for dealing with recycling. In doing so, as included in the consultations, role changes are proposed alongside changing MREC employees to the Council's Terms and Conditions. The Personnel Committee is now asked to consider these staffing matters.

3.0 Background:

Following a Member decision in July 2018 to insource the MREC facility, TUPE transfer of the staff and operations at the MREC was completed on 1st October 2019. Formal consultations on service change at the facility, as further identified in principle alongside the insourcing decision, subsequently started on 6th January 2020. Cabinet considered the outcome of those consultations on 25th June 2020 and determined that service change should proceed as proposed. Furthermore it was resolved to recommend to the Personnel Committee that a revised structure as identified in the consultations be implemented, and that appropriate notices of change and/or redundancy be issued as deemed appropriate, with any new roles being subject to Local Government Terms and Conditions.

Initial consideration of the proposed service changes indicated that around 20 less staff would be required to run the site as a Transfer Station/Recycling Centre. However, very good progress has been made as part of the consultations with staff to reduce the potential for any compulsory redundancies. Furthermore, with the Council being a significant employer there are existing and likely to be further redeployment opportunities during the intended notice period for those who wish to continue in employment, and who have not already otherwise been accommodated.

4.0 Consultation:

Prior to starting consultations a new proposed staffing structure was devised with job-evaluated roles, for which Job Descriptions and Person Specifications were made available. All proposed jobs were in line with the Council's Local Government Terms and Conditions as opposed to the former operating company's 'blue book'. It is noted that as part of TUPE transfer, staff have already transferred to the Local Government Pension Scheme, where they have not opted out, as the council could not legally offer the provision provided by the former site operator.

Consultations included a series of team meetings with staff and Trade Unions, including 1-2-1 meetings for every member of staff, and home visits where employees could not attend at work. Refinements were made to the proposals as part of the consultations, with updates being posted on notice boards.

The final proposed structure detailing posts and salaries is given in Appendix A. Job evaluated job descriptions and person specifications are available but not included for reasons of brevity.

As part of the consultations, provisional appointments have been identified to the proposed posts as shown in Appendix B.

No alternative proposals were submitted by managers or staff at the MREC, but staff feedback during the consultations was considered in finalising the structure and staff proposals. It is noted that since becoming Council employees, staff have enjoyed Trade Union representation and trade union involvement has been key in this consultation process. The Trade Unions are supportive of the proposals and their members moving to Council Terms and Conditions.

5.0 Financial Impacts:

Revenue Expenditure

A revenue summary for the MREC in 2020/21, assuming a change to Transfer Station operations on 1st October 2020, is shown in Appendix C. Costs for the current financial year are expected to be in line with the Council approved budget for this year of £4.956M, and similarly for next year. There are therefore no cost implications associated with the proposals.

It is noted provision has been made in the detailed budget for a virement from the MREC budget to the corporate Health and Safety team budget, reflecting the transfer of the previous plant health and safety officer role from one to the other. Approval to move the monies will be sought as normal via the next corporate budget monitoring report.

Capital Expenditure

Cabinet has resolved to allocate £5.55M including contingency in the council's capital programme over the next four years to make the necessary physical changes alongside the staff changes.

6.0 Integrated Impact Assessment:

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-Being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

An initial first stage impact assessment has been undertaken, as attached at Appendix D, which has indicated a full in-depth assessment is not required.

7.0 Valleys Communities Impacts:

The proposed service changes will help secure recycling services going forward in the valley communities as well as other areas in the County Borough.

8.0 Workforce Impacts:

The outcome of consultations is that 29 roles are included in the proposed new structure plus a Health and Safety Officer post in the HR Division.

In terms of voluntary or other unavoidable redundancy, redundancy payments have and would be in accordance with the former operating company's 'blue book' Handbook dated 2016, section 14.7

In terms of any pay detriment as the former operating company's Handbook does not contain a policy, the Council's policy of 12 months' pay protection is proposed to apply.

From Appendix B it can be seen that two staff currently remain unplaced. If Members approve the changes then during the formal notice period there will be a further '12 week' opportunity to find suitable placements.

The revised transfer station arrangements will provide efficient offloading, bulking and transfer arrangements for both refuse and recycling commensurate with the changing circumstances of waste management. As such, downtime of expensive collection vehicles and crews due to off-loading delays would be significantly reduced.

9.0 Legal Impacts:

None

10.0 Risk Management Impact

An efficient and effective local drop-off point is essential for the operation of the Council's core waste collection services, and will be secured by this proposition. Failure to make changes in line with changing service provision would put recycling services in particular at risk.

11.0 Recommendations:

It is recommended that:

- Members approve the proposed structure given in Appendix A;
- Members approve the issuing of appropriate notices of change and/or redundancy as set out in Appendix B;
- Members approve the new roles being subject to Local Government Terms and Conditions;
- Officers continue to work with Trade Union representatives during the notice period for change to endeavour to secure suitable alternative employment for the two members of staff who are not currently placed.

Appendices:

- Appendix A: Proposed personnel structure for Transfer Station(See Note 1)
- Appendix B: Proposed appointments/ summary of workforce implications (See Note 1)
- Appendix C: Draft revenue budget
- Appendix D: Integrated Impact Assessment Screening

Note 1: not for publication pursuant to Regulation 5(2) & (5) of Statutory Instrument 2001 No. 2290 and Paragraphs 13, 14 and 15 of Part 4 of Schedule 12A to the Local Government Act 1972. Pursuant also to Paragraph 21 of the Schedule, and in all the circumstances of the case, the public interest in maintaining the exemption is considered to outweigh the public interest in disclosing the information

List of Background Papers:

Report to Cabinet – Procurement of Waste Management Services, 25th July 2018 and associated minutes of the meeting.

Report to Cabinet – Material Recovery and Energy Centre, Crymlyn Burrows, 25th June 2020 (outcome of Management of Change consultations).

Officer Contact:

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Designation: Head of Streetcare
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By virtue of paragraph(s) 13, 14, 15 of Part 4 of Schedule 12A
of the Local Government Act 1972.

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Anticipated Costs for MREC Plant in 2020/21

	£'000
Total Waste Disposal Budget	5,853
Less: Non MREC	851
Less: Transfer from Waste Services re Health and Safety Officer	46
Total MREC Budget	<u>4,956</u>

2020/21 Estimated Costs

	First 6 months £'000	Transfer Station £'000	Total £'000
MREC			
Employee Costs	551	523	1,074
Premises	525	492	1,017
Supplies and Services	293	280	573
Disposal	2,540	2,598	5,138
Transport	272	200	472
Income	(1,640)	(1,677)	(3,317)
Net Budget	<u>2,540</u>	<u>2,416</u>	<u>4,956</u>

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Impact Assessment - First Stage

1. Details of the initiative

Initiative description and summary: Further to staff consultation, it is proposed to undertake a formal change of operations at the MREC in line with that of a Transfer Station, with enhanced capacity for dealing with recycling. In doing so, it is also proposed to change MREC employees to the Council's Terms and Conditions.

Service Area: Streetcare Services

Directorate: Environment and Regeneration

2. Does the initiative affect:

	Yes	No
Service users		N
Staff	Y	
Wider community		N
Internal administrative process only		N

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age		N				One of the employees TUPE'd to the Council has been identified as being on restricted duties in view of an inability to use power/vibrating tools due to Hand Arm Vibration Syndrome. Furthermore, the post they occupy is proposed to be deleted as part of the changes and the
Disability	Y					
Gender Reassignment		N				
Marriage/Civil Partnership		N				

Pregnancy/Maternity		N				employee's current level of remuneration reflects being a skilled fitter/welder, albeit the person is predominantly unable to use those skills. As such it has not been possible to date to identify suitable alternative employment in terms of pay, and offers that have been made have been rejected on the basis of pay. Notice of redundancy is therefore proposed but further offers of alternative employment will continue to be available for application up until the point of termination.
Race		N				
Religion/Belief		N				
Sex		N				
Sexual orientation		N				

4. Does the initiative impact on:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language	Y					Unlike the former company, the Council has a detailed Welsh Language Scheme, which is reflected in its terms and conditions of employment, and measures to promote use of the Welsh language. Opportunities may therefore increase.
Treating the Welsh language no less favourably than English	Y					As above

5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?

To maintain and enhance biodiversity	N					No. Waste Management operations are conducted in a controlled environment regulated by an Environmental Permit issued by the regulator, Natural Resources Wales.
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.	N					As above.

6. Does the initiative embrace the sustainable development principle (5 ways of working):

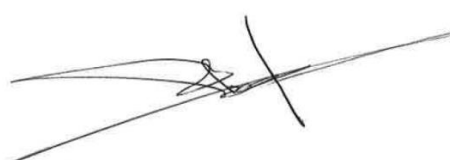
	Yes	No	Details
Long term - how the initiative supports the long term well-being of people	Y		The proposed changes are needed to increase capacity with respect to the management of a growing quantity of recyclables and compostables, further to the national strategy for waste and drive for a more circular economy.
Integration - how the initiative impacts upon our wellbeing objectives	Y		<p>The changes will assist with securing the transshipment of residual waste (after high levels of reuse, recycling and composting) to clean high efficiency treatment plants linked to local energy users, in the line national policy. This will help secure the goal of a globally responsible Wales</p> <p>The initiative will help secure high quality single material waste streams for use by businesses as part of a circular economy, helping to reduce carbon footprint and promote green growth. This will contribute to sustainable prosperity.</p>

			The increased handling capacity will help ensure sustainable and efficient collection services for recyclables in the context of existing capacity already having been out-grown, and quantities being set to increase as part of the national strategy for a circular economy. Insufficient waste management capacity would give rise to service risks and associated concerns in respect of environmental well-being.
Involvement - how people have been involved in developing the initiative	Y		The proposals stem from changing service need, from discussions by elected members of the council, and consequent consultations with service managers, employees and trade union representatives. The service is not forward facing so has not involved public consultations. The proposals will help secure local public waste services whilst they also take account of national policy direction
Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	Y		The service changes involve, and build on, a long-standing service collaboration between Neath Port Talbot and Bridgend Councils. The proposed service change will help cement continuing collaboration as well as deliver much needed service capacity for recyclables. The service changes, combined with the former insourcing of the facility, will sweep away the previous outdated service commitments and enable, should it be beneficial, collaboration between the two councils and others in the region in terms of securing modern high efficiency residual waste treatment arrangements.
Prevention - how the initiative will prevent problems occurring or getting worse	Y		The current inadequate service capacity in relation to recycling presents a threat to existing service delivery, and a brake on service expansion in line with national strategy. Modernisation of the facility will help ensure it remains fit for purpose and in line with the latest environmental standards.

7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) is not required	✓
Reasons for this conclusion:	
After completing the assessment it has been determined that this proposal does not require a full (second stage) Impact Assessment. The initiative has a positive impact on meeting current and future service needs taking account of the move to a more sustainable circular economy and the most sustainable way of dealing with residual waste as determined by Welsh Government.	

A full impact assessment (second stage) is required	
Reasons for this conclusion	

	Name	Position	Signature	Date
Completed by	Mike Jones	Senior Waste Management Officer	MDJ	7-May-2020
Signed off by	Mike Roberts	Head of Streetcare Services		7-May-2020

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