

**Council**

21 October 2021

**Agenda Item 50(a)**

Brighton &amp; Hove City Council

**Subject:** City Clean Dispute Resolution – Extract from the proceedings of the Special Policy & Resources Committee meeting held on the 13 October 2021

**Date of Meeting:** 21 October 2021

**Report of:** Executive Lead Officer for Strategy, Governance & Law

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**Wards Affected:** All

**FOR GENERAL RELEASE****Action Required of Council:**

To receive the report from the Special Policy &amp; Resources Committee for information.

**Recommendations:**

That the report be noted.

**BRIGHTON & HOVE CITY COUNCIL**  
**SPECIAL POLICY & RESOURCES COMMITTEE**

**12.00pm 13 OCTOBER 2021**

**HOVE TOWN HALL - COUNCIL CHAMBER**

**DRAFT EXTRACT**

**Present:** Councillor Mac Cafferty (Chair) Gibson (Joint Deputy Chair), Allcock (Joint Opposition Spokesperson), Bell (Group Spokesperson), Clare, Davis, Miller, Platts, Wilkinson and Yates.

**PART ONE**

**46 CITY CLEAN DISPUTE RESOLUTION**

- 46.1 Before calling on the Chief Executive to introduce the report, the Chair reminded the committee that there was a part 2 report and that there was a need to be mindful of the information that could be raised in open session at this time. He hoped that as much of the debate as possible could be held in the open session.
- 46.2 The Chief Executive introduced the report which set out options for the resolution of the current dispute with the GMB and City Clean. He stated that the reports had been prepared as a matter of urgency and wished to thank everyone involved for making it possible to hold today's meeting. It was hoped that Members would be able to give officers an indication of how to proceed in seeking to find a resolution to the current dispute.
- 46.3 The Chair noted that there was a Labour amendment which had been circulated in the addendum earlier in the day and stated that he would take it due course. However, he wished to give Members an opportunity to put any questions in relation to the report and would then allow for the amendment to be moved and a general debate to take place.
- 46.4 Members of the Committee noted the short timescale in which the reports had been produced and the meeting called and asked a number of questions in relation to how the current situation had been reached. It was noted that there was a difference of opinion as to why the initial dispute had evolved to include the issue of pay which had then led to the strike action being taken. Members questioned the level of financial detail in the report, noting that budget reports would have the financial modelling for the options outlined and that there was no indication of the potential costs of recovery once the dispute was over.
- 46.5 The Chair stated that the reports had had to be put together at short notice and acknowledged that further financial information would be required for future reports. However, the aim was to be able to agree and way forward that would enable a resolution to the current action.

- 46.6 The Acting Chief Finance Officer confirmed that there would be additional costs associated with the recovery process once the strike was over and drew Members' attention to the caveats outlined in the reports.
- 46.7 Members of the Committee questioned whether it was possible to see the minutes of the meetings held between the officers and GMB representatives. Concern was also expressed in relation to potential health & safety risks of rubbish building up in communal areas and questions raised as to whether it was possible to use private contractors to clear the rubbish.
- 46.8 The Monitoring Officer stated that a Member would need to evidence a 'Need to Know' in regard to having access to the notes and minutes of the various confidential meetings that has been held to date. He noted that there was additional information contained in the Part 2 report and that officers could go into more detail in the closed session, but he did not believe it was appropriate to release the information in respect of the negotiating meetings which were held between the two parties. This had not been done previously and there was a need to maintain a consistent approach in order to retain confidence in the process.
- 46.9 The Executive Director for Economy, Environment & Culture stated that whilst the use of a contractor was potentially possible, the intention had been to enable the dispute to take place and to mitigate its impact. A request for dispensation to enable communal areas to be cleared had been submitted but this had been refused.
- 46.10 Members of the Committee felt that there should have been an opportunity for residents to express their views and the views of the workforce to be heard. There were a number of concerns that the workforce had expressed which had led to the dispute such as not being treated with respect and having changes to shift patterns and changes implemented to rounds which meant crews were unsure of where they had to go as well as having to deal with faulty vehicles and not being able to complete rounds. All of which impacted on staff morale, not feeling valued and had led to the dispute with management.
- 46.11 The Chief Executive acknowledged that the service redesign that was being developed had meant that there was a need to make changes. He fully respected all staff across the organisation and noted that there were regular reports to committee on performance and development. The recent staff survey had shown an improvement in staff satisfaction and he had met with the staff at City Clean. He also needed to be mindful of the relationship with the GMB and the negotiating process. He was keen to ensure that all staff had the appropriate tools for the job and acknowledged that the fleet needed investment and changes to how the service operated which had seen reports to the ET&S Committee. The objective of the service redesign was to improve working arrangements and to provide the equipment needed to run the service.
- 46.12 The Executive Director for Economy, Environment & Culture stated that he wished to thank all the staff at City Clean for their work during the pandemic. The management team were focussed on delivering an excellent service and wanted to work with the staff to make improvements.
- 46.13 The Assistant Director of Human Resources & Organisational Development stated that officers were aware that responses to the staff survey differed depending on where

people were located. They were looking at how the level of responses in areas could be improved and noted that for City Clean there had been an increase in the number of responses.

- 46.14 Members of the Committee noted the information and asked for confirmation of which officers had been involved in the negotiations to date. It was suggested that it might have been helpful to utilise the services of ACAS or an Independent Person, in regard to reaching a resolution. Members also questioned whether any level of confusion could have been caused when the request for exemptions was made.
- 46.15 The Chief Executive stated that it had been felt that an agreement could be reached in regard to the conditions set out on the ballot paper, but the issue of pay had then prevented this from being achieved. Had ACAS or an Independent person been involved they would still have had to be aware of the Employer's position and to represent them in the negotiations. The difficulty was that it was felt an agreement could be reached but that GMB had indicated that this could not be taken forward because of the pay issue.
- 46.16 The Executive Director for Economy, Environment & Culture stated that a letter had been sent to the GMB seeking exemptions and noting the increased risk of fire in communal bin stores and health & safety risk in relation to commercial waste.
- 46.17 Members of the Committee suggested that the letter had inflamed matters and that residents' needs should have been given the priority.
- 46.18 The Chair stated that there was a need to give consideration to protecting jobs and that the letter was clear in seeking to ensure exemptions could be agreed whilst accepting that action would be taken. He also suggested that there was a need to move the debate on and for the Labour Group's amendment to be tabled.
- 46.19 Councillor Allcock formally moved the amendment on behalf of the Labour Group and stated that it was intended to enable a resolution to the action to be found. There was a need to keep the lines of communication between both sides open and the involvement of ACAS or an Independent person would ensure that both sides could have some trust in the process and work towards a solution. He therefore hoped that the amendment could be supported.
- 46.20 Councillor Platts formally seconded the amendment and reserved her right to speak in the debate.
- 46.21 Councillor Miller suggested that the amendment sought to delay matters and questioned whether the proposal would be accepted by the GMB. He stated that he also wished to move an amendment and had emailed it to the Chair and Monitoring Officer during the current debate. He had not been able to consider submitting one ahead of the meeting due to the late publication of the agenda and papers. He believed that the issue had been extended to include pay and that outside contractors should be used to clear the rubbish in communal areas given the fire and health & safety risk. There was a need to stand-up for council taxpayers. He then moved the amendment on behalf of the Conservative Group which was formally seconded by Councillor Nemeth.

- 46.22 The Chair noted the comments and stated that he would need to consider whether to accept the amendment. He then invited Councillor Platts to speak in regard to the Labour amendment.
- 46.23 Councillor Platts stated that the GMB operatives were council staff and lived in the city and were not taking the action lightly. She noted that the city was an expensive place to live in and questioned whether any comparator information had been obtained in relation to levels of pay. She also noted that market forces would have an impact and asked if there was a long-term plan.
- 46.24 The Chair then called a short adjournment at 14.21.
- 46.25 The Chair reconvened the meeting at 14.30 and stated that he was not prepared to accept the Conservative amendment and wished to move into closed session so that a full discussion on the matter before the committee could be held. He noted that this would include consideration of the Labour amendment and the need to formalise recommendation 2.1 of the report. He then asked for the webcast to be paused and the chamber and public gallery to be cleared.
- 46.26 The meeting then moved into closed session to consider the Part 2 report and the Labour amendment at 14.32.
- 46.27 The Chair reconvened the meeting at 17.50 and noted that the Labour Group had withdrawn their amendment and invited Councillor Allcock to move a composite amendment on behalf of the Labour and Green Groups.
- 46.28 Councillor Allcock moved the amendment which reflected the conversation that had been held during the closed session.
- 46.29 The Chair formally seconded the amendment.
- 46.30 Councillor Miller stated that he could not support the amendment and moved that the financial and legal implications contained in the Part 2 should be made public once negotiations had concluded.
- 46.31 Councillor Nemeth formally seconded the motion.
- 46.32 The Chair noted the motion and put it to the vote which was lost by 2 votes to 8.
- 46.33 The Chair then asked Councillor Allcock to formally move the amendment.
- 46.34 Councillor Allcock formally moved the amendment on behalf of the Labour & Green Groups.
- 46.35 The Chair formally seconded the amendment.
- 46.36 The Chair then put the amendment on behalf of the Labour and Green Groups to the vote which was carried by 8 votes to 2.
- 46.37 The Chair then put the recommendations as amended to the vote which were carried by 8 votes to 2.

**46.38 RESOLVED:**

- (1) That the Chief Executive as Head of Paid Service and his management team be instructed to urgently seek agreement with the GMB based on the steer provided in part II of the meeting as a framework, with the objective of getting best value for council taxpayers and addressing low pay; taking into account legal and financial advice, and report back to a future meeting of the Policy & Resources Committee once negotiations have been concluded;
- (2) That it be noted that any resulting financial commitments would need to be factored into the sequence of reports leading up to and including Budget Council and will be considered by the cross-party Budget Review Group as part of the process;
- (3) That the negotiating team be instructed to immediately seek a dispensation specifically to urgently address fire safety issues on behalf of residents, namely relating to bin stores, if the request to suspend strike in (4) below is not agreed by the GMB;
- (4) That the Chief Executive be instructed to immediately engage additional third-party support (as outlined in section 4 of the report) to advise the negotiating teams in swiftly resolving the dispute in the interest of residents and businesses and ask the GMB to suspend strike action on this basis, so that an agreed negotiator can be found; and
- (5) That it be noted that during the debate a Conservative Group Councillor used the words “we cannot negotiate with terrorists” in relation to the GMB Union. The committee completely condemns these totally unacceptable remarks.

**47 ITEMS REFERRED FOR COUNCIL**

- 47.1 The Chair asked if any Member wished to refer any of the items considered at the meeting to the next full Council meeting for information.
- 47.2 Councillor Miller requested that Item 46, the City Clean Dispute Resolution report be referred to the council meeting.
- 47.3 **RESOLVED:** That Item 46 be referred to the full Council meeting on the 21 October for information only.