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# NOTICE OF MEETING

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## EMPLOYMENT COMMITTEE

TUESDAY, 11 JULY 2023 AT 5.00 PM

## COUNCIL CHAMBER - THE GUILDHALL, PORTSMOUTH

Telephone enquiries to Karen Martin, Tel: 023 9284 1704

Email: karen.martin2@portsmouthcc.gov.uk

If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

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### Membership

Councillor Stuart Brown (Chair)  
Councillor Darren Sanders (Vice-Chair)  
Councillor Dave Ashmore  
Councillor Simon Boshier  
Councillor Cal Corkery  
Councillor Charlotte Gerada

### Standing Deputies

Councillor Ryan Brent  
Councillor Hugh Mason  
Councillor Steve Pitt  
Councillor Asghar Shah  
Councillor Benedict Swann  
Councillor Matthew Winnington

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(NB This agenda should be retained for future reference with the Minutes of this meeting.)  
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**Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting and must include the purpose of the deputation (for example, for or against the recommendation/s). Email requests are accepted.**

**Public health guidance for staff and the public**

- Following the government announcement 'Living with Covid-19' made on 21 February 2022 and the end of universal free testing from 1 April 2022, attendees are no longer required to undertake any asymptomatic/ lateral flow test within 48 hours of the meeting; however, we still encourage attendees to follow the public health precautions we have followed over the last two years to protect themselves and others including vaccination and taking a lateral flow test should they wish.
- We strongly recommend that attendees should be double vaccinated and have received any boosters they are eligible for.
- If unwell we encourage you not to attend the meeting but to stay at home. Updated government guidance from 1 April 2022 advises people with a respiratory infection, a high temperature and who feel unwell, to stay at home and avoid contact with other people, until they feel well enough to resume normal activities and they no longer have a high temperature. From 1 April 2022, anyone with a positive Covid-19 test result is still being advised to follow this guidance for five days, which is the period when you are most infectious.
- We encourage those attendees with an underlying health condition to wear a face covering while moving around crowded areas of the Guildhall.
- Although not a legal requirement, attendees are strongly encouraged to keep a social distance and take opportunities to prevent the spread of infection by following the 'hands, face, space' and 'catch it, kill it, bin it' advice that protects us from coughs, colds and winter viruses, including Covid-19.
- Hand sanitiser is provided at the entrance and throughout the Guildhall. All attendees are encouraged to make use of hand sanitiser on entry to the Guildhall.
- Those not participating in the meeting and wish to view proceedings are encouraged to do so remotely via the livestream link.

## **A G E N D A**

### **1 Apologies for Absence**

### **2 Declarations of Members' Interests**

### **3 Minutes of the meeting held on 9 March 2023 (Pages 5 - 6)**

RECOMMENDED that the minutes of the meeting held on 9 March 2023 be confirmed and signed by the Chair as a correct record.

### **4 Trade Union Facilities Time 2022/23 (Pages 7 - 20)**

#### Purpose

To present the Trade Union Facility Time Report 2023 ensuring the Council fulfils its statutory obligations in respect of the Trade Union (Facility Time Publication Requirements) 2017.

This report is for information only.

### **5 Hampshire Pension Fund Panel and Board**

The purpose of this item is to make an appointment to the Hampshire Pension Fund Panel and Board to serve as a substitute member with Southampton City Council's representative serving as the full member. This alternates at the end of each municipal year.

There is no remuneration for this role.

**RECOMMENDED that a Portsmouth Councillor be appointed to serve as a substitute member of the Hampshire Pension Fund Panel and Board for the rest of the municipal year, subject to that person remaining an elected member.**

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Whilst every effort will be made to webcast this meeting, should technical or other difficulties occur, the meeting will continue without being webcast via the Council's website.

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# Agenda Item 3

## EMPLOYMENT COMMITTEE

MINUTES OF THE MEETING of the Employment Committee held on Thursday, 9 March 2023 at 2pm at the Council Chamber - The Guildhall, Portsmouth

### Present

Councillor Cal Corkery (in the chair)  
Councillor Simon Boshier (Vice-Chair)  
Councillor Dave Ashmore  
Councillor Darren Sanders  
Councillor Gerald Vernon-Jackson CBE

5. **Apologies for Absence (AI 1)**  
Apologies were received from Councillor Atkins.
6. **Declarations of Members' Interests (AI 2)**  
There were no declarations of interest.
7. **Minutes of the Special meeting held on 15 February 2023 (AI 3)**  
The minutes of the meeting held on 15 February 2023 were confirmed and signed as an accurate record.
8. **Pay Policy Statement 2023-24 (AI 4)**  
Rochelle Williams, Assistant Director of HR introduced the report.

### DECISION

**Approved the Pay Policy Statement attached as Appendix 1, to go forward for approval by the Full Council prior to 31 March 2023.**

9. **Gender Pay Gap 2022-23 (AI 5)**  
Rochelle Williams, Assistant Director of Human Resources introduced the report and in response to a question from members, explained that the council pays long service award and honorariums but not bonuses.

### DECISIONS

1. **Noted the key findings of the Gender Pay Gap Report 2022-23 (Appendix 1).**
  2. **Noted the action plan as set out as item 8 in the Gender Pay Gap Report 2022-23 (Appendix 1).**
10. **Sickness Absence Report (AI 6)**  
Rochelle Williams, Assistant Director of Human Resources introduced the report and in response to a question from members, explained that levels of non-work-related psychological absence are higher than work-related. The interventions in place to support staff are set out in the report. Through the surveys, staff had requested support networks in the workplace. To establish a culture of support with peers, the following working groups will be launched shortly; for dads, people ongoing the menopause and people who are neurodivergent.

Natasha Edmunds, Director of Corporate Services explained that long covid is a diagnosed condition that can last months. A working group of Public Health and NHS staff are looking into the causes and prognosis. The council has a policy that staff with Covid 19 who work with vulnerable people must abstain from work for five days.

The focus on new managers' induction covers both newly recruited and promoted staff. It is incumbent for senior managers to role model how the council approaches absence. They meet regularly with unions and the working group about the menopause came about thanks to the union flagging up this issue.

#### **DECISIONS**

- 1. Noted the change in absence levels across the organisation.**
- 2. Noted the levels and causes of sickness absence across the council and by directorate.**
- 3. Noted the activities and interventions undertaken to support attendance.**

#### **11. Health and Safety Training Deep Dive (AI 7)**

Lynda Martin, Corporate Health & Safety Manager introduced the report.

#### **DECISION**

**The report was noted.**

#### **12. Member Training Working Group (AI 8)**

James Harris, Senior Local Democracy Officer introduced the report.

Councillor Sanders explained that the aim was to get new Councillors democratic duties up and running as quickly as possible.

Members agreed that the officer: member protocol would be circulated to all members.

#### **DECISION**

**The report was noted.**

The meeting concluded at 3:35pm

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Councillor Cal Corkery  
Chair

# Agenda Item 4



## **THIS ITEM IS FOR INFORMATION ONLY**

**(Please note that "Information Only" reports do not require Integrated Impact Assessments, Legal or Finance Comments as no decision is being taken)**

<b>Title of meeting:</b>	Employment Committee
<b>Subject:</b>	Trade Union Facilities Time 2022/23
<b>Date of meeting:</b>	11 <sup>th</sup> July 2023
<b>Report by:</b>	Director of Corporate Services
<b>Wards affected:</b>	N/A

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### **1. Purpose**

To present the Trade Union Facility Time Report 2023 ensuring the Council fulfils its statutory obligations in respect of the Trade Union (Facility Time Publication Requirements) 2017.

### **2. Recommendations**

It is recommended that the Employment Committee:

- 2.1 Note the data in Appendix 1 and the fact that the Appendix will be the report published on the PCC website, and the Government maintained website.
- 2.2 Note that the data will be included in any relevant Annual Report and Accounts that are published by PCC.

### **3. Background**

- 3.1 The Trade Union (Facility Time Publication Requirements) Regulations 2017 came into force on 1<sup>st</sup> April 2017 and were introduced as part of the Trade Union Act 2016. These regulations place a legislative requirement on "relevant public sector employers" to collate and publish, on an annual basis, a range of data on the amount and cost of facility time within the Council.
- 3.2 Relevant public sector employers are those where the employer has at least one trade union representative and 49 or more employees for seven months during the reporting period, which is the period of 12 months beginning 1 April each year.

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3.3 The Regulations specify how the data should be reported and require the Council to report separately on trade union facility time for its central function employees and its education function employees. These are defined in the report contained within Appendix 1.

### **4. Collection of data**

4.1 Details on how the calculations are made and the definitions and scope of the regulations are outlined in Appendix 1.

4.2 To comply with the regulations from 1 April 2017 the trade unions have been requested to record their time spent on trade union duties or trade union activities with effect from this date. The accuracy of the data therefore relies on trade union officials inputting the information.

### **5. PCC recognised trade unions and facility time arrangements**

5.1 PCC recognises Unison, Unite and GMB trade unions for central function staff and Unison, Unite, GMB, NEU, NASUWT, ASCL, Voice and NAHT trade unions/professional associations for education function staff.

5.2 Funding for the teaching trade unions in the education function is delegated to all schools and academies as a traded service for them to decide how and when to spend the money, this function is no longer held centrally by the Council. The agreement between the Council and schools is for reimbursement to be made on a daily rate of £185. If this is paid directly to the school, it is paid as a flat rate but if it is paid to an individual this is paid at £185 plus on costs. Non-teaching school employees have the facility to be represented by PCC's central function trade union officials under the Council's current Facilities Agreement, however the schools do not contribute towards the costs of funding these union representatives.

5.3 For Central Function employees the Council previously funded 1 FTE trade union official for each union at a total cost of £75,000 per annum. In April 2019, this funding was halved to £37,500 per annum, however in light of the Covid-19 pandemic the funding was reviewed and increased to £75,000 with effect from 1<sup>st</sup> April 2020 and continued at this level until 31<sup>st</sup> March 2023. The Director of Corporate Services supports the continuation of funding arrangements at the higher level. Experience over the last several years has shown that higher funding levels provide unions with greater capacity to engage with management; this level of engagement has led to a positive relationship which has enabled us to move forward in a partnership approach both through the pandemic and beyond saving time, money and effort and resulting in a constructive industrial relations climate.



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### **6. Trade Union Facility Time Provided by PCC 2022/23**

#### **6.1 Central Function employees**

In addition to the statutory reporting requirements fully detailed in Appendix 1, Members have requested the breakdown of the statutory percentage categories which is included in Table 2a as well as a benchmarking of the council's facility time and budget against other comparable local authorities reporting data for central function employees from 2022/23, Table 3. The local authorities included were determined to be comparable based on size, status and/or geography and are consistent with comparators used in other statutory reporting and benchmarking exercises.

Table 1 - Relevant Union Officials

<b>Number of employees who were relevant union officials during the relevant period</b>	<b>Full-time equivalent employee number</b>
12	11.92

The number of employees in Table 1 is made up of representatives for Unison, Unite and GMB and includes all trade union representatives that are employed during the relevant period that have recorded their time. By comparison to 2021/22 the numbers have decreased from 13 however, this fluctuation is common. In 2019/20 there were 11 union officials so within a consistent range.

Table 2 - Percentage of time spent on Facility Time

<b>Percentage of time</b>	<b>Number of employees</b>
0%	0
1-50%	11
51-99%	1
100%	0

The figures in this table represent the percentage of working time that employees have spent on recorded trade union facility time in the reporting period.

The majority of employees who record any facilities time fall into the 1-50% range as they have spent some time on trade union activities albeit minimal in terms of the number of hours over the year. The average percentage of working time that these employees spend on trade union facility time is less than 10%.

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Table 2a - Actual percentage of time spent on Facility Time

FTE	Total working hours per year	Time spent on trade union facilities time (hrs)	% spent on trade union facility time	% Group
1.00	1,929.29	16.9	0.88%	Zero to 50%
1.00	1,929.29	10.0	0.52%	Zero to 50%
1.00	1,929.29	29.0	1.50%	Zero to 50%
1.00	1,929.29	18.5	0.96%	Zero to 50%
1.00	1,929.29	1,643.6	85.19%	51% to 99%
1.00	1,929.29	429.2	22.25%	Zero to 50%
1.00	1,929.29	60.3	3.13%	Zero to 50%
1.00	1,929.29	7.4	0.38%	Zero to 50%
0.92	1,772.86	91.5	5.16%	Zero to 50%
1.00	1,929.29	2.5	0.13%	Zero to 50%
1.00	1,929.29	37.0	1.92%	Zero to 50%
1.00	1,929.29	117	6.06%	Zero to 50%

Table 3

TU Facility Time Reporting Data 2021/22

Organisation Name	Number of TU Reps	FTE of TU Reps	Number of TU Reps that spend 0% working hrs	Number of TU Reps that spend 1-50% working hrs	Number of TU reps that spend 51-99% working hrs	Number of TU reps that spend 100% working hrs	Total pay bill	Total cost of facility time	% of pay spent on facility time	% hours spent on TU activities
Brighton and Hove City Council	77	66.61	61	10	1	5	£185,914,166.00	£252,188.00	0.14	0
Buckinghamshire Council	14	14	7	6	1	0	£140,603,376.00	£80,770.00	0.06	1.51
Cornwall Council*	21	20.12	5	13	0	3	£165,246,601.00	£93,508.00	0.06	0
East Sussex County Council	18	16.35	11	4	3	0	£166,726,956.00	£78,859.00	0.05	0
Medway Council	7	6.42	4	2	1	0	£65,996,891.01	£18,064.98	0.03	0
Milton Keynes Council	8	7.54	5	1	0	2	£75,773,061.00	£85,390.23	0.11	0
Oxfordshire County Council*	11	10.11	2	6	0	3	£192,131,800.00	£124,012.23	0.06	1.37
Plymouth City Council	51	48.7	28	20	0	3	£83,268,462.00	£108,416.00	0.13	0
Portsmouth City Council	13	12.92	0	12	1	0	£140,818,581.00	£53,070.18	0.04	7.36
Reading Borough Council	2	2	0	0	0	2	£96,761,000.00	£80,615.00	0.08	2.99
Thurrock Council	4	3.95	0	2	1	1	£80,867,052.00	£68,621.00	0.08	0
West Sussex County Council*	42	37.84	31	8	0	3	£215,991,000.00	£141,819.00	0.07	2.07

\*All LA's have between 1,501 to 5,000 employees apart from those with \* which have 5,001 to 9,999 employees



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**7. Reasons for recommendations**

7.1 To comply with the legislative requirements to collect and publish data on trade union facilities time.

**8. Integrated impact assessment**

8.1 The contents of this report do not have any relevant equalities or environmental impacts and therefore an Integrated Impact Assessment is not required.

**9. Legal implications**

9.1 This report is required to meet the relevant legislative requirements as set out in the body of the report. The requirement to release trade union officials for facilities time is also enshrined in legislation.

**10. Director of Finance's comments**

10.1 There are no direct financial implications arising from the recommendations in this report.

.....  
Signed by (Director)

**Appendices:**

Appendix 1: Trade Union Facilities Report

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

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[www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)

## TRADE UNION FACILITIES REPORT - June 2023

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## 1.0 INTRODUCTION

The Trade Union (Facility Time Publication Requirements) Regulations 2017 came into force on 1<sup>st</sup> April 2017 and were introduced as part of the Trade Union Act 2016. These regulations place a legislative requirement on "relevant public sector employers" to collate and publish, on an annual basis, a range of data on the amount and cost of facility time within the Council.

Relevant public-sector employers are those where the employer has at least one trade union representative and 49 or more employees for seven months during the reporting period, which is the period of 12 months beginning 1 April each year.

The first report must be published by 31 July 2018 on the employer's website, a government maintained central website and, where the employer publishes an annual report, it must be included in the annual report.

The regulations specify how the data should be reported (as set out in the tables in sections 5 and 6) and require the Council to report separately on the functions as specified under these regulations, namely its central function employees and its education function employees.

## 2.0 DEFINITIONS

Under the regulations the following definitions apply:

**Central function employees** are employees of the authority or Council, other than those in the education function.

**Education function employees** are those employed by community, voluntary controlled, community special and maintained nursery schools. For any other employees that may be considered as education function, but do not fall under the definition in accordance with the regulations they will be included in the central function employee report.

**Paid facility time hours** mean the number of hours spent on facility time by an employee who is a relevant union official during a relevant period (excluding any time undertaken for which the employee does not receive any wages by the employer).

**Total paid facility time hours** are the total number of hours spent on facility time by TU representatives during a relevant period and when a representative would normally receive wages.

**Paid trade union activities** are the time taken off in respect of which a relevant union official receives wages from the relevant public sector employer.

**Relevant period** means a period of 12 months beginning with 1<sup>st</sup> April, the first relevant period begins on 1<sup>st</sup> April 2017 and annually thereafter.

**Wages** (and **Gross amount** in relation to wages) has the meaning any sums payable in connection with the relevant union official's employment and in accordance with section 27 of the Employment Rights Act 1996.

**Working hours** is in relation to any time when an employee is required to be at work in accordance with their contract of employment.

**Total pay bill** is the total amount of (the total gross amount spent on wages) + (total pension contributions) + (total national insurance contributions) during the relevant period.

**Hourly cost** for each employee: (the gross amount spent on wages) + (pension contributions) + (national insurance contributions) divided by the number of hours during the relevant period.

**Total cost of facility time** for each employee who is a TU representative during the relevant period, facility time cost is calculated by: (hourly cost for each employee x number of paid facility time hours). Total facility time cost is calculated by adding together the amounts produced by the calculation of facility time cost for each employee. In calculating this figure wages of any employee who can be identified from the information being published must be expressed as a notional hourly cost to represent the employee's wages.

### 3.0 SCOPE

Public authorities in scope include:

- An authority listed, or of a description, in Schedule 1 of the regulations
- Local Authorities
- The National Health Service
- Maintained schools and other educational institutions
- Police staff
- Any department of the Government of the United Kingdom (excluding the Secret Intelligence Service, the Security Service, and the Government Communications Headquarters)
- The Scottish Ministers

The regulations only apply to employers that have at least one TU representative and which have more than 49 full time equivalent (FTE) employees during any seven months of a 12-month relevant period.



## 4.0 CENTRAL FUNCTION EMPLOYEES

### 4.1 Table 1 - Relevant Union Officials

Number of employees who were relevant union officials during the relevant period	Full-time equivalent employee number
12	11.92

### 4.2 Table 2 - Percentage of time spent on facility time

Percentage of time	Number of employees
0%	0
1-50%	11
51-99%	1
100%	0

### 4.3 Table 3 - Percentage of pay bill spent on facility time

	Figures
The total cost of facility time	£66,788.24
The total pay bill	£149,991,653.43
The percentage of the total pay bill spent on facility time, calculated as:  (Total cost of facility time ÷ total pay bill) x 100	0.045%

### 4.4 Table 4 - Paid trade union activities

Time spent on paid trade union activities as a percentage of total paid facility time hours calculated as:  (Total hours spent on paid trade union activities by relevant union officials during the relevant period ÷ total paid facility time hours) x 100	7.62%
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## 5.0 EDUCATION FUNCTION EMPLOYEES

### 5.1 Table 1- Relevant union officials

Number of employees who were relevant union officials during the relevant period	Full-time equivalent employee number
2	2

### 5.2 Table 2- Percentage of time spent on facility time

Percentage of time	Number of employees
0%	0
1-50%	2
51-99%	0
100%	0

### 5.3 Table 3 - Percentage of pay bill spent on facility time

	Figures
The total cost of facility time	£19,933.13*
The total pay bill	£29,459,091.55
The percentage of the total pay bill spent on facility time, calculated as: (Total cost of facility time ÷ total pay bill) x 100	0.07%

\* This figure includes on costs (tax and national insurance) and flat rate reimbursement to schools.

### 5.4 Table 4 - Paid trade union activities

Time spent on aid trade union activities as a percentage of total paid facility time hours calculated as:  (Total hours spent on paid trade union activities by relevant union officials during the relevant period ÷ total paid facility time hours) x 100	27.01%
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## **6.0 Data Analysis**

### **6.1 Central Function Employees**

The data has found that during the relevant period up to 31<sup>st</sup> March 2022 there were 11.92 FTE trade union officials in PCC, this is a reduction from last year where there were 12.92. There are several trade union representatives whose time is funded by the Council (services are reimbursed their employment costs for this time). These are as follows: Unite has 1 representative funded for 5 days per week, Unison has up to 3 representatives funded for 3 days per week in total (one is a reimbursement to an Academy for representation of PCC employees). GMB do not currently have any council funded representatives.

The figures in this table require some clarification due to the breadth of the percentage ranges. For example, the majority of employees who record any facilities time fall into the 1-50% range, however the average percentage of working time that these employees spend on trade union facility time is less than 10%. In the 51-99% range, one employee spent 85.19% of their time on facility time.

### **6.2 Education Function Employees**

For Teaching staff there are a small number of trade union officials that represent these groups of staff, and these are the ones who have been captured in the education function data.

The data for the education function employees found that during the relevant period up to 31<sup>st</sup> March 2022 there were 2 FTE trade union officials. The remaining representatives are who are reimbursed at a daily rate of £185 plus on costs if the employee is reimbursed directly or at a flat rate of £185 per day if the reimbursement is paid to the school.

Table 1 details the number of employees who were relevant union officials during the reporting period, this data excludes all casual workers.

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