

JOINT CABINET AND EMPLOYMENT & GENERAL COMMITTEE

Tuesday, 11th September, 2018

Present:-

Councillor Serjeant (Chair)

Councillors	Bagley	Councillors	Davenport
	Blank		Huckle
	Brunt		J Innes
	Burrows		Serjeant
	Davenport		Simmons
	Huckle		Wall
			Dickinson
Non-Voting Members	Dickinson		

*Matters dealt with under the Delegation Scheme

12 DECLARATION OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations of interest were received.

13 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Catt, P Gilby, T Gilby and Ludlow.

14 MINUTES

RESOLVED –

That the Minutes of the meeting of the Joint Cabinet and Employment and General Committee on 17 July, 2018 be approved as a correct record and signed by the Chair.

15 CORRECT PAYMENT OF HOLIDAY PAY

The Human Resources Manager submitted a report seeking approval of the new corporate policy on the payment of additional holiday pay.

The legal position relating to the method of calculation of holiday pay prior to 2016 was that the basic wage was a 'weeks' pay' excluding allowances and overtime. A Court of Appeal decision in 2016 required that certain allowances and regular contractual overtime should form part of the 'normal weeks' pay'.

Further legal challenge had recently taken place and the subsequent Employment Appeal Tribunal decision required all types of overtime, including voluntary, to be included when calculating a worker's statutory holiday pay entitlement, apart from overtime worked on a genuinely occasional and infrequent basis.

The Employment Appeal Tribunal decision established where a pattern of 'regular and settled' voluntary overtime or additional hours were being worked these should form part of the 'normal week's pay' when calculating holiday pay. This presented a management challenge and administrative burden to continually review overtime. A compromise in the method of calculation had therefore been proposed to resolve this issue.

A working group, consisting of administrative officers, service managers and Trade Unions representatives, had been established to develop and consult on the proposals.

The report provided details of the risks associated with not adopting the policy along with mitigating actions.

***RESOLVED –**

1. That the new corporate policy on the payment of additional holiday pay be approved and implemented from 1 April, 2018.
2. That the process outlined in Annex B, which supersedes the agreement in place from 2016 and meets current legislative requirements, be adopted
3. That the proposal to include all relevant earnings from the previous tax year in the calculation of additional holiday pay, based on 28 days statutory minimum annual leave, be approved.

4. That the HR Manager works with service areas to implement the policy and identify where arrears may be due under the previous system to ensure a consistent approach.

REASON FOR DECISIONS

To ensure a consistent approach to concessions within discretionary services while retaining the flexibility needed to achieve the council's social and legal obligations and commercial needs.