

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

2721

Author:

Eddie Curry

Department:

Communities

Contact:

Eddie Curry

(Job Title: Head of Parks, Open Spaces and Investment Funding, Email: eddie.curry@nottinghamcity.gov.uk, Phone: 01158764982)

Subject:

Parks and Open Spaces Team Restructure

Total Value:

£200,000 (Type: Revenue)

Decision Being Taken:

- 1) to transfer maintenance responsibilities for all Neighbourhood Parks and Green Spaces to the Neighbourhood Services Streetscene Team
- 2) To delete a number of posts as detailed in the exempt appendix.
- 3) to restructure management and maintenance responsibilities for the Destination sites and create a new working model as per the exempt appendix.
- 4) To change the job description for all remaining Parks and Open Spaces colleagues as per the exempt appendix.

Reasons for the Decision(s) Following a recent review of the Parks and Open Spaces Horticultural Teams Functions and Neighbourhood Services Streetscene Teams Functions, It has been proposed that the maintenance responsibilities for all Neighbourhood Parks and Green Spaces is transferred back to the Neighbourhood Services Streetscene Team with the key Heritage Destination, specialist sports hub sites being re focused and managed in a more commercial income generating manner directly by Parks and Open Spaces Horticultural Teams. The restructure plans and transfer of responsibilities also includes a reduction in number of posts and a complete restructure of management and maintenance responsibilities at Colwick Country Park. The restructure also seek approval to create a new working model and new job description's for remaining Parks and Open Space Team.

The reasons for these restructure plans is to:-
enable a clear division of operational responsibilities between the Neighbourhood Parks and those sites that are more specialist Income generating Destination sites.
develop a stronger commercial focus for the income generating sites.
deliver 2017/18 strategic saving options.
The Parks that are transferring back to Streetscene and those retain by Parks are detailed in the guiding principles document in Appendix 1.

Briefing notes documents: Appendix 1 Guiding Principles.docx

Other Options Considered: Other options such as a full integration of all Parks has been rejected as this will not deliver the specialist skills or commercial focus needed to maintain and improve the Heritage Destination / Sport Hubs and income generating Parks. It also does not deliver the savings required.

Background Papers: None.

Published Works: None.

Affected Wards: Citywide

Colleague / Councillor Interests: None.

Any Information Exempt from publication: Yes

Exempt Information:

Description of what is exempt:

Details regarding the restructure of the Horticultural Service Review and the Colwick Park Restructure are exempt from publication.

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

2 - Information which is likely to reveal the identity of an individual

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it would reveal details of individuals affected by the restructure.

4 - Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it contains details about consultations regarding labour relation matters.

Documents exempt from publication:

Horticulture and Tree Officers and Colwick DDM & EIA 22-12-16.docx

Consultations:

Date: 20/12/2016

Unions: Unison, GMB, Unite

Collective consultation meetings have taken place with Unison, GMB and Unite Unions.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

N/A

Equality:

EIA not required. Reasons: The EIA is attached as an exempt appendix

Relates to staffing:

Yes

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

07/02/2017

Advice Sought:

Legal, Finance, Human Resources, Equality and Diversity

The proposed Parks and Open Spaces Team restructure could result in a net reduction in full time equivalent ("FTE") posts in the Parks and Open Spaces Horticulture Team, which would clearly potentially entail redundancies because the requirements of Nottingham City Council ("NCC") for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where the employee was employed by NCC, could potentially cease or diminish (Employment Rights Act 1996 ("ERA"), section 139(1)(b)). In addition, the proposed restructure as it relates to the Parks and Open Spaces Horticulture Team would potentially entail the dis-establishment of existing posts and the replacement of those posts with new posts with different duties and responsibilities. Therefore, from that perspective also the requirements of NCC for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where the employee was employed by NCC, could potentially cease or diminish (ERA, section 139(1)(b)) in relation to the Parks and Open Spaces Horticulture Team.

Whilst the proposed Parks and Open Spaces Team restructure could, in fact, result in a net increase in FTE posts at Colwick Country Park, this would still potentially entail redundancies because it is proposed that existing posts will be dis-established and replaced with new posts with different duties and responsibilities. Therefore, again the requirements of NCC for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where the employee was employed by NCC, could potentially cease or diminish (ERA, section 139(1)(b)) in relation to Colwick Country Park.

Even if there are less than 20 potentially envisaged redundancies (taking into account the wide definition of "propose to dismiss as redundant" for the purposes of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("TULR(C)A")) arising from the proposed restructure, it is recommended that early and full consultation takes place with recognised trade unions under section 188 of TULR(C)A taking into account any other potential redundancies within NCC within a 90 days period.

Where the proposed restructure may result in displacement or redundancy of employees, it is advisable that relevant steps are taken to ensure that legally compliant processes are followed and to mitigate the risk with regard to potential claims including unfair dismissal claims resulting from dismissals by reason of redundancy. In particular:-

- It should be clarified with regard to each individual's post whether the potentially fair reason for any potential dismissal would be redundancy (reduction in the requirement for employees to carry out work of a particular kind) or some other substantial reason (business re-organisation - where there is no such reduced requirement).
- The business reasons for the proposed structural/organisational changes should be clearly noted and articulated.
- In addition to TULR(C)A, section 188 collective consultation, comprehensive individual consultation should also take place.
- A fair selection process should be implemented in order to place employees into revised posts.
- Where relevant, steps should be taken to consider alternative employment for displaced employees.
- Any consideration of a decision to dismiss should take full account of the collective consultation process under TULR(C)A, section 188 and relevant individual consultation.
- Insofar as there are proposed redundancies (reductions) as part of the re-structure, steps should be taken to ensure fair pooling arrangements with regard to each affected post.

Advice provided by Jonathan Ludford-Thomas (Senior Solicitor) on 22/12/2016.

Finance Advice:

This decision seeks approval to restructure the Parks & Open Spaces Horticultural Team Functions ahead of the transfer of part of the team to the Neighbourhood Services StreetScene team. The proposed changes, subject to the required consultation process will give rise to savings of £0.200m, due to a reduction in overall staffing costs.

The Budget Consultation report to Executive Board in December 2016 includes a proposed expected reduction in net expenditure of £0.400m, and this restructure / decision will contribute to achieving this saving. Delay in implementing this restructure or failing to achieve the expected reduced expenditure could lead to an overspend in the 2017/18 accounts. Exit costs such as redundancy costs will be met from provisions in the general fund.

Advice provided by Maria Balchin (Finance Analyst) on 05/01/2017.

HR Advice:

Horticulture and Tree Officers

The proposal seeks to transfer the grounds maintenance duties for the neighborhood parks, such as the smaller neighborhood parks e.g. Radford Recreation Ground, Queens Walk Recreation Ground etc. 1 into Neighborhood Services, whilst the destination specialist commercial sites such as the Wollaton Park, Victoria Embankment, Forest Recreation Ground etc. to continue to be maintained by the Parks and Open Spaces Horticultural Service. The Transfer of the 21.5 staff will also be part of a wider budget reduction and restructure of the retained Parks and Open Spaces Horticultural Service Team.

Colwick Park

This proposal is an opportunity for the Parks Service to provide a higher quality and more wide-ranging service offer to citizens and visitors at Colwick Country Park. This proposal seeks to disestablish a number of vacant posts, alongside posts which are currently filled by NCC employees. This process must be in line with NCC guidance and national legislation. Management must ensure a plan is in place with appropriate timelines to undertake genuine and meaningful consultation with both Trade Unions and affected individuals. If at the end of consultation, proposals remain the same, individuals must be given appropriate contractual notice to terminate their contracts on grounds of redundancy along with redundancy costs and in addition there may also be pension strain costs if the affected individuals are between the age of 55 and 60. For those posts that have been vacate for most of 2016, this has no people implications, and the service has allowed adequate time to assess whether the posts can be lost from the structure without a negative impact on workloads.

Advice provided by Anya Vidot (Service Redesign Consultant) on 13/12/2016.

Equality and Diversity Advice:

The advice here corresponds with those from HR in that any proposals and their execution must be in line with NCC's equality and diversity practices and should ensure that consultation and fair processes are adhered to throughout.

Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 22/12/2016.

Signatures

David Trimble (Portfolio Holder for Leisure and Culture)
SIGNED and Dated: 31/01/2017
Andrew Vaughan (Corporate Director Commercial and Operations)
SIGNED and Dated: 18/01/2017