

Details

Status	Decision Subject To Call In
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Title	Waste Management Industrial Action Update
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Urgent Decision - Not in Forward Plan	Yes
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Details for Agenda Sheet	Report of the Chief Executive.
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Implementation Date (not before meeting on)	Tue 12 Feb 2019
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Purpose	To receive an update report.
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Key Portfolio	Clean Streets, Waste and Recycling
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Include item on Forward Plan/ Key Decision	No
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Decision Maker	
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Reason For Key Decision	
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Relevant Documents	
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Is Private	No
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Directorate	Chief Executive.
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Other Information

Private Reason

Decision Outcome

After considering the public report, Cabinet deferred reaching a decision until considering the private report and then resuming the public session. It was proposed that a further option, Option 5, be added at Recommendation 2.7.5 of the report as set out below, which was agreed.

On 12 February 2019, Cabinet:-

- (i) Noted the contents of this Report and the accompanying Private Report;
- (ii) Noted the options available to the City Council for managing the current Industrial Action as set out in section 7 of this report;
- (iii) Noted the advice of the Monitoring Officer and the Chief Finance Officer as set out in this report and in the private report;
- (iv) Noted that Cabinet will be required to take into account any recommendations made by the District Auditor;
- (v) Noted that Unite the Union have been offered binding arbitration and have declined. UNISON has not yet been offered this route and ACAS talks with UNISON continue. In such circumstances, the decision of Cabinet on 15th January 2019 was to commence the legal processes for a court application with a view to preventing the unlawful industrial action of both Unite the Union and UNISON from continuing as set out in this report;
- (vi) Noted the updated Contingency Plan attached at Appendix 2 of the report;
- (vii) Considered the benefits and risks associated with each option and the accompanying private report, and approved Option 5 as set out below:
 - (a) Option 1 – do nothing and await the outcome of the employment tribunal litigation or any litigation issued by the council as set out in this report; or
 - (b) Option 2 - to offer a one-off payment (as set out in para 7.2 this report) to the members of Unite the Union to settle the current employment litigation between the Council and Unite the Union; or

- (c) Option 3 – to make a payment (as set out in para 7.3 of this report) to resolve the dispute; this option is not recommended due to significant legal and financial risks; or
- (d) Option 4 – re-affirm the decision reached at Cabinet on 15th January 2019 and to issue forthwith injunction proceedings as set out in Cabinet Report 15th January 2019 (Appendix 1) of the report.
- (e) Option 5 –
 - i. To approve formal offers (as set out in the private report) to be presented to Unite the Union and UNISON via ACAS conciliation on Tuesday 12 February 2019 to settle the employment tribunal litigation issued against the Council by Unite the Union and the early conciliation claims issued by UNISON and, if those offers are not accepted by close of business on Tuesday 12 February 2019, to commence the legal process for a court application with a view to preventing further unlawful industrial action by both Unite the Union and UNISON.
 - ii. To note that the offer will be made subject to the Council's call in requirements and any injunction proceedings issued in the High Court by the Council will be subject to the Council's call in period, however any pre action correspondence with solicitors acting for Unite the Union or UNISON regarding the proposed injunction proceedings will take place within this call in period and does not negate a call in.
 - (viii) Agreed to delegate to the Head of Paid Service, Chief Finance Officer, the City Solicitor and the Acting Director Neighbourhoods, acting together, to implement the decision arising from consideration by Cabinet of the options above in accordance within the financial and legal terms set out in this report and in the Private report in the shortest time possible, having regard to the relevant call in period.

THE DEADLINE FOR CALL IN IS 1600 HOURS ON FRIDAY 15 FEBRUARY 2019.

On Thursday 14 February 2019 at 1415 hours, a request for call-in was submitted by Councillors Phil Davis and Mary Locke. No Action on the decision can be taken until the request for call-in has been considered by the Co-ordinating Overview and Scrutiny Committee within 15 days of the decision being posted.