

AGENDA

**AUDIT AND RISK MANAGEMENT
DETERMINATION SUB-COMMITTEE**

THURSDAY, 26 JANUARY 2023

2.00 PM

**COUNCIL CHAMBER, FENLAND HALL,
COUNTY ROAD, MARCH**

Committee Officer: Linda Albon
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Whilst this meeting will be held in public, we encourage members of the public to view the meeting via our YouTube channel: <https://youtu.be/XaJ2lvJFZPs>

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 6)

To approve the public minutes of the meeting held 4 October 2022.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of special circumstances to be now specified.
- 4 Members to declare any interests under the Local Code of Conduct in respect of any item to be discussed at the meeting.
- 5 Cemeteries - Apprentice Cemeteries Co-ordinator (Pages 7 - 10)

To consider the proposed appointment of an apprentice cemeteries co-ordinator.
- 6 Items which the Chairman has under item 3 deemed urgent.

CONFIDENTIAL - ITEMS COMPRISING EXEMPT INFORMATION

To exclude the public (including the press) from a meeting of a committee it is necessary for the following proposition to be moved and adopted: "that the public be excluded from the meeting for Items which involve the likely disclosure of exempt information as defined in the paragraphs 1 of Part I of Schedule 12A of the Local Government Act 1972 (as amended) as indicated."

7 Private Sector Housing Team (Pages 11 - 22)

To provide an update on the Private Rented Sector Housing team enforcement work and outline proposed team structure changes following the success of the work in both Private Rented Sector enforcement and bringing empty homes back into use to ensure the team is sustainable.

8 Confidential Minutes (Pages 23 - 28)

To approve the confidential minutes of the meeting held 4 October 2023.

Wednesday, 18 January 2023

Members: Councillor Mrs M Davis (Chairman), Councillor I Benney, Councillor Mrs J French, Councillor N Meekins, Councillor R Skoulding and Councillor R Wicks



AUDIT AND RISK MANAGEMENT DETERMINATION SUB- COMMITTEE

TUESDAY, 4 OCTOBER 2022 - 2.00 PM

PRESENT: Councillor Mrs M Davis (Chairman), Councillor I Benney, Councillor Mrs J French and Councillor J Mockett

APOLOGIES: Councillor F Yeulett

OFFICERS IN ATTENDANCE: Sam Anthony (Head of HR and OD), Paul Medd (Chief Executive) and Linda Albon (Member Services & Governance Officer)

ARSC6/22 PREVIOUS MINUTES

The minutes of the meeting held 6 June 2022 were agreed subject to the following comment:

- Councillor Benney asked for it be noted that he gave his apologies to the meeting of 6 June, which had not been recorded in the minutes.

ARSC7/22 REVISED DRUGS AND ALCOHOL AT WORK POLICY

Members considered the Revised Drugs and Alcohol at Work Policy presented by Sam Anthony.

Members made comments, asked questions, and received responses as follows:

- Councillor Mrs French said she found this quite concerning as it has only been 2.5 years since the policy was introduced and she asked if there had been any serious problem with alcohol and drugs in the workplace. Sam Anthony replied that there was no problem and only 10 members of staff have been tested in that intervening period. The reason for the review is based on proactivity. Where there has been with cause to test an individual, they have been removed from the workplace for a period of up to 2.5 hours whilst waiting for the testing company to come out and this has impacted on service delivery. This is an interim review and will mean the individual can go back to their workplace as quickly as possible.
- Councillor Benney said if 10 members of staff have been tested in three years then it does not look like it is a policy where we are checking that we have a well workforce that is not working under the influence. He does support that the Council works with staff to help them get over problems because this should not be used as a way of letting people go. If there is a problem, the sooner it is found out, the sooner the person concerned can be helped. He noted that random testing is not in the policy, but in his view this should be done on a regular basis. Testing is undertaken daily in some other businesses. If staff members are working under the influence of drugs or alcohol, that is not good for them or this Council, so getting them help would be the best thing we could do. He asked if there is any proposal to bring in random testing or is it something that was taken out in the consultation period.
- Sam Anthony thanked Councillor Benney and said in response to his first point about supporting staff, when the policy was first implemented, there was a 12-week period where before the policy was enforced, anyone with a particular issue had the opportunity to come forward and receive support and that will remain in place. The Council has an occupational

health service, a strong wellbeing programme and an employee assistance programme, which shows commitment to our staff. Regarding random testing it was part of an initial review, and the suggestion was that it be implemented, however the strong steer from Unison was that they were against it hence it will not be included at this time.

- Councillor Mockett said that the Council works in waste and the waste industry has the highest number of recorded deaths across all sectors so in his view random drugs and alcohol testing should be compulsory. He and his workers are tested weekly in their own line of work and have no choice, and they too have a policy of support.
- Councillor Mrs French asked why Unison were against introducing random testing. Sam Anthony responded that it is a national stance that Unison has taken; they will not support it in any organisation.
- Councillor Mrs Davis said this policy is part of a rolling review of policies and she assumes that is why it has come to the committee now. Perhaps now is the opportunity to start the fingerprint testing; if we start softly then maybe in time the unions will not be so strong in their opinion against random testing. She asked if there is a steer on what other councils are doing. Sam Anthony replied that research with neighbouring authorities and other organisations in the public sector has shown that other councils are not undertaking random testing; that is not to say we will not consider it in the future, but she agrees that the step forward is digital fingerprinting and ensuring we test on day one of employment.
- Councillor Mrs French said she is assuming either line managers or colleagues bring an issue to HR's attention in the first instance. Sam Anthony agreed, but complaints or comments have also been received from members of the public. When there is any concern for with cause, the testing process will be instigated.
- Councillor Benny asked how many of those tests undertaken in the last three years were negative and what support was given to anyone who tested positively. Sam Anthony replied that out of the 10 tests, six were negative. Support was offered to the four individuals who tested positively; they were also referred to the council's disciplinary process and no longer work for the authority.
- Councillor Benney said he can see why Unison has said no to random testing, but this does not protect those that need help. He would not like to see this policy used to beat people down; it should exist to help and support people and in his view as it stands it puts managers in a position that could lead to conflict and accusations of victimisation or could be used as a form of bullying, although he is not suggesting that takes place. In his opinion random testing, which is not specific and not targeted, will take the pressure off managers, and engender better working relations and not having random testing causes more problems than it saves. Sam Anthony agreed that was a good point and suggested it may be prudent to make a recommendation to review the policy in six months if the committee are minded to approve it, with a look to bringing back the conversation about random testing with Unison.
- Councillor Mockett referred to Section 5.2 of the policy and asked why an employee will be suspended for a non-negative result due to alcohol consumption but will be treated differently for drug taking; he would expect the two circumstances to be treated in the same way. Sam Anthony said Councillor Mockett is correct and it would be her expectation that suspension is considered, however from an employment law perspective, suspension is not automatic because it could cause issues, but she will amend that element of the policy to reflect the same as alcohol. Councillor Mockett thanked Sam Anthony.
- Councillor Mrs French said she would be interested to know what the effect has been on the six staff members who received negative test results; has bad feeling or conflict arisen over the fact that they would have been reported? Sam Anthony said her understanding is that there has been no impact but then she has not spoken to the individuals directly to ask; however, it will not have been pleasant for any of them to be removed from duty and sit and wait for the testing or the results. Therefore, the concept of having immediate testing to indicate a positive or negative result would be helpful for individuals in the first instance. Councillor Mrs French said that she thinks it is important that staff receive some form of counselling regardless of a positive or negative test result as it will not be a pleasant experience. Sam Anthony responded that employees could receive free counselling through the employee assistance programme but that

is something that can be reiterated when the revised policy is launched if approved.

- Councillor Benny asked if HR have a debrief with an employee after a test regardless of the outcome. He felt that, particularly in the instance of a negative result, there should be some opportunity for employees to give feedback, state their thoughts and if they felt their testing was unfair. There must be a good reason for testing in the first place and this information can be sought if HR follow up. Sam Anthony agreed that was a good point; pastoral care has been left to managers but the follow up should come from an objective service such as HR. Furthermore, if an employee's behaviour is such that it has led to a test and is negative, then there may be something else happening that HR can pick up on.
- Councillor Mrs French said it is important that the person who reports a staff member for testing, should never be the one to provide the follow up.
- Councillor Mrs Davis summed up and said that the committee will note the report and approve the revised policy with a revision to section 5.2 to include immediate suspension with a positive drug result. The committee will look at the policy again in six months with a view to consider the inclusion of random testing. Councillor Mrs French said she would like it to be made clear that the individual who reports someone should not be the person involved in any form of follow up or counselling. Councillor Mrs Davis confirmed that any testing will be followed up by HR and not department managers. She requested that Sam Anthony circulate the policy again once the revised wording has been updated and Sam Anthony agreed.

Proposed by Councillor Mrs French, seconded by Councillor Benney and Members AGREED to note the report and approve the revised Policy with a revision to section 5.2 to include immediate suspension with a positive drug result and further amended to add that all testing will be followed up by HR.

ARSC8/22 SENIOR MANAGEMENT (CMT) RESTRUCTURE PROPOSALS

Members considered the Senior Management (CMT) Restructure Proposals report presented by Paul Medd.

Members made comments, asked questions and received responses.

Proposed by Councillor Benney, seconded by Councillor Mockett and Members AGREED to note the report and approve the proposed new structure set out in section 7 of the report.

(Members resolved to exclude the public from the meeting for this item of business on the grounds that it involved the disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972).

ARSC9/22 PREVIOUS MINUTES


The confidential minutes of the meeting held 6 June 2022 were approved and signed.

(Members resolved to exclude the public from the meeting for this item of business on the grounds that it involved the disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972).

3.06 pm

Chairman

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Agenda Item No:	5	
Committee:	Audit and Risk Management Sub Determination Committee	
Date:	26 January 2023	
Report Title:	Cemeteries - Apprentice Cemeteries co-ordinator	

1 Purpose / Summary

The purpose of this report is to allow the Audit and Risk Management Sub Determination Committee to consider the proposed appointment of an apprentice cemeteries co-ordinator. This role will add capacity to the open spaces team, ensuring that the cemeteries service is well managed, reducing the risk of burial issues and the considerable impact that such events have on bereaved families. The role will also reduce the risk of the negative reputational impact such events would have on the Council and our partners.

2 Key issues

- FDC manages 5 open (burials still taking place) and 18 closed cemeteries (no burials possible as the cemetery is full). Work includes the maintenance of these cemeteries (grass / trees / memorial safety) as well as the bereavement process from grave selection to burial and then to memorial installation.
- Issues regarding burial management have come to light in the past year. Following recommendations from a third-party consultant, the operational team is under-resourced in this regard, leaving the Council at continued risk of a burial error or failure. Burial issues have occurred on several occasions in the past year. Whilst measures have been put in place to mitigate repeat issues, there is still significant risk to the Council's reputation if increased resources are not made available operationally in the cemeteries. More importantly the impact on bereaved families of burial issues is considerable and action to reduce issues occurring is necessary.
- Management of undertakers and memorial masons is also a significant concern for the service, with capacity to build relationships and understanding not available at this time. Additionally, there is no capacity to support bereaved customers effectively - particularly should an issue occur with the burial process.
- The recruitment of an apprentice cemeteries co-ordinator will ensure that operational cemeteries management has the additional capacity required to reduce risk to the Council and improve customer service to those linked with the burial process.
- A junior horticulture element will also be added to the role, developing a career path, increasing a small team's resilience and allowing effective succession planning.

3 Recommendations

It is recommended that the Audit and Risk Management Sub Determination Committee:

- 3.1 Notes the attached report.
- 3.2 That the Audit and Risk Management Sub Determination Committee, in order to reduce the significant reputational risk of burial failures, alongside other significant cemetery operational work, agrees to the addition of an apprentice cemeteries co-ordinator to the Council's establishment.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder	Cllr Peter Murphy - Portfolio Holder for Environment
Report Originator and Contact Officer	Phil Hughes - Head of Leisure and Open spaces
Background Papers	

4 Background

- 4.1 FDC has an open spaces team that consists of 0.7FTE contract manager and 1FTE horticulture officer. The work required of these 2 individuals includes, but is not limited to;
- Managing the contract with Tivoli, including liaising with the regional manager, contract manager and individual staff.
 - Ensuring that contractual obligations are met by Tivoli and that work remains on target, is of an appropriate standard, is carried out in a timely manner and meets FDC's budgeted expenditure.
 - Liaising with customers regarding open spaces concerns, as well as working closely with elected Members (incl. Town Council Members), particularly the Portfolio Holder for Environment. Open spaces is a service that raises questions on a daily basis - even in the winter period.
 - Managing the procurement and delivery of capital schemes within open spaces; approximately 5 play areas p.a. and ongoing asset maintenance within open and closed cemeteries - including the three chapels in FDC's ownership.
 - Managing 5 open and 18 closed cemeteries, working together with the My Fenland team regarding burial management and liaising with Tivoli regarding the operational side of the burials process.
 - Managing the memorial inspections scheme through the StreetScene team.
 - Ensuring the safety of Fenland's open spaces.
- 4.2 Capacity is extremely limited, with actions recently recommended by our bereavement consultant not possible. Recruitment for a tree officer continues (following 2 failed attempts), whose role will specifically be the management of the Council's tree stock, including ongoing tree works and a scheme of rolling tree inspections to proactively manage FDC's trees, reducing the risk to open space users. Whilst FDC continues to recruit, a third-party contractor is carrying out tree assessments.
- 4.3 There is a significant gap in the team's capacity regarding the operational aspect of the burials process and this has become increasingly apparent this year. The Council should be offering a service with zero errors when working with undertakers to carry out burials - whether this be an ashes interment or a full burial. This year has seen several errors - some the responsibility of FDC or Tivoli, our contractor, and others that of the undertaker. New measures have been implemented to ensure the likelihood of repeated failures is very low, but a risk remains.

- 4.4 FDC is currently working with an independent consultant regarding the burial process - both back-office management and operational management. This work has highlighted weaknesses within the operational side of the business that this new role will address.

5 Apprentice Cemeteries & Horticulture Officer responsibilities

The new role will have the following responsibilities:

Burials;

- On site point of contact with customers and funeral directors regarding plot selection when required.
- Funeral Director relationship building and effective communication.
- Attending funerals as a representative of the Council, to include pre-assessment of grave and site, liaison with Tivoli operatives, liaison with funeral director and inspection of paperwork and transfer of burial paperwork to bereavement team.
- Link to families where necessary and handling of complaints with memorial masons, funeral directors and families.

Benches:

- Liaise with customers regarding cemetery benches.

Memorials:

- Work with street scene officers regarding memorial safety.
- Address large memorial safety.
- Assessment of siting of new memorials and checking of potential infringements.
- Liaison with memorial masons.
- Chapel and closed cemetery capital works.
- Project management and liaison between contractors, cemetery users and properties and procurement teams.

Grounds maintenance in cemeteries

- Assessment of Tivoli work, reporting to the contract manager regarding concerns or omissions.
- Develop close relationship with community payback supervisors to develop annual programmes of works across the open and closed cemeteries, enhancing these areas.
- Work with established community groups and develop further groups to act as Friends of Cemeteries to improve community ownership and involvement in cemetery management.

Capital works

- Be the main operational contact for any capital works carried out in the cemeteries regarding chapels or other assets.

Bereavement Team

- To act as a single point of contact with the Bereavement Team and Tivoli to effectively coordinate burials and respond to burial and cemetery queries of an operational nature.

Heritage in Cemeteries

Work with local community groups to enhance and highlight;

- War memorials.
- Improve the number and increase the quality of interpretation boards and other cemetery signage.
- Improve information regarding cemeteries and their assets on the FDC website.

6 Financial Implications

6.1 Staffing costs

Recruiting a band 4 - 6 career path apprentice to the cemetery co-ordinator role will incur additional annual costs of £30,233 (band 4, inclusive of on costs).

Training costs will be supported utilising the Council's apprenticeship levy.

7 Legal and Health and Safety implications

- 7.1 The proposed role will have responsibility for managing the assessment and maintenance of larger memorials. This will add further resilience to the memorials management process already in place, enhancing public safety.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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