Feedback from the UNISON meeting of the 28th March 2011 for U.E.C.C. report 20th April 2011

Bolsover UNISON branch recognises the difficult financial times that the current government attacks on public services are creating for all of local government; including customers, Councillors and employees.

We also take real hope from the recent solidarity shown by Councillors, in standing side by side with Bolsover UNISON members on the recent TUC rally in London, that we will overcome these attacks by working together on solutions.

The proposals put forward have been considered by a special meeting of the Bolsover UNISON branch, and our members unanimously supported the following response to your proposals.

In order to clarify our position we would remind Members that we are both party to the National Joint Council of which the following agreements apply.

PART 2
Key national provisions which are for application by all local authorities to all employees covered by the NJC. They are basic provisions which constitute a standard throughout the UK.

PART 3
Other national provisions which **may** be modified by local negotiation. The party proposing change must state in writing what changes are sought and why and the parties must then seek to reach agreement, normally within three months. Where agreement is not possible, either party may refer the failure to agree to the provincial joint secretaries (or other mutually agreed persons) for conciliation. If the provincial conciliation is unsuccessful, the provincial secretaries may recommend further procedures for resolution of the difference, including external conciliation, mediation or binding ACAS arbitration. The above procedures should if possible be completed normally within a further three months.

1. PAY FREEZE

Our members are already faced with severe attacks on both pay and pension from the Con/Dem government and would hope that our employer would fight with us against these problems and not add to them by expecting a further pay cut in real terms from employees.

The branch members also believe that the national bargaining mechanism, where both employees and employers are equally represented, is the most appropriate body to determine issues of pay and national terms and conditions of employment.

Our members are not prepared to move outside of any agreement reached by the National Joint Council with regard to the 2011/12 pay award. We will stay within the national bargaining mechanism and will comply with any agreement reached, even if

this is a pay freeze. The Branch will not conduct local bargaining on nationally agreed pay awards.

2. ESSENTIAL/CASUAL USER ALLOWANCE

We do not believe that removing national terms and conditions from a significant minority of employees is the most appropriate course of action, if we are to work together in finding solutions to the current financial problems.

These proposals are to our members both divisive and unfair. We feel that removing the tools for our members to fulfil their duties is extreme and will not only be further damaging to employee morale, but would inevitably lead to an impact on service provision.

Essential/Casual User is part of national terms and conditions. The branch will not negotiate on any Part 2 Terms & Conditions and will not negotiate on Part 3 for detrimental terms, especially where no realistic proposal is being put forward.

The previous information supplied by the Head of Human Resources only quoted the first paragraph of Part 3 Section 6, in the interests of transparency the full Section is as follows;

Part 2

12 Car Allowances

12.1 Where an employing authority authorises an employee to use a private car on official business, the employee will receive an allowance in accordance with the provision set out in Part 3 section 6.

Part 3.

6. Car Allowances

6.1 Employees required to use their motor vehicles for the efficient performance of their duties will receive allowances for the use of their motor vehicles on business only after being so authorised by the local authority. The local authority may determine whether the use is casual or essential and the cubic capacity of car considered appropriate.

6.2 Essential users are those whose duties are of such a nature that it is **ESSENTIAL** for them to have a motor car at their disposal whenever required. If the employee uses a private car in carrying out those official duties then they shall be entitled to receive the lump sum allowance and mileage rates set out below.

6.3 Where a car is not in use as a result of either a mechanical defect or the absence of the employee through illness;

(i) The lump sum payments should be paid for the remainder of the month in which the car first went out of use, and for a further three months thereafter. For the following three months, payment should be made at the rate of 50% of the lump sum payment.

(ii) During the period when a car is off the road for repairs, reimbursement in respect of travel by other forms of transport should be made by the employing authority.

6.4 Casual users are those for whom it is **DESIRABLE** that a car should be available when required. The mileage rates are set out below.

6.5 Local authorities should not make it a condition of employment that employees graded below point 13 should provide motor cars for official use.

6.6 An authorised car user may apply to the authority for financial assistance to purchase a car.

6.7 The allowances are contained on the card inside the back cover and will be reviewed by the NJC each year to take effect from 1 April or during the year as necessary.

Notes. *(a) Where a local authority authorises the use of a car in excess of 1450 cc it should fix an allowance not lower than that prescribed for the category 1200 to 1450 cc.*

> *(b) The lowest category of allowance (451 to 999 cc) shall be payable only to employees actually using a vehicle with an engine falling into the 451 to 999 cc category.*
>
> *(c) The scale of allowance to be paid to authorised employees of a local authority for the casual use of private motor cars whilst engaged on official duties operates so that a casual user does not at any mileage figure receive more than would have been received under the essential user allowance."*

UNISON members want to stay within the national terms and condition on this item.

Employees do not accept a move to H.M.R.C. rates.

3. CAR LOANS

Car loans are an integral part of Section 6, as detailed above, of the Part 3 National terms and conditions of which we will not negotiate on for detrimental terms.

4. LEASE CAR SCHEME

We wish to retain the lease car scheme; if the Authority is determined to remove the scheme then we would wish to negotiate for improved terms on Part 3, Section 6.6 car loans.

Please also see Appendix 1 – Letter from National Employers for Local Government Services dated 14 July 2010 NJC Car Allowances 2010/11 agreed by Local Government Employers and;

Appendix 2 Letter from National Joint Council for Local Government Services - agreement signed by Employers and Trade Union Secretaries, jointly agreeing to the NJC Car Allowance 2010/11.

Bolsover UNISON branch therefore request that the Council;

1. **Comply with any and all agreements reached through the National Joint Council on the 2011/12 pay award.**
2. **Comply with all paragraphs of the National Joint Council Terms & Conditions in respect of Part 3, Section 6.**
3. **Remove the suspension of the car loan scheme.**
4. **Remove the suspension on the lease car scheme.**

National Employers for
Local Government Services

Local Government Employers

To: Chief Executives in England, Wales and N Ireland
(additional copies for HR Director and Finance Director)
Members of the National Employers' Organisation
Regional Directors
Secretaries of the Local Government Associations

14July 2010

Dear Chief Executive,

NJC CAR ALLOWANCES 2010/11
CHANGE TO VAT: 4 JANUARY 2011

The Chancellor of the Exchequer announced in the Budget that VAT is to be increased from 17.5% to 20% with effect from 4 January 2011.

As a result, the amount of VAT per mile in the petrol element of the NJC Car Allowances will change. The new figures – applicable to the current NJC mileage rates until 31 March 2011 - are shown below, underlined in bold type.

	451 - 999cc	1000 - 1199cc	1200 - 1450cc
Essential Users			
Lump sum per annum	£846	£963	£1,239
per mile first 8,500	36.9p	40.9p	50.5p
per mile after 8,500	13.7p	14.4p	16.4p
Petrol Element	9.406p	10.366p	11.288p
Amount of VAT per mile in petrol element	**1.567p**	**1.727p**	**1.881p**
Casual Users			
per mile first 8,500	46.9p	52.2p	65.0p
per mile after 8,500	13.7p	14.4p	16.4p
Petrol Element	9.406p	10.366p	11.288p
Amount of VAT per mile in petrol element	**1.567p**	**1.727p**	**1.881p**

Yours sincerely,

Sarah Messenger

Sarah Messenger
Employers' Secretary

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Local Government Employers is the business name of Employers Organisation for Local Government
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National Joint Council for Local Government Services

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To: Chief Executives in England, Wales & N Ireland
(with copies for HR Director & Finance Director)
Members of the National Joint Council
Provincial/Associated Joint Secretaries
Local Authority Associations' Secretaries

12 April 2010

Dear Chief Executive,

NJC CIRCULAR 1/10
NJC CAR ALLOWANCES 2010/11

1. CAR ALLOWANCES - PART 3 PARAGRAPH 6

It has been agreed that the rates of Car Allowances be revised with effect from **1 April 2010**. The new rates are set out below:

	451 - 999cc	1000 - 1199cc	1200 - 1450cc
Essential Users			
Lump sum per annum	£846	£963	£1,239
per mile first 8,500	36.9p	40.9p	50.5p
per mile after 8,500	13.7p	14.4p	16.4p
Casual Users			
per mile first 8,500	46.9p	52.2p	65.0p
per mile after 8,500	13.7p	14.4p	16.4p

Yours sincerely,

Sarah Messenger — Pete Allenson — Brian Strutton — Heather Wakefield

Joint Secretaries