

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Citizen, Culture & Facilities

Cultural Committee: 17 January 2022

Subject: Weekend opening of Clydebank Town Hall**1. Purpose**

- 1.1 The purpose of this report is to respond to a request from the Cultural Committee to detail adjustments that could be made to reduce the additional costs associated with opening Clydebank Town Hall to the public at weekends.

2. Recommendations

- 2.1. It is recommended that the Committee:

- notes this report and the results of the review of costs associated with Option 2; and
- notes the feedback received from the Joint Trade Unions.

3. Background

- 3.1 At the Special Cultural Committee on 7 October 2021 Elected Members agreed a motion that called for a report to be brought back to the next Cultural Committee meeting detailing options and recommendations for weekend opening hours at Clydebank Town Hall.

- 3.2 At the Cultural Committee on 29 November 2021 Elected Members agreed the following motion:

(a) to continue this report to a future meeting (time and date to be set by the Convener); and

(b) that the report should provide more detail on the required staffing and changes to staff work patterns that would be required to implement weekend opening and also more detail on how we might operate a six month pilot of weekend opening.

- 3.3 At the Cultural Committee on 20 December 2021 Elected Members agreed the following motion:

(a) to note the contents of the report;

(b) to proceed with Option 2 as detailed within the report and close the Town Hall to members of the public on Mondays and Tuesdays weekly allowing it to open on Sundays; and

(c) that a report be brought back to a special meeting of the Cultural Committee to be held mid-January 2022 detailing adjustments that could be made to reduce the additional cost of adopting Option 2 opening hours.

- 3.4** The B-listed Clydebank Town Hall incorporates elected member and office accommodation, a museum, gallery and coffee shop as well as providing bespoke space for a range of corporate, civic and cultural events.

The building is currently closed following the national lockdown. Prior to this, the Town Hall was open from 8.45am to 5.30pm, Monday to Friday, and 10am to 4pm on Saturday. The museum and gallery were open 10am to 4pm, Tuesday to Saturday and the coffee shop was open 11am to 1pm, Monday to Friday.

- 3.5** Following a request to bring forward a report outlining a six month pilot of weekend opening, in December 2021 officers presented a report outlining two options for opening on Saturdays and Sundays, however recommended retaining the existing Monday to Saturday opening hours. The Cultural Committee did not approve the recommendation and agreed a motion to proceed with Option 2 - opening the building, inclusive of the museum and coffee shop, from Wednesday through to Sunday and to close the building to the public on Mondays and Tuesdays. Elected Members and Elected Member Support Services access to the building Monday to Friday would be maintained and therefore the building would be operational seven days a week.

- 3.6** The report highlighted that although the full team would not be required when the building was closed to the public, there would still need to be a Facilities Assistant as well as a Team Leader and Events Assistant onsite on these days. It was estimated that this expanded team would cost approximately £30,000 per year. Closing on a Monday and Tuesday and opening on a Sunday would mean there was one less day per week than present to undertake events at the Town Hall. In addition, there would be one day less to meet event organisers on site for tours to secure future bookings. As a result it was noted there is likely to be an impact on future income targets. There would also be the increased property costs associated with seven day operations. In total, this option would create additional revenue costs of approximately £50,000 per year, £25,000 for the duration of the pilot.

- 3.7** The report also recognised the significant disruption to existing employees for whom contractual working is Monday to Friday, or Monday to Saturday working. It was highlighted that in order to move these employees to new working patterns involving permanent weekend working, a contractual change would be required. It was noted that employees unable or unwilling to work every Saturday and Sunday during the trial period could find themselves displaced, presenting a risk of refusal and consequential employee relations issues.

4. Main Issues

- 4.1** In response to the request from committee, officers have again reviewed each element of the £50,000 cost per annum attributed to Option 2 and confirm that

this cannot be reduced further. The cost comprises of £30,000 for employees, £10,000 for property costs and £10,000 from loss of income.

- 4.2** The new structure presented introduces a new team to support opening of the building on the two days the building is not open to the public but is open to employees including members' services and elected members. The proposed model ensures resilience and is based on the experience in practice of managing the building. The team leader and events assistant are proposed to be on site from 8.30am to 5.45pm on a Monday and Tuesday to maintain the current level of access for members, with a half day shift on a Wednesday. Any reduction to the Town Hall structure presents a risk that the building fails to open due to inadequate staffing, particularly a Monday and Tuesday, risks impacting adversely on employees' work life balance through additional working beyond contracted hours and potentially breaches the Working Time Regulations 1998 if there was a failure to observe the 11 hour rest period between shifts. The Council's commitment to fair working practices includes offering both stability of employment alongside a minimum number of hours of work each week and the proposed structure reflects and supports this.
- 4.3** It is recognised that the short-term nature of the contracts will limit their appeal and could lead to increased turnover as the pilot progresses and employees are potentially drawn to longer term or more secure job opportunities. It would be difficult to fill vacancies which did arise given the limited duration of the contracts and this could lead to gaps in service. It is hoped that offering 21 hour contracts will assist in making the temporary six-month roles attractive in what is currently a highly competitive job market within the hospitality industry.
- 4.4** As indicated in the previous report to committee, opening seven days a week will result in an estimated increase in utility costs of £10,000 per annum. Although the building will be closed to the public two days per week, this will have little if any impact on these costs given there will still be employees and elected members accessing both the ground and first floor of the building and therefore heating, lighting and also cleaning requirement will remain the same.
- 4.5** Pre-pandemic, the conferencing market was a key target for generating income and marketing materials had been produced and approaches made to a number of private and public sector organisations to promote the venue for meetings and events, Monday to Friday between standard opening hours. In addition a number of dance school bookings for shows and displays were held Monday to Wednesday as well as the regular bi-annual bookings from Clydebank Musical Society which run Sunday to Saturday. It is anticipated that the closure of the building to the public, and unavailability of the venue on a Monday and Tuesday, balanced with the additional opening of the Town Hall on a Sunday, could result in a potential £10,000 reduction in income. The loss of revenue is based on bookings pre-Covid as until the building reopens, the market is untested.
- 4.6** Officers will continue to review options to ensure the team is as efficient as possible while also maintaining services. A further report will be presented at the conclusion of the pilot highlighting visitor numbers, costs and revenue to inform members and provide recommendations on the future approach. This will take

cognisance of any opportunities for partnership working and maximise any available external funding for employment or training.

Trade Union engagement

- 4.7** As is expected with any significant change to an employee group, trade unions have been engaged following the decision at December committee and in preparation of this report. GMB, Unite and Unison have raised significant concerns over what they describe as a fundamental, unnecessary and unacceptable change to employee contracts and the risk of employees either being displaced or having their contracts terminated and reissued. They have highlighted the impact this change will have on employees, their wellbeing and work or caring commitments and indicated they would oppose any move to impose new contracts incorporating weekend working on individuals without their explicit consent. They have also advised this situation would put the Council at risk of subsequent claims from affected employees and questioned whether the decision demonstrates best value for the organisation.
- 4.8** Formal consultation with the affected employee group will follow however it should be noted that early indications from the five employees is that they would not accept a change to their contract which would introduce permanent weekend working. The employee group has been flexible to support the needs of the service in the past however cannot commit to working every Saturday and Sunday and have confirmed that they would not have applied for their current roles had this been required.

5 People Implications

- 5.1** As noted above, the decision to proceed with a six-month pilot of opening the building Wednesday to Sunday and opening to members and employees only on Monday and Tuesday requires a contractual change for up to five existing employees and a process of consultation will now begin in line with the Council's policy for managing change. Employees unable or unwilling to work every Saturday and Sunday could find themselves displaced or dismissed and re-engaged. There is a risk of refusal to accept the contractual change and consequential employee relations issues and/or tribunal claims.
- 5.2** There will also require to be a recruitment process for two part-time fixed-term posts to cover Monday to Wednesday operations at the Town Hall.
- 5.3** The changes would need to take effect in 2022/23 to allow for the contractual discussions with employees and parallel recruitment processes. Recruitment for the new posts could not begin until after the budget setting in March and therefore the new employees would not be in place to support weekend opening until July 2022.
- 5.4** It should be acknowledged that the Equality Impact Assessment accompanying the December report on weekend opening highlighted that Option 2 would have a negative impact on one equality group, namely women, as the existing employees affected by the contractual changes are exclusively women. This

contravenes the Council's policies in respect of caring responsibilities, supporting women returners, fair work and our equality actions.

6 Financial & Procurement Implications

- 6.1** The decision to revise opening hours has an estimated additional revenue cost of £50,000 per year. Should employees be unwilling to accept a change to their contract and if suitable alternative roles could not be identified, there would be a further cost to the Council for paying the notice period to current employees, this would be circa £21,000.
- 6.2** The Cultural Committee has delegated powers to implement its functions, remit and responsibilities as detailed above. The additional revenue costs would need to be considered by Council when the 2022/23 budget is agreed in March 2022.
- 6.3** There are no procurement implications from this report.

7 Risk Analysis

- 7.1** There is a risk that the additional revenue cost of weekend opening may not be matched by significantly increased visitor numbers. This could lead to concerns over the Best Value of such an approach.
- 7.2** There is a risk that employees do not agree a change to their contracts and as a result are displaced and, if they cannot be redeployed, the Council will have to dismiss and re-engage.
- 7.3** There is a risk that the Trade Unions oppose the change resulting in action/claims against the Council and reputational damage.

8 Equalities Impact Assessment (EIA)

- 8.1** An Equality Impact Assessment was undertaken in preparation of the report on weekend opening and this highlighted that opening a public building seven days a week could be viewed as increasing access. There is a potential negative impact of implementing Option 2 and changing employees' contracts on one equality group, namely women as the current employee group is exclusively female.

9 Consultation

- 9.1** This report has been consulted on with Finance, Legal and HR
- 9.2** HR colleagues have highlighted the risk to both employee and industrial relations. The temporary nature of the proposed amendments to employee contracts presents difficulties in terms of identifying alternative roles for employees should they be unwilling to accept the change. The employees may also be displaced as a result and move onto the Council's Switch register with a view to an alternative role being identified for the duration of the pilot. The

process of identifying an alternative suitable matched post can take time and also incorporates a trial period.

9.3 The service would continue to pay the employee's salary until an alternative role could be secured. If the process is unsuccessful the service would be in a position of paying the employee's salary for their notice period - which will vary between one and three months dependent on length of service - while also paying a salary for another employee to undertake the substantive post and support the operation of the Town Hall.

9.4 The potential for all employees to be displaced would be highly disruptive to the service and presents a risk in terms of maintaining delivery. In these circumstances, in addition to being in a position of having to recruit to all existing posts on a fixed term basis to cover the trial, the additional costs incurred will not be budgeted for. The only alternative would be to impose the contracts by dismissing all employees and thereafter re-engaging on the alternative terms and conditions including Wednesday to Saturday working.

10 Strategic Assessment

10.1 The proposals within this report are linked to the following strategic priorities:

- Efficient and effective frontline services that improve the everyday lives of residents.

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Date: 10 January 2022

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Appendix: **1 - Equality Impact Assessment**

Background Papers:

Wards Affected: **All wards**