



REPORT TO: POLICY AND RESOURCES COMMITTEE 29 OCTOBER 2019

SUBJECT: CHANGE OF MAY DAY 2020

BY: DEPUTE CHIEF EXECUTIVE – EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT

1. REASON FOR REPORT

1.1 The Committee is asked to approve changing the May Day public holiday in 2020.

1.2 This report is submitted to Committee in terms of Section III (B) (27) (b) and (30) of the Council's Scheme of Administration relating to relating to formulating, supervising implementation and reviewing the employment policies and practices of the Council for all employees, including teachers.

2. RECOMMENDATION

2.1 The Committee is asked to approve moving the May Day public holiday in 2020 from Monday 4 May to Friday 8 May to coincide with VE Day commemorations.

3. BACKGROUND

3.1 The UK government has recently announced a change to the date of the Early May Bank Holiday next year. It has been shifted from Monday 4 May to Friday 8 May to coincide with celebrations for the 75 anniversary of VE Day. As Scottish Bank holidays are set by Scottish Ministers, the Scottish Government has also made the decision to change the May Bank Holiday from 4 May to 8 May to commemorate VE Day.

3.2 COSLA however recognised that not all Local Authorities take the Early May Bank Holiday and local arrangements apply. They therefore suggested that the decision on the change of date for the May Bank Holiday should rest with those Local Authorities who still recognise this Bank Holiday.

3.3 Scottish Bank holidays are set by Scottish Ministers and are the same across the whole of Scotland. While Scottish Councils no longer have a statutory power to set dates for public holidays following the introduction of the Employment Act 1989 and the Local Government etc (Scotland) Act 1994, public or local holidays are generally still determined by local authorities and can differ between areas.

- 3.4 Not every employee is entitled to paid leave on bank or public holidays as this is a contractual entitlement. Moray Council currently recognises seven public holidays where services operate on a minimal level and employees who are required to work receive double time plus a compensatory day's leave. May Day is one of the recognised public holidays.
- 3.5 In anticipation that moving the public holiday from Monday 4 May to Friday 8 May to coincide with VE Day commemorations may cause operational difficulties for some services, discussions with service managers and Heads of Service have taken place and have highlighted the following issues:
- (i) Lossiemouth Associated Schools Group have their occasional day set for Tuesday 5 May to follow the existing bank holiday. If the bank holiday is moved to Friday 7 May consideration would need to be given to also moving this occasional day.
 - (ii) Some staff may have already booked their holidays over the long weekend of 2 – 4 May and teaching staff would not have the flexibility to use alternative leave to accommodate a change in this date.
 - (iii) Exams have already been moved by the SQA from the Friday to the Monday so these would not be affected if the bank holiday was changed, but it is worth noting that if the holiday is not changed then some schools will have to open anyway on the Monday and buses will have to be put on to transport children with exams to the schools.
 - (iv) There may be non-teaching staff who have booked long weekends but in theory they could use flexi or other leave to counteract this.
 - (v) The majority of services have reported that there would be no particular service delivery problems.
 - (vi) There are no committees scheduled for this day.
- 3.6 From a practical point of view, if the Sheriff Court does not also change the date of the bank holiday and set down business for that day Legal Services litigation staff may have to cover business or local agents be paid to do so. The Sheriff Clerk has advised that no decision has yet been made regarding changing this holiday next year.
- 3.7 Several other Scottish Local Authorities have indicated that they plan to move the bank holiday date to coincide with the VE Commemorations.
- 3.8 Given the strong military presence within Moray and the activities that will be taking place through both the Kinloss Barracks and RAF Lossiemouth, it is anticipated that increased numbers of people will want the time off to participate and enjoy in the commemorative activity across Moray.

4. OPTIONS

- 4.1 Under Section 5 (14) of Moray Council's Scheme of Delegation which provides delegated authority for the Chief Executive to determine the local Council holidays and festive closing times, three main options were discussed with Group Leaders:
- a) Do nothing – May Day remains fixed on Monday 4 May 2020

- b) Change May Day to Friday 8 May to coincide with VE Day
 - c) Designate Friday 8 May as an additional public holiday
- 4.2 Following consultation and agreement with Group Leaders, the Chief Executive instigated formal consultation with the workforce through the Trades Unions regarding temporarily changing May Day in 2020 from Monday 4 May to Friday 8 May 2020 to coincide with VE Day commemorations.
- 4.3 At meetings of the Trade Union / Officer Group and Local Negotiating Committee for Teachers it was subsequently agreed to move May Day from Monday 4 May 2020 to Friday 8 May 2020 as a one-off arrangement.

5. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

This supports the LOIP and Corporate Plan through ensuring appropriate governance and effective and efficient management of the workforce to support working towards a sustainable council.

(b) **Policy and Legal**

There are no policy or legal implications arising out of this report.

(c) **Financial implications**

There are no financial implications arising from this report.

(d) **Risk Implications**

There are no risk implications arising from this report.

(e) **Staffing Implications**

There are no staffing implications arising other than those noted in the body of the report.

(f) **Property**

There are no property implications arising from this report.

(g) **Equalities/Socio Economic Impact**

There are no equalities or socio-economic impacts arising from this report. Part-time staff would be allocated leave on a pro-rata basis whether or not they would be due to work on 8 May 2020 in order to comply with the relevant legislation.

(h) **Consultations**

Consultations have taken place with service managers, heads of service, the Trades Unions for Scottish Joint Council employees, Craft employees and Teaching staff, the Corporate Management Team and Group Leaders. Committee Services have also been consulted on this report.

6. CONCLUSION

- 6.1 The Committee is asked to approve changing the Early May Day public holiday from Monday 4 May 2020 to Friday 8 May 2020 as a one off change for one year only.**

Author of Report: Frances Garrow
Background Papers: Acting Head of HR & ICT / OD Manager
Ref: