

Additional 2022 Bank Holiday Claim 08 March 2023

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Background

In 2022 there have been two additional bank holidays than in a standard calendar year. The first bank holiday resulted from the Queen's Jubilee celebration over Thursday, 2 – Sunday, 5 June, where Friday, 3 was designated an additional bank holiday.

The second additional bank holiday was for the more sombre occasion of the Queen's funeral on the 19 September.

The first bank holiday was planned, and as per the contract, Amey staff worked the bank holiday, entitling those who worked to triple or double time with an additional day's leave. In line with the Surrey Environment Partnerships request, Amey staff did not work the day of the Queen's funeral, instead working the following Saturday.

Amey offered triple time for the Saturday work, equating it to a bank holiday.

Contractual position

The contract does not address the number of bank holidays within the year nor what to do in situations of an additional bank holiday.

Under Clause 51 of the contract, Change of Law, there are provisions for Amey under 51.1 e to set out a change in costs resulting from the change in the law.

Clause 51.3 sets out that the parties should discuss incurred additional costs and that Amey must demonstrate that they have mitigated those costs to as great an extent as possible.

Given that it was a change in the law to allow for additional bank holidays, it is considered a qualifying change in the law.

Claim

The claim, which is deemed justifiable, is;

	Elmbridge	Mole Valley	Surrey Heath	Woking	Site management	Total
Jubilee	£16,012.83	£10,854.52	£13,255.45	£11,792.28	£1,566.71	£53,481.79
Queens funeral	£27,204.99	£17,394.06	£22,112.20	£17,545.47	£5,489.77	£89,746.49
Total	£43,217.81	£28,248.58	£35,367.65	£29,337.75	£7,056.48	£143,228.27

When partnership share is used to split site management, the costs per authority are;

	Elmbridge	Mole Valley	Surrey Heath	Woking
Additional bank holiday operative costs	£43,217.81	£28,248.58	£35,367.65	£29,337.75
Additional bank holiday site management costs	£2,229.85	£1,488.92	£1,947.59	£1,390.13
Total	£45,447.66	£29,737.50	£37,315.24	£30,727.88

Recommendation

It is recommended that the committee accept Amey's claim for increased additional costs resulting from a qualifying change in the law.