

# AGENDA

## EMPLOYMENT AND DEVELOPMENT PANEL MEETING



Date: Wednesday 21 July 2010

Time: 3.00 pm

Venue: Room 1A, The Gateway

Membership:

Councillors Daley, FitzGerald, Garland, Greer,  
Lusty, Robertson, J.A. Wilson and  
Mrs Wilson

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Election of Chairman
5. Election of Vice Chairman
6. Disclosures by Members and Officers
7. Disclosures of Lobbying

**Continued Over/:**

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**Issued on 13 July 2010**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact JANET BARNES on 01622 602242**. To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

*Alison Broom*

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

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|-----|--|---------|
| 8.  | To consider whether any items should be taken in private because of the possible disclosure of exempt information. |         |
| 9.  | Minutes (Part I) of the Meetings held on 30 July 2009, 15 and 22 February 2010 and 29 March 2010                   | 1 - 9   |
| 10. | Oral Briefing of the Head of Human Resources - Work of the Panel   | 10      |
| 11. | Objectives of the Chief Executive and Directors  | 11 - 28 |
| 12. | Report of the Head of Human Resources - Local Government Scheme Regulations 1997 Amendment to Employer Discretions | 29 - 35 |

## **PART II**

**To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.**

### **Head of Schedule 12A and Brief Description**

- |     |   |                |         |
|-----|---|----------------|---------|
| 13. | Minutes (Part II) of the Meetings held on 15 and 22 February 2010 | 1 = Individual | 36 - 63 |
|-----|---|----------------|---------|

## MAIDSTONE BOROUGH COUNCIL

### EMPLOYMENT AND DEVELOPMENT PANEL

#### MINUTES OF THE MEETING HELD ON 30 JULY 2009

**Present:** Councillor Lusty (Chairman), and Councillors Daley, Fitzgerald, Garland, Hotson, Moss, Robertson and Mrs Wilson

#### REFERRED MATTER

15. **HR POLICY - DISCIPLINE, CAPABILITY AND GRIEVANCE PROCEDURES**

The Panel considered the report of the Head of Human Resources on the revision of the Council's Grievance, Capability and Disciplinary procedures.

The Panel having considered this matter very carefully felt that option B which was that an appeal against dismissal should be delegated to the Chief Executive who had to consult with the Leader and Leader of the Opposition or their nominated representatives that had attended the appeal hearing should be adopted.

They were informed that this would require a change to the Constitution and that they would need to recommend to the Council that the Constitution be changed to enable this option to be implemented.

The Panel agreed the revised discipline and capability and grievance procedures subject to the necessary changes to reflect their decision to adopt option (b) and in submitting this proposal to the Council also agreed to submit it to the Standards Committee in order that they could evaluate the proposal.

#### RECOMMENDED:

1. That the Constitution be amended as follows:-
  - a) The deletion of paragraph (a) of the functions of the Appeals Committee as set out in part 3 of the Constitution and
  - b) The addition of the following to the Terms of Reference of the Chief Executive

"To hear and determine appeals, in consultation with the leader of the Council and the Leader of the Opposition (or their nominated representatives) that had attended the appeal hearing, under either the grievance, capability or disciplinary procedure for all categories of employees except those staff on JNC conditions of service for Chief Officers of Local Authorities."

**MAIDSTONE BOROUGH COUNCIL**  
**EMPLOYMENT AND DEVELOPMENT PANEL**  
**MINUTES OF THE MEETING HELD ON 30 JULY 2009**  
**DELEGATED MATTERS**

16. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs Marshall.

17. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Fitzgerald was substituting for Councillor Mrs Marshall.

18. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

19. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures.

20. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

21. EXEMPT ITEMS

RESOLVED: that the items be taken in public as proposed.

22. MINUTES

RESOLVED: That the minutes of the meeting held on 8 June 2009 be approved as a correct record and signed.

23. HR POLICY – DISCIPLINE, CAPABILITY AND GRIEVANCE PROCEDURES

The Panel considered the report of the Head of Human Resources seeking a revision of the Council's grievance, capability and discipline procedures particularly in relation to how the appeals process was administered.

(See Minute 15 above).

RESOLVED:

1. That the revised disciplinary procedure attached as Appendix 1 to the report of the Head of Human Resources be agreed.
2. That the revised capability procedure attached as Appendix 2 to the report of the Head of Human Resources be approved.
3. That the revised grievance procedure attached as Appendix 3 to the report of the Head of Human Resources be agreed.
4. That the Council be recommended to adopt changes to the Constitution to reflect the adoption of Option B within the report of the Head of Human Resources.
5. That the Standards Committee be asked to evaluate the proposal to agree to the changes in the Constitution as set out before above.

9. DURATION OF MEETING

6.30 p.m. to 7.38 p.m.

**MAIDSTONE BOROUGH COUNCIL**

**EMPLOYMENT AND DEVELOPMENT PANEL**

**MINUTES OF THE MEETING HELD ON  
MONDAY 15 FEBRUARY 2010**

**Present: Councillor Lusty (Chairman), and  
Councillors Daley, Garland, Horne, Mrs Marshall,  
Moss, Robertson and Mrs Wilson**

25. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Hotson.

26. NOTIFICATION OF SUBSTITUTE MEMBERS

The following substitution was noted:-

Councillor Horne for Councillor Hotson

27. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

28. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

29. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

30. EXEMPT ITEMS

RESOLVED: That the Items on Part II of the Agenda be taken in private as proposed.

31. EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information for the reason specified, having applied the public interest test:-

**Head of Schedule 12 A and  
Brief Description**

Minutes (Part II) of the Chief Executive's  
Personal Development Interview  
2009/10

1 - Individual

Full Year Appraisal 2009/10 and Targets and Objectives 2010/11 - Chief Executive (9.30 am) 1 - Individual

Review of the Part Year Appraisal 2009/10 and Targets and Objectives 2010/11 - Director of Resources and Partnerships (11.30 am) 1 - Individual

32. Minutes (Part II) of the Chief Executive's Personal Development Interview 2009/10

RESOLVED: That the Minutes (Part II) of the Chief Executive's Personal Development Interview 2009/10 be approved as a correct record and signed.

33. Full Year Appraisal 2009/10 and Targets and Objectives 2010/11 - Chief Executive (9.30 am)

The Full Year Appraisal 2009/10 of the Chief Executive was conducted and Targets and Objectives set for 2010/11.

34. Review of the Part Year Appraisal 2009/10 and Targets and Objectives 2010/11 - Director of Resources and Partnerships (11.30 am) - to follow

A review of the Part Year Appraisal 2009/10 of the Director of Resources and Partnerships was conducted.

35. DURATION OF MEETING

9.25 am to 1.00 pm

**MAIDSTONE BOROUGH COUNCIL**  
**EMPLOYMENT AND DEVELOPMENT PANEL**

**MINUTES OF THE MEETING HELD ON**  
**MONDAY 22 FEBRUARY 2010**

**Present:** Councillor Lusty (Chairman), and  
Councillors Daley, Garland, Horne, Mrs Marshall,  
Moss, Robertson and Mrs Wilson

36. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Hotson.

37. NOTIFICATION OF SUBSTITUTE MEMBERS

The following substitution was noted:-

Councillor Horne for Councillor Hotson

38. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

39. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

40. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

41. EXEMPT ITEMS

RESOLVED: That the Items on Part II of the Agenda be taken in private as proposed.

42. EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information for the reason specified, having applied the public interest test:-

**Head of Schedule 12 A and  
Brief Description**

Minutes (Part II) of the Director of

1 - Individual



Prosperity and Regeneration's Personal Development Interview 2009/10

Minutes (Part II) of the Director of Change and Environmental Services' Personal Development Interview 2009/10 1 - Individual

Review of Full Year Appraisal 2009/10 and Targets and Objectives 2010/11 - Director of Prosperity and Regeneration 1 - Individual

Review of Full Year Appraisal 2009/10 and Targets and Objectives 2010/11 - Director of Change and Environmental Services 1 - Individual

43. Minutes (Part II) of the Director of Prosperity and Regeneration's Personal Development Interview 2009/10

RESOLVED: That the Minutes of the Director of Prosperity and Regeneration's Personal Development Interview 2009/10 be approved as a correct record and signed.

44. Minutes (Part II) of the Director of Change and Environmental Services' Personal Development Interview 2009/10

RESOLVED: That the Minutes of the Director of Change and Environmental Services' Personal Development Interview 2009/10 be approved as a correct record and signed.

45. Review of Full Year Appraisal 2009/10 and Targets and Objectives 2010/11 - Director of Prosperity and Regeneration

A review of the Full Year Appraisal 2009/10 of the Director of Prosperity and Regeneration was conducted.

46. Review of Full Year Appraisal 2009/10 and Targets and Objectives 2010/11 - Director of Change and Environmental Services

A review of the Full Year Appraisal 2009/10 of the Director of Change and Environmental Services was conducted.

47. DURATION OF MEETING

9.25 a.m. to 12.24 p.m.

**MAIDSTONE BOROUGH COUNCIL**

**EMPLOYMENT AND DEVELOPMENT PANEL**

**MINUTES OF THE MEETING HELD ON MONDAY 29 MARCH 2010**

**Present:**                    **Councillor Lusty (Chairman), and  
Councillors Garland, Hotson, Mrs Marshall, Moss,  
Robertson, Mrs Wilson and Daley**

48.    APOLOGIES FOR ABSENCE

There were no Apologies for Absence.

49.    NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

50.    NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

51.    DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

52.    DISCLOSURES OF LOBBYING

All Members of the Committee disclosed they had been lobbied following receipt of a letter from a member of the public.

53.    EXEMPT ITEMS

RESOLVED: That the Items on Part II of the Agenda be taken in private as proposed.

54.    EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information for the reason specified, having applied the public interest test: -

**Head of Schedule 12A and  
Brief Description**

Interviews for the position of Chief Executive

1 - Individual

55. APPOINTMENT OF CHIEF EXECUTIVE

The Panel interviewed the three internal candidates for the position of Chief Executive.

RESOLVED: That the position of Chief Executive be offered to Alison Broom.

56. DURATION OF MEETING

9.50 a.m. to 4.30 p.m.

# Agenda Item 10

COMMITTEE AND MEMBERSHIP	FUNCTIONS	DELEGATION OF FUNCTIONS
<p>Employment and Development Panel 8 Members of the authority (including at least one member of the Executive) (no member of the Investigatory Committee shall be a member of this Panel)</p>	<p>a) To consider the applications received for the posts of Chief Executive and Directors and to compile a short list for interview and subsequently to interview and make appointments (in the case of the Chief Executive any appointment is subject to confirmation by the Full Council).</p> <p>b) To review annually the performance of the Chief Executive and Directors, to agree targets for the coming financial year, and agree any corrective action which may be required relating to the previous financial year.</p> <p>c) To consider all other matters concerning the terms and conditions of service of the post of Chief Executive, and to recommend Accordingly the Council.</p> <p>d) Power to determine terms and conditions on which staff hold office (including procedures for their dismissal.)</p> <p>e) To hear and determine appeals under the disciplinary procedures for staff on the JNC Conditions of Service for Chief Officers of Local Authorities</p> <p>f) To hear and determine appeals against decisions taken by the Chief Executive under the disciplinary or capability procedures or to hear grievances raised against the Chief Executive under the grievance procedure.</p>	<p>Sub Committee comprising 3 Members.</p>

## **Employment Development Panel**

**21<sup>st</sup> July 2010**

### **Chief Executive Objective Setting**

#### **1. Introduction**

The Employment and Development Panel (EDP) have the responsibility to agree the annual objectives with the Chief Executive. These are then reviewed at the mid year point with the Leader and the Chairman of the EDP.

In February 2010 objectives were agreed with the existing Chief Executive, David Petford. The EDP also ratified the objectives of the three Directors.

With the change in structure from three Directors to two there has been a realignment of responsibilities across the Council and the panel therefore need to consider whether the objectives require adjustment.

#### **2. Action Required**

##### **2.1 Objectives**

The existing objectives are attached at Appendix 1 to remind members of the position prior to the re-structure. It is understandable that the objectives are at a strategic level and this means that many of these are still of relevance.

The Chief Executive, Alison Broom, has considered these objectives against the new responsibilities of the Directors and has proposed the realigned objectives at Appendix 2. The Chief Executive has also added suggested objectives for herself in this financial year. All objectives have also been considered against the current changing landscape of local government.

##### **2.2 Development Plan**

Members of the Employment Development Panel are responsible for the Chief Executive's development plan and this is of particular importance with the new appointment. A draft Development Plan is attached at Appendix 3 and this document also reflects progress to date.

##### **2.3 Chief Executive Appraisal Process**

Members are asked to consider the existing process in the light of recently developed guidance notes within the Chief Executive National Conditions of Service. (Appendix 4) In particular to note that the existing process satisfies the recommended content requirement. The key question to be addressed is the use of an external facilitator and whether Members and the Chief Executive feel the local process would benefit from the inclusion of this external perspective.

## **Appendix 1**

Chief Executive Objectives assigned 02/10 for 2010/2011

<b>Objective</b>	<b>Link to Service Plan/Priorities</b>	<b>Measurement</b>	<b>Review Date</b>
Carry out the downsizing of the Senior Management Structure from three directorates to two.	Reducing the Council's cost base, optimise arrangements to protect capacity and resilience.	Produce not less than £220k savings, minimise any impact on services.	Summer 2010
Complete and implement the peer review action plan to improve the CDRP process, maximising stakeholder participation.	Crime and Disorder Partnership – Section 17 responsibilities.	Improve public confidence  As measured by govt section 17 returns/ feedback.	Autumn 2010
Working closely with the leader to oversee the budget process enabling members to identify options to set a balanced budget for 2011/12 and ongoing financial stability.	Strategic Budget process, corporate and financial planning.	Production of balanced 2011/12 budget.	Jan/Feb 2011
Continue to promote new ways of working and VFM for Maidstone including shared services and key stakeholder collaboration including KCC.	VFM, improvement and efficiency agenda.	Reduction of the Council's cost base and improvement/enhancement of service.	Autumn 2010
Represent and promote Maidstone's interest at key events.	Improve the Borough's opportunities.	Improve outcomes, increase investment in Borough to at least maintain Maidstone's GDP.	Autumn 2010
Member Development, briefing and involvement	Members more aware of the issues affecting the Council	At least two briefings per year. Member Development plans enhanced	March 2011

Director of Resources and Partnerships – assigned February 2010 for 2010/11

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<b>Objective</b>	<b>Link to Service Plan/Priorities</b>	<b>Measurement</b>	<b>Review Date</b>
Plan the three year financial strategy in the context of the challenging public finance settlement	Financial planning and budget process, VFM	Present proposals to support Cabinet to set a balanced budget and robust three year strategic financial and service plan	On-going - quarterly
Deliver an effective CSU, engaging all key partners and CDRP, implementing the Peer Review recommendations	Crime and Disorder Reduction Building Stronger and Safer Communities	Improved working relationships with partners Improved public confidence	September
Reduce silo working and achieve effective collaboration with partners through the LSP on key priorities	Sustainable Community Strategy	Improved working relationships with partners Shared working arrangements in place	On-going – quarterly
Improve partnership working in order that service provision and efficiency is taken forward on a collaborative basis	Financial planning and budget process VFM /Sustainable Community Strategy	Improved working relationships with partners Shared working arrangements in place	On-going – quarterly
Improve corporate governance arrangements	Risk management Annual Audit Inspection Corporate Improvement Plan	Revised Terms of Reference for the Audit Committee	September

Director of Change and Environmental Services – assigned February 2010 for 2010/11

Objective	Link to Service Plan/Priorities	Measurement	Review Date
Enhancing the Council's status as a high performing authority	Raising the profile of the Council  Improving service performance and outcomes  Improving delivery on the key member priorities	New performance management arrangements with improved management information Engagement and Communication Strategies in place Action Plan delivered following the IDeA Peer Review Review of workforce planning arrangements Positive result in the Place Survey Successful outcome from the CAA/UOR inspection process Resident profiling in place (MOSAIC) and used for local service planning Overhaul of planning arrangements, new Cultural Strategy and Waste Strategy	June 2010  June 2010 July 2010 August 2010 November 2010 December 2010 December 2010 January 2011
Successful delivery on a range of key projects	Delivering value for money and improving efficiency	Improved council wide project management arrangements in place Commencement on site in relation to the Mote Park HLF Bid Completion of the East Wing at the Museum Integration of Visitor Information Services at the Museum Crematorium offer improved with increase to 65% utilisation	May 2010 February 2011 March 2011 March 2011 March 2011
Improved partnership working with other councils and agencies to deliver better services and outcomes	Developing strategic and operational partnerships  Sustainable communities and access to services	Shared Audit Service Operational New programme of shared services developed for MKIP Closer working relationship with Kent County Council Procurement workstream delivered and led by MBC Shared Revenues and Benefits operational HR Service expanded and fully operational Delivery on key environmental priorities through the LSP	April 2010 June 2010 September 2010 October 2010 December 2010 December 2010 March 2011



Delivering in efficiencies through transformation	Value for money savings in excess of £300,000  Effective use of the Council's assets	Programme of priority asset disposals completed Building & facilities management enhanced Decision on the future use of the Carriage Museum Disposal of 13 and 26 Tonbridge Road New contracts including temporary staff, consumables, car parking enforcement and recruitment advertising	April 2010 June 2010 October 2010 December 2010 March 2011
Delivering on the waste agenda and wider change in environmental services	Environmental Excellence  Value for money and efficiency plus service improvement	Successful outcome from the Food Safety Inspection Work with the Leisure Trust & Health to increase participation in sport New waste paper collection scheme introduced borough wide Implementation of a new food waste scheme in pilot area Options explored for a new/ improved market offer in the town Operational changes implemented in grounds maintenance Management Plans completed for all parks & open spaces Improved satisfaction with street cleanliness Review of the Council's Parking Strategy undertaken Lower levels of waste generation and improved resident satisfaction Delivery of the Waste & Recycling Implementation Plan	May 2010 June 2010 July 2010 September 2010 October 2010 October 2010 November 2010 December 2010 January 2011 March 2011 March 2011 March 2011

Director of Prosperity and Regeneration – assigned February 2010 for 2010/11

Objective	Link to Service Plan/Priorities	Measurement	Review Date
Strategic Leadership	The vision of Maidstone as a vibrant, prosperous, 21 <sup>st</sup> century urban and rural community at the heart of Kent	<p>Constructive contribution to implementation of the Council's new management structure</p> <p>Significant progress on the LDF including delivery of a Maidstone transport strategy, Infrastructure Plan and draft core strategy for consultation in accordance with the Local Development Statement (timetable)</p> <p>Delivery of the Communities in Control action plan targets for 2010/11 including Neighbourhood Forums</p> <p>Lead the LSP Environmental Delivery Group</p>	March 2011
Promoting Prosperity	A place to achieve, prosper and thrive	<p>Continue proactive engagement with public and private sectors, raising Maidstone's profile and</p> <p>Undertake benchmarking of "prosperity" and formulate improvement action plan</p> <p>Sponsor the High Street public realm project ensuring that the project milestones are met</p> <p>Sponsor the Council's new Housing Strategy</p> <p>Lead the Council's actions to progress transport strategy and infrastructure improvements</p>	March 2011

Achieving Regeneration	A place to achieve prosper and thrive	Progress Regeneration Statement actions including public:private partnership options and Neighbourhood planning action plan for Parkwood	March 2011
Effective Use of Resources	A place with efficient and effective public services	Sponsor the authority's carbon emissions reduction project ensuring achievement of NI 185 and NI 186 targets  Evaluate alternative business models for the theatre and reduce the subsidy	March 2011
Investing in People	A place with efficient and effective public services	Development of staff and teams to improve performance  Mentoring key staff	March 2011

**Appendix 2**

Chief Executive – proposed objectives June 2010 – March 2011

Objective	Link to Service Plan/Priorities	Measurement	Review Date
Ensure, in collaboration with the Leader and Cabinet, that the organisation is developed to respond successfully to the new requirements of the public sector	National Comprehensive Spending Review Various national white papers Vision for Kent Bold Steps	Networking and research to define and clarify future shape of the public sector in Kent and where Maidstone sits Co-production of proposals for new ways of working with KCC, Kent Districts and partners Development and presentation of proposals for organisational development	October 2010  November 2010  March 2011
Provide visible leadership within the organisation to ensure focus on outcomes for the Council's key priorities and improvement in the use of resources	Sustainable Community Strategy Council's Corporate Business Plan Medium Term Financial Strategy People Strategy	Prioritisation of service outcomes and resources for the medium term (2011/12 – 2013/14) Overall reduction of the Council's cost base Implementation of revised management structure, including reduction from 3 directorates to 2, to realise savings of not less than £220k Development and implementation of revised organisational structure and ways of working to match resources for 2011/12 Conduct of a staff survey to identify perceived strengths and weaknesses of Maidstone as an employer and implement an appropriate action plan  Review of workforce terms and conditions  Sponsor key projects and programmes including the High Street public realm project and the Carbon trust programme	March 2011  March 2011 Summer 2010  March 2011  Survey by end July 2010 Action plan adopted end October 2010 October 2010  October 2010

Ensure that the organisation is well run and that the authority is excellent in the delivery of services that matter most to residents and that promises about service outcomes and costs are kept		Delivery of service outcome promises in the 2010/11 Corporate Plan Development and agreement to key services and performance measures relevant to Maidstone to succeed CPA Engagement and Communication Strategies in place including for service and budget consultation	October 2010/March 2011 December 2010  October 2010
Provide visible leadership within the wider arena through effective partnership working	Sustainable Communities Strategy Medium Term Financial Strategy Capital Programme	Successful operation of the Local Strategic Partnership including laying the foundations for joint specification of some service outcomes Improved public confidence in terms of safety and security; associated implementation of the IDeA peer review action plan for the Safer Maidstone Partnership Collaborative engagement with key partners including KCC, Homes and Communities Agency to secure investment in key projects	March 2011  March 2011  March 2011
Build the profile and reputation of Maidstone Council; represent and promote Maidstone's vision, ambition and needs with partners and at key events	Sustainable Communities Strategy	Improve outcomes, facilitate joint working to improve prosperity and quality of life in the borough	March 2011
Build collaborative working relationships between members and officers		Key information and advice is provided to members in a timely way Members of the Council receive statutory and key policies and plans on time eg Council Budget Member Development Plans enhanced Engagement with front facing councillors eg through at least two briefings a year offered to all members	March 2011  March 2011  October 2010 October 2010

Director of Change, Planning and the Environment -proposed objectives June 2010 – March 2011

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<u>Objective</u>	<u>Link to Service Plan/Priorities</u>	<u>Measurement</u>	<u>Review Date</u>	
Enhancing the Council’s status as a high performing authority	Raising the profile of the Council	Business Improvement/MKIP delivery team established	August 2010	
	Improving service performance and outcomes	New performance management system arrangements with improved management information	June 2010	
	Improving delivery on the key member priorities		Action Plan delivered following the IDeA Productivity Peer Review	July 2010
			Positive result in the Place Survey or successor arrangements	November 2010
			Successful outcome from the CAA/UOR successor inspection process	December 2010
			Resident profiling in place (MOSAIC) and used for local service planning	December 2010
			Overhaul of planning arrangements and waste strategy	January 2011
Successful delivery on a range of key projects	Delivering value for money and improving efficiency	Improved council wide project management arrangements in place	May 2010	
		Commencement on site in relation to the Mote Park HLF Bid	February 2011	
		Crematorium offer improved with increase to 65% utilisation	March 2011	
Improved partnership working with other councils and agencies to deliver better	Developing strategic and operational partnerships	Shared Audit Service Operational	April 2010	
		New programme of shared services developed for MKIP	June 2010	

services and outcomes	Sustainable communities and access to services	<p>Closer working relationship with Kent County Council</p> <p>Procurement workstream delivered and led by MBC</p> <p>Shared Revenues and Benefits operational phase 1</p> <p>HR Service expanded and fully operational</p> <p>Review shared legal services partnership</p> <p>Delivery on key environmental priorities through the LSP</p>	<p>September 2010</p> <p>October 2010</p> <p>December 2010</p> <p>December 2010</p> <p>December 2010</p> <p>March 2011</p>
Delivering in efficiencies through transformation	<p>Value for money savings in excess of £300,000</p> <p>Effective use of the Council's assets</p>	<p>Programme of priority asset disposals completed</p> <p>Building &amp; facilities management enhanced</p> <p>Decision on the future use of the Carriage Museum</p> <p>Disposal of 13 and 26 Tonbridge Road</p> <p>Disposal of Armstrong Road, Coombe Quarry (Park and Ride) and Hayle Place</p> <p>New contracts including temporary staff, consumables, car parking enforcement and recruitment advertising</p>	<p>April 2010</p> <p>June 2010</p> <p>October 2010</p> <p>December 2010</p> <p>December 2010</p> <p>March 2011</p>
Delivering on the waste agenda and wider change in environmental services	<p>Environmental Excellence</p> <p>Value for money and efficiency plus service improvement</p>	<p>Successful outcome from the Food Safety Inspection</p> <p>Work with the Leisure Trust &amp; Health to increase participation in sport</p> <p>New waste paper collection scheme introduced borough wide</p> <p>Implementation of a new food waste scheme in pilot area</p> <p>Options explored for a new/ improved market offer in the town</p> <p>Operational changes implemented in grounds maintenance</p> <p>Management Plans completed for all parks &amp; open spaces</p> <p>Improved satisfaction with street cleanliness</p>	<p>May 2010</p> <p>June 2010</p> <p>July 2010</p> <p>September 2010</p> <p>October 2010</p> <p>October 2010</p> <p>November 2010</p> <p>December 2010</p>

		<p>Review of the Council's Parking Strategy undertaken</p> <p>Lower levels of waste generation and improved resident satisfaction</p> <p>Delivery of the Waste &amp; Recycling Implementation Plan</p>	<p>January 2011</p> <p>March 2011</p> <p>March 2011</p>
6. Delivering on the planning and development management agenda	<p>Sustainable Communities Strategy</p> <p>Local Development Framework</p>	<p>Provision of advice on the consequences of post-election changes to the planning framework and legislation</p> <p>Significant progress on the LDF including delivery of a Maidstone transport strategy, Infrastructure Plan and draft core strategy for consultation in accordance with the Local Development Statement (timetable); consultation to commence September 2010</p>	<p>October 2010</p> <p>October 2010</p>



**Director of Regeneration and Communities - proposed objectives June 2010 – March 2011**

<b><u>Objective</u></b>	<b><u>Link to Service Plan/Priorities</u></b>	<b><u>Measurement</u></b>	<b><u>Review Date</u></b>
1.Enhancing the Council’s status as a high performing authority	Raising the profile of the Council  Improving service performance and outcomes  Improving delivery on the key member priorities	Present Medium Term Financial Strategy proposals to support Cabinet in setting a balanced budget and robust three year strategic financial and service plan Adoption of Leisure and Culture Strategy and integrated service Evaluate alternative business models for the theatre and reduce the subsidy	On-going; quarterly  December 2010  September 2010
Improve corporate governance arrangements	Risk management Annual Audit Inspection Corporate Improvement Plan	Revised Terms of Reference for the Audit Committee	September 2010
2.Succesful delivery on a range of key projects	Delivering value for money and improving efficiency	Completion of the East Wing at the Museum  Submission of the draft Local Investment Plan to the HCA  Implementation of preferred public:private partnership option for development and regeneration  Delivery of the Council’s position on the Kent International Gateway post appeal decision	March 2011 September 2010  March 2011  October 2011
3.Improved partnership working with other councils and agencies to deliver better services and outcomes	Developing strategic and operational partnerships  Sustainable communities and	Effective Community Safety Unit; all key partners engaged; peer review recommendations implemented; improved working relationships with partners improved public confidence	September 2010  March 2011

	access to services  Crime and Disorder Reduction; Building Stronger and Safer Communities	Delivery of the Communities in Control action plan targets for 2010/11 including Neighbourhood Forums	
4. Delivering in efficiencies through transformation	Value for money savings  Effective use of the Council's assets	Review effectiveness of customer access Sponsor implementation of shared revenues and benefits service	September 2010 March 2011
5. Delivering on prosperity and regeneration agenda		Undertake benchmarking of "prosperity" and formulate improvement action plan  Sponsor the Council's new Housing Strategy  Progress Regeneration Statement actions including public:private partnership options Remodel the Council's approach to community development Ensure delivery of the neighbourhood planning action plan for Parkwood and evaluation of the project	December 2011  March 2011 March 2011  March 2011  December 2011

### **Appendix 3**

Chief Executive Development plan – June 2010 – March 2011

<b>Development Area</b>	<b>Development activity</b>	<b>Measurement</b>	<b>Support required</b>	<b>Review Date</b>
Top level leadership in a rapidly changing and challenging environment	New Chief Executive Briefing Shadowing experienced Chief Executive Chief Executives' Action Learning Set Networking Relevant seminars and conferences	Personal confidence Feedback	Financial support  Time from MBC  Time from other more experienced top managers	October 2010
Presence and impact	1:1 support on confident personal impact eg making presentations, public speaking	Feedback eg from members and staff		March 2011
Communication of difficult messages	Action learning  Experience	Feedback	Peer Support	March 2011
Time management to ensure enough time for supporting others, reflection and looking after myself	Practising effective delegation and developing trust Practising and following through on saying "no"	Feedback  Better work/life balance		March 2011

**JOINT GUIDANCE ON APPRAISAL OF THE CHIEF EXECUTIVE**

**INTRODUCTION**

This guidance is intended for use by senior elected members and the chief executive when agreeing a process for appraising the performance of the chief executive. The focus of this process should be on clarifying what the chief executive is expected to achieve and on identifying any continuing developmental needs which, if met, would maintain a high level of performance. The process of setting objectives should be by agreement and the result should be to identify objectives which are relevant and challenging but achievable.

The process should not become complex. At all times it needs to focus clearly on a few basic issues: what the chief executive's job is; what has been done well; what could have been done better; the major issues over the next year; and what developmental needs the process clearly identifies.

**RESPONSIBILITY FOR APPRAISAL**

The responsibility for appraising the chief executive lies with senior elected members. It is a contractual obligation on the part of both the chief executive and the employing council to engage in a regular process of appraisal.

It will be for local decision in the light of local circumstances whether the appraisal should be carried out by a small committee representing all political groups or by a senior representative or representatives of the controlling group. Whichever approach is adopted, those conducting the appraisal need to bear in mind at all times that the chief executive is employed by the council as a whole, not by the controlling group, and is therefore required to serve all of the council.

**AIMS OF APPRAISAL**

1. To identify and clarify the key objectives, priorities and targets of the council and appropriate timescales for their achievement over the next (e.g. twelve) months.
2. Agree what the chief executive should personally achieve over the next (e.g. twelve) months and identify required standards of performance, in order to deliver the council's key objectives, priorities and targets. Wherever possible standards of performance should be expressed in ways which can be monitored objectively.
3. Discuss positive achievements over the past (e.g. twelve) months and identify reasons for good performance.
4. Discuss instances over the past (e.g. twelve) months where targets have not been met, identifying the factors preventing the achievements of agreed goals.
5. Discuss developmental requirements. The chief executive will have strengths and weaknesses and the parties should identify the professional development necessary to equip the chief executive with the requisite skills to meet the

council's objectives. The parties should be proactive and anticipate future developmental needs in the context of the council's changing priorities. This discussion could lead to the design of a formal programme of continuous professional development (CPD). Equally this discussion may lead to agreement on changes to the working relationship between leading members and the chief executive. It should not be assumed that it is only the chief executive who may need to adjust his/her approach to the working relationship.

Appraisal should be set in the context of the council's objectives, priorities and targets, generally expressed in the community and corporate plans. Appraisal targets when taken as a whole should be related to agreed targets for the council as a whole.

### **THE APPRAISAL CYCLE**

Appraisal should take place on a predetermined date, *at least annually* backed up by monitoring meetings on a regular basis at which targets can be reviewed for continuing relevance. A formal system of appraisal should not prevent the continuous review of progress and performance.

### **KEY ELEMENTS OF THE APPRAISAL PROCESS**

1. Continuous two-way monitoring of performance against objectives.
2. Preparation for an appraisal interview.
3. An appraisal interview where recent and current performance, future objectives and development needs are discussed.
4. Agreement should be reached on action required from either party to ensure required performance is achievable.
5. The process of informal discussion regarding performance should continue.

### **The appraisal interview and afterwards...**

1. Both parties should be well informed and prepared for the interview.
2. The process should be two-way.
3. The interview should be free from interruptions and notes should be taken when necessary.
4. The parties should concentrate as far as possible on established facts rather than unsubstantiated opinions.
5. Targets which are realistic and capable of being monitored should be agreed.
6. Any agreed development plans should be implemented within the agreed timescale.
7. The chief executive should be given a reasonable opportunity to correct any shortfalls in performance.

8. A date for the next review should be agreed.

**EXTERNAL ASSISTANCE**

External assistance in facilitating the appraisal process can be helpful in providing an independent perspective.

Within the local government 'family', it may be sought from Local Government Employers (LGE) [jo.fowles@lge.gov.uk](mailto:jo.fowles@lge.gov.uk) or by contacting the Employers' Secretary [sarah.messenger@lge.gov.uk](mailto:sarah.messenger@lge.gov.uk) or from the appropriate Regional Employers' Organisation [www.lge.gov.uk/lge/core/page.do?pagelid=120016](http://www.lge.gov.uk/lge/core/page.do?pagelid=120016) or ALACE [www.alace.org.uk/](http://www.alace.org.uk/) or SOLACE [www.solace.org.uk](http://www.solace.org.uk)

Such assistance from the aforementioned organisations may take the form of them either directly participating in the process for which a fee may be requested to cover staff time or the recommendation of, for example, a suitably experienced recently retired senior officer or other independent individual.

Alternatively such assistance may be available from commercial services, such as consultancy firms eg. SOLACE

**Note: If external assistance is sought, it must have the agreement of both sides.**

**OTHER MATTERS**

The content of appraisal interviews should be treated as confidential to the participants. However, it may be useful to report to an appropriate committee meeting that an appraisal interview has taken place.

This may be useful in acting as a reminder that the chief executive and members need to ensure that chief officers are in their turn appraised.

It should, however, not be assumed that the process for appraising the chief executive should be followed in precise detail for other staff. There is a fundamental difference between elected members appraising the chief executive and managers appraising subordinates. The principles, nevertheless, are the same.

## **MAIDSTONE BOROUGH COUNCIL**

### **EMPLOYMENT AND DEVELOPMENT PANEL**

**21 JULY 2010**

#### **REPORT OF THE HEAD OF HUMAN RESOURCES**

Report prepared by: Dena Smart, Head of Human Resources

#### **1. LOCAL GOVERNMENT SCHEME REGULATIONS 1997 AMENDMENT TO EMPLOYER DISCRETIONS**

##### **1.1 Issue for decision**

1.1.1 To agree the Maidstone Borough Council Policy relating to the Employer Discretions within the Local Government Pension Scheme (LGPS).

##### **1.2 Recommendation of Head of Human Resources**

1.2.1 It is recommended that the Employment Development Panel agree the amended policy on Employer Discretions as set out in draft at Appendix A.

##### **1.3 Background**

1.3.1 Within the Local Government Pension Scheme regulations there are several terms about which each employer must have a policy and this should be communicated to employees within the scheme. If the employer does not have a policy then the pension scheme administrator will either refer every case separately to the employer or default to the minimums set out in the regulations. Members may recall that the last time this policy was amended was August 2008 at the time of the major change to the pension regulations.

1.3.2 Currently Maidstone Borough Council has a policy (Appendix B) for all the relevant regulations that offer discretion to the employer prior to the changes that came into force in April 2008. This information is given out to all new employees at the same time as they are given the Pension Handbook and it is therefore vital that this is up-dated to reflect the changes to the scheme. The practice in previous years within MBC and most other employers in Kent have been to mirror the same discretions as Kent County Council.

1.3.3 KCC have recently given advice that the wording of the policy at regulation 16(4)ii and 83(8) could be considered to fetter the council's decision making ability and may therefore be considered to be unlawful. As the employer discretions are to enable the council to exercise judgement then they have advised that there should be some opportunity for decisions to be made in exceptional circumstances, this wording already was in existence for regulations 30(2) and (5). The draft policy at Appendix A has therefore been adapted to incorporate this.

1.3.4 The discretionary policy agreed in 2008 reflected the transition arrangements in place for manual workers (Regulation 14(3)(b) in Appendix B) and as this time period has expired this regulation has been deleted.

1.3.5 Regulation 30(2) and (5) was not previously sufficiently clear to cover those members who had preserved benefits and this has now been added.

1.4 Alternative actions and why not recommended

The Employment and Development Panel must ensure that the Council has a policy on these employer discretions. The Panel could choose not to accept the change but this could mean that if an employee with exceptional circumstances challenged the refusal to allow them to combine other pensions with the MBC pension the Pension Ombudsman may rule that the Council had acted illegally by fettering its own decision making powers.

1.5 Impact on Corporate Objectives

1.5.1 Failure to amend the existing policy would mean that the Council was not meeting the legal pension regulation requirements.

1.6 Risk Management

1.6.1 There are risks to the Council if it does not have a published policy; the purpose of this paper is to ensure the Council meets this legal requirement

1.7 Other Implications

Financial	<input checked="" type="checkbox"/>
Staffing	<input checked="" type="checkbox"/>
Legal	<input checked="" type="checkbox"/>
Equality Impact Needs Assessment	<input type="checkbox"/>
Environmental/sustainable development	<input type="checkbox"/>
Community safety	<input type="checkbox"/>
Human Rights Act	<input type="checkbox"/>
Procurement	<input type="checkbox"/>
Asset Management	<input type="checkbox"/>

1.8 Financial

1.8.1 All pension scheme changes have some impact on the ultimate cost of the scheme but as these changes cover only exceptional cases this is not anticipated to have major cost implications in the future.



## 1.9 Staffing

1.9.1 These proposals can potentially affect both current and future employees. We have a duty to inform all current members of the pension scheme of the change and this cannot then be implemented until one month and one day after the information has gone out.

## 1.10 Legal

1.10.1 There is a legal requirement for us to have a policy on the Employer Discretions and for this policy to be up to date.

## 1.11 Relevant Documents

### 1.11.1 Appendices

Appendix A - amended draft policy on Employer Discretions  
Appendix B - current policy on Employer Discretions

### 1.11.2 Background Documents

None

## **Appendix A**

### **DRAFT Maidstone Borough Council Policy and Procedural Issues Local Government Scheme Regulations Employer Discretions**

This paper confirms the pension policy of Maidstone Borough Council as it relates to the exercise of discretions contained in the Local Government Pension Scheme Regulations 1997 (as amended), the Local Government Pension Scheme (Administration) Regulations 2007<sup>1</sup> and the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007<sup>2</sup>. Last updated 2010.

- **Regulation 4 (1) (a)** <sup>2</sup>

The calculation of pensionable pay will include basic annual salary plus any other pensionable salary items from the following categories – Market Supplement/Premium, Contractual Overtime, Contractual Bonus, Honorarium of greater than 12 month period, Salary Supplement eg for Emergency Planning responsibilities. The pensionable pay will be reviewed annually with effect from 1<sup>st</sup> April to identify the appropriate Band and Contribution percentage. If the Pay Award is not made on 1<sup>st</sup> April and the review of contribution rates will be delayed until the award is applied.

- **Regulation 11(2)** <sup>2</sup>

Where a scheme member's pensionable pay consists of fees, it is the policy of Maidstone Borough Council that, if this produced a higher figure, an average of all such fees for any 3 consecutive years ending 31 March within the period of 10 years ending with the last date of active membership may be used in the calculation of benefits.

- **Regulation 12 and 13** <sup>2</sup>

It is the policy of the Borough Council only to grant extra pension scheme membership to employees where there is a proven total benefit to the organisation which includes any costs that might be borne by the authority. Any such granting of extra scheme membership needs to be agreed between the Head of Human Resources and the relevant Director. Additional service will not be granted in respect of pre April 1972 service, which at the point of retirement has not been up rated.

- **Regulation 16 (4)ii** <sup>1</sup>

If a scheme member wishes to aggregate the most recent of their periods of previous scheme membership with their current membership, it is the policy of Maidstone Borough Council that the election must be made within 12 months of the Pension Section of Kent County Council being notified that the employee has again become an active member. If the 12 month period has elapsed then the member may make a case for any exceptional circumstances to be considered by the Head of Human Resources, the Head of Finance and the relevant Director.

- **Regulation 18(1)** <sup>2</sup>

It is Maidstone Borough Council's policy to only provide consent for flexible retirement and the immediate payment of benefits where there is no detrimental effect on the service. Any such consent requires the agreement of the Director of Human Resources and the relevant Director.

- **Regulation 18(3)** <sup>2</sup>

If consent has been given under Regulation 18(1), it is not Maidstone Borough Council's policy to waive, in whole or part, any actuarial reduction to the scheme member's benefits.

- **Regulation 22(2)** <sup>1</sup>

Employees who have the option to pay contributions in respect of a period of unpaid absence must elect to do so within 30 days of the date of the notice issued to them by the Human Resources Section stating the amount of contributions to be paid. This time limit may be extended by the Head of Human Resources if the employee can demonstrate exceptional circumstances so as to justify an extension of time.

- **Regulation 25(3)** <sup>1</sup>

It is not the current policy of the Borough Council to operate a shared cost Additional Voluntary Contribution Scheme for employees. However, this policy will be reviewed from time to time by the Head of Human Resources in conjunction with the Chief Finance Officer, subject to Member's approval.

- **Regulation 30(2) and (5)** <sup>2</sup>

It is not the policy of the Borough Council to give consent to the immediate payment of benefits to employees under this regulation unless there is a demonstrable benefit to the organisation which would take full account of any extra costs to be borne by the Authority. In circumstances where a request is made for an early payment of a deferred benefit this is unlikely to be granted except in the most extreme cases of hardship. Any such consent shall be agreed by the Head of Human Resources and the relevant Director taking account of all the details involved in the case.

Where a scheme member has previously been awarded a preserved benefit, it is not generally the policy of Maidstone Borough Council to give consent under this regulation to the early payment of benefits. However each request will be considered and full account taken of any costs to be borne by the authority. Any consent shall be agreed by the Head of Human Resources and the relevant Director taking account of all the details involved in the case.

Where consent is given on the grounds of compassionate circumstances, full consideration must be given to the Kent County Council guidelines, and only after agreement between the Head of Human Resources and the relevant Director. In compassionate circumstances the Borough Council will be responsible for any additional costs deriving from the decision to release benefits prematurely.

- **Regulation 83(8)** <sup>1</sup>

If a scheme member wishes to transfer any pension benefits they have built up in other schemes to the Local Government Pension Scheme, it is the policy of Maidstone Borough Council that the election must be made within 12 months of the Pension Section being notified that the employee has become an active member of the Kent Scheme. If the 12 month period has elapsed then the member may make a case for any exceptional circumstances to be considered by the Head of Human Resources, the Head of Finance and the relevant Director.

## **APPENDIX B**

### **Maidstone Borough Council Policy and Procedural Issues Local Government Scheme Regulations Employer Discretions**

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It is the policy of the Borough Council only to grant extra pension scheme membership to employees where there is a proven total benefit to the organisation which includes any costs that might be borne by the authority. Any such granting of extra scheme membership needs to be agreed between the Head of Human Resources and the relevant Director. Additional service will not be granted in respect of pre April 1972 service, which at the point of retirement has not been up rated.

- **Regulation 14(3)(b)**<sup>2</sup>

A manual worker who returns to Local Government employment having left after a statutory transfer will be given the opportunity to rejoin the pension scheme and pay contributions at the protected rate of 5.25% from 01/04/08, 5.5% from 01/04/09, lesser of 6.5% or relevant figure from normal banding tables from 01/04/10 and from 01/04/11 the relevant figure from normal banding tables, following another statutory transfer. He or she must elect to do so within 30 days of the date of notification of this option sent to him or her by the Borough Council.

- **Regulation 16 (4)ii**<sup>1</sup>

If a scheme member wishes to aggregate the most recent of their periods of previous scheme membership with their current membership, it is the policy of Maidstone Borough Council that the election must be made within 12 months of the Pension Section of Kent County Council being notified that the employee has again become an active member.

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