

# AGENDA

## EMPLOYMENT COMMITTEE MEETING



Date: Thursday 18 August 2016

Time: 11.00 am

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Mrs Blackmore, D Burton, Cox  
(Chairman), Garten, Mrs Gooch (Vice-  
Chairman), Harper, Joy, McLoughlin,  
D Mortimer, Powell, Mrs Ring and  
Mrs Wilson

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Urgent Items
4. Disclosures by Members and Officers

**Continued Over/:**

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**Issued on Wednesday 10 August 2016**

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 Caroline Matthews on 01622 602743**. To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

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

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|-----|--|--------|
| 5.  | Disclosures of Lobbying  |        |
| 6.  | To consider whether any items should be taken in private because of the possible disclosures of exempt information |        |
| 7.  | Minutes of the Meeting held on 29 January 2016   | 1 - 4  |
| 8.  | Minutes of the Meeting held on 10 February 2016  | 5 - 6  |
| 9.  | Minutes of the Meeting held on 24 May 2016   | 7      |
| 10. | Report of the Head of Finance and Resources - Appointment to Sub-Committees  | 8 - 13 |

## **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 12 A and Brief Description**

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|-----|---|--|---------|
| 11. | Minutes (Part II) of the Meeting held on 10 February 2016 | Paragraph 4 – Info re Labour Relations | 14 - 15 |
|-----|---|--|---------|

## MAIDSTONE BOROUGH COUNCIL

### EMPLOYMENT COMMITTEE

#### MINUTES (PART I) OF THE MEETING HELD ON FRIDAY 29 JANUARY 2016

**Present:** Councillor Mrs Gooch (Chairman), and  
Councillors Mrs Blackmore, D Burton, Cox, Hemsley,  
Joy, McKay, D Mortimer, Round, Sargeant and  
Mrs Wilson

12. APOLOGIES FOR ABSENCE

Apologies had been received from Councillors McLoughlin and Perry.

13. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Hemsley was substituting for Councillor McLoughlin.

14. URGENT ITEMS

The Chairman advised that she intended to take Agenda Item 10 – Report of the Chief Executive which related to the Proposed Pay Scale Changes as an Urgent Item.

15. NOTIFICATION OF VISITING MEMBERS

It was noted that there were no Visiting Members.

16. DISCLOSURES BY MEMBERS AND OFFICERS

The Head of HR Shared Services disclosed an interest on behalf of all members of staff in relation to Agenda Item 10 – Report of the Chief Executive - Pay Scale Changes.

17. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

18. EXEMPT ITEMS

**RESOLVED:** That the item on Part II of the agenda be taken in private as proposed.

19. MINUTES OF THE MEETING HELD ON 27 AUGUST 2015

**RESOLVED:** That the Minutes of the meeting held on 27 August 2015 be approved as a correct record and signed subject to the following

resolution being inserted under Minute 9, Resolution 2 – Appointment of Substitutes to Sub-Committees:-

It was proposed by Councillor Burton and seconded by Councillor Cox that the Committee would appoint up to 5 named substitutes for Sub-Committees from the Members or Substitute Members of the Committee.

Voting: For: 11

Substantive motion carried.

**RESOLVED:** That the Committee will appoint up to 5 named substitutes for Sub-Committees from the Members or Substitute Members of the Committee.

Voting: For : 11

By way of an update to the minutes of the last meeting in regard to the report of the Chief Executive - Director Recruitment, it was noted that Members had requested a comparison between the estimated costs incurred should the process be administered by internal HR against the process as undertaken by external recruitment consultants outside of the meeting.

The Head of HR Shared Service apologised that she had not sent these figures around but had undertook to update Members verbally at this meeting.

Members were advised that a tendering process had been executed and concluded in December last year and the consultants Berwicks were appointed.

The Head of HR Shared Service advised that an advertisement had appeared in the Guardian and talks were still ongoing with prospective candidates by the recruitment consultants.

20. REPORT OF THE HEAD OF HUMAN RESOURCES - PAY POLICY STATEMENT 2016

Members considered the report of the Head of HR Shared Service which related to the Pay Policy Statement.

It was noted that the pay policy statement would need to be approved formally by full Council before the end of March. Members were informed of the changes that had been made for this year which included a reference to the legislative changes that would be introduced from April 2016 relating to compensation payments by senior staff. However, this still needs to be worked out as it is quite a complicated piece of legislation.

In Section 4 – Monitoring it was noted that the calculation for earnings had changed this year from previous years following guidance from the

Local Government Association. It was suggested that the same rationale was attributed to future data and that only comparators from one year to another are detailed.

It was also noted that in Section 5 – Trade Union facility time, hardly any resources had been spent on trade union business. Members were advised that the Council was only required to report if more than 50% of the trade union representative’s time is spent on trade union business.

In response to Members’ questions, the Head of HR Shared Service advised:-

- That although the Reward Strategy was last reviewed in 2006, there were four themes to the Strategy and one of these themes, the Pay Policy, would be considered by Members in Part II of the agenda.
- That the redundancy policy would apply to all members of staff.
- Market Supplements are applied to those positions where difficulty has been experienced in recruiting, i.e. Senior Planners, Surveyors and Legal.

**RESOLVED:** That Council be recommended to agree the proposed Pay Policy Statement as set out in Appendix 1 to the report of the Head of HR Shared Service prior to publication on the Council’s web site.

Voting: For: 11

21. 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**

Report of the Chief Executive - Proposed Pay Scale Changes                      Paragraph 4 – Labour Relations

22. REPORT OF THE CHIEF EXECUTIVE - PROPOSED PAY SCALE CHANGES

Members considered the exempt report of the Chief Executive on the Pay Scale Changes which addressed the level of minimum pay to be adopted by the Council.

It was noted that one of the changes to have been applied to the pay scale related to the application of the Living Wage to the lowest grade on the pay scale. This had been adopted by Members in 2012.

The National Living Wage (NLW) introduced by the Government recently would be a statutory minimum for anyone over 25 years of age. The NLW would be lower than the Living Wage and Members would need to consider whether its policy would continue to reflect the Living Wage or match the NLW.

Councillor D Mortimer left the meeting at 10.30 a.m. before the recommendation was made and voted on.

**RESOLVED:**

- 1) That the National Living Wage (NLW) be adopted as the minimum level of pay for MBC staff.

Voting: For: 9 Against: 1 Abstentions: 0

Members expressed concern that they could not fully consider the other recommendations until further information had been provided by the Head of HR Shared Service. It was therefore proposed that the meeting be adjourned until a revised report could be produced for Members further consideration.

It was proposed by Councillor Mrs Gooch and seconded by Councillor Cox that the meeting stand adjourned until the Head of HR Shared Service provided further information.

Voting: For: 10 Against: 0 Abstentions: 0

Recommendation Carried.

23. **DURATION OF MEETING**

9.00 a.m. to 11.40 a.m.

## MAIDSTONE BOROUGH COUNCIL

### EMPLOYMENT COMMITTEE

#### MINUTES (PART I) OF THE MEETING HELD ON WEDNESDAY 10 FEBRUARY 2016 ADJOURNED FROM FRIDAY 29 JANUARY 2016

**Present:** Councillor Mrs Gooch (Chairman), and  
Councillors Mrs Blackmore, D Burton, Cox, Hemsley,  
Joy, McKay, D Mortimer, Perry, Round, Sargeant and  
Mrs Wilson

24. APOLOGIES FOR ABSENCE

Apologies had been received from Councillor McLoughlin.

25. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Hemsley was substituting for Councillor McLoughlin.

26. URGENT ITEMS

There were no urgent items.

27. DISCLOSURES BY MEMBERS AND OFFICERS

The Head of HR Shared Service disclosed an interest on behalf of all members of staff in relation to Agenda Item 7 - Report of the Chief Executive – Pay Scale Changes.

28. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

29. EXEMPT ITEMS

**RESOLVED:** That the Part II agenda item be taken in private as proposed.

30. 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**

Report of the Chief Executive -

Paragraph 4 – Labour Relations

Proposed Pay Scale Changes

31. REPORT OF THE CHIEF EXECUTIVE - PROPOSED PAY SCALE CHANGES

Members considered the exempt report of the Chief Executive on Pay Scale Changes.

This was a revised report following the meeting of the Committee held on 29 January 2016 in which Members had asked for further clarification.

Members had requested more options for consideration and the revised report had provided three clear options.

**RESOLVED:**

- 1) That a pay policy of reflecting the HAY median for all grades be agreed;

Voting: For: 12 Against: 0 Abstentions: 0

- 2) That pay scale option 3, as set out in Appendix V to the report of the Chief Executive, be agreed and should be used as a basis for negotiation with the trade union; and

Voting: For: 12 Against: 0 Abstentions: 0

- 3) That Policy and Resources Committee be advised of the Committee's decision, together with the financial consequences, by way of a verbal update by the Head of Finance and Resources at their next meeting.

Voting: For: 11 Against: 0 Abstentions: 1

32. DURATION OF MEETING

3 p.m. to 4 p.m.

## **MAIDSTONE BOROUGH COUNCIL**

### **Employment Committee**

#### **MINUTES OF THE MEETING HELD ON TUESDAY 24 MAY 2016**

**Present:** Councillor Cox (Chairman), and  
Councillors Mrs Blackmore, Brice, Burton, Cox, Ells,  
Garten, Mrs Gooch, Joy, D Mortimer, Mrs Ring and  
Mrs Wilson

**Also Present:** Councillors Boughton, Burton, English,  
Mrs Grigg, Perry, Pickett, Prendergast,  
Revell, Round and Mrs Stockell

1. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Harper, McLoughlin and Powell.

2. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following Substitute Members were noted:

Councillor Brice for Councillor McLoughlin  
Councillor Ells for Councillor Powell

3. **NOTIFICATION OF VISITING MEMBERS**

The following Visiting Members were in attendance as observers:

Councillors Boughton, Burton, English, Mrs Grigg, Perry, Pickett,  
Prendergast, Revell, Round and Mrs Stockell.

4. **ELECTION OF CHAIRMAN**

**RESOLVED:** That Councillor Cox be elected Chairman for the Municipal Year 2016-17.

5. **ELECTION OF VICE-CHAIRMAN**

**RESOLVED:** That Councillor Gooch be elected Vice-Chairman for the Municipal Year 2016-17.

6. **DURATION OF MEETING**

7.45 p.m. to 7.48 p.m.

# Agenda Item 10

## EMPLOYMENT COMMITTEE

**18 August 2016**

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

### Appointment of Sub-Committees

<b>Final Decision-Maker</b>	Employment Committee
<b>Lead Head of Service</b>	Paul Riley, Head of Finance and Resources
<b>Lead Officer and Report Author</b>	Caroline Matthews, Democratic Services Officer
<b>Classification</b>	Public
<b>Wards affected</b>	

#### **This report makes the following recommendations to this Committee:**

That the Committee appoint to the Sub-Committees as set out in Section 4 of the report

#### **This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all - none
- Securing a successful economy for Maidstone Borough - none

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Employment Committee	18 August 2016

# Appointment of Sub-Committees

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To appoint to the Committee's various Sub-Committees as detailed in the body of the report.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 Set out in the body of the report and in Appendix 'A' are the various Sub-Committees that the Committee need to appoint to. It is possible to appoint a Sub-Committee which is not politically balanced and the arrangements for such appointments are set out in paragraph 2.2 below.
- 2.2 Section 17 of the Local Government and Housing Act 1989 provides for exceptions to the political balance requirements. In essence, the Committee can amend the political balance of a Sub-Committee provided that notice of the intention to give such consideration has been given to all Members of the Committee and when the alternative arrangements are put to the vote at the Committee, no members of the Committee votes against them.
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## 3. AVAILABLE OPTIONS

- 3.1 An alternative would be to not appoint to any or all of the Sub-Committees but this is not recommended as it would be going against the decision of Council as set out in the Constitution.
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## 4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The Appointment Sub-Committee would consider the applications received for the posts of Chief Executive and Directors, compile a shortlist for interview and subsequently to interview and make appointments (in the case of the Chief Executive, any appointment is subject to confirmation by full Council)

**Panel to consist of 5 Councillors (politically balanced at 2 Con, 2 Lib Dem and 1 Ind)**

- 4.2 The Performance Sub-Committee would review annually the performance of the Chief Executive and Directors, agree targets for the coming financial year, and agree any corrective action which may be required relating to the previous financial year. To also review the mid-term performance of the Chief Executive.

**Panel to consist of 5 Councillors (to include the Group Leaders of the 5 largest parties) (not politically balanced)**

4.3 The Investigatory Sub-Committee would deal with disciplinary matters for protected officers

**Panel to consist of 3 Councillors (politically balanced at 2 Con and 1 Lib Dem)**

4.4 The Hearings Panel would deal with dismissals, except that any decision to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer must be approved by Council.

**For the three statutory protected officers, Panel of 3 plus up to two Independent Persons (politically balanced at 2 Con and 1 Lib Dem)**

4.5 The Appeals Sub-Committee would hear and determine appeals against decisions taken by the Chief Executive under the disciplinary or capability procedures or hear grievances raised against the Chief Executive under the grievance procedure

**Sub Committee to consist of 3 Councillors (politically balanced at 2 Con and 1 Lib Dem)**

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**5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

5.1 Once the appointments are made, these will be held for the remainder of the municipal year.

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**6. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	There are no impacts on corporate priorities.	[Head of Service or Manager]
<b>Risk Management</b>	Failure to appoint to these Sub-Committees could create difficulties for the Council in undertaking these functions	[Head of Service or Manager]
<b>Financial</b>	There are no financial implications	[Section 151 Officer & Finance Team]

<b>Staffing</b>	There are no staffing implications	[Head of Service]
<b>Legal</b>	The appointment of the proposed Sub-Committees will comply with the provisions of the Local Government and Housing Act 1989 and the Council's Constitution	[Legal Team]
<b>Equality Impact Needs Assessment</b>	There are no implications arising from the report	[Policy & Information Manager]
<b>Environmental/Sustainable Development</b>	There are no environmental/sustainable development implications	[Head of Service or Manager]
<b>Community Safety</b>	There are no community safety implications	[Head of Service or Manager]
<b>Human Rights Act</b>	There are no human rights implications	[Head of Service or Manager]
<b>Procurement</b>	There are no procurement implications	[Head of Service & Section 151 Officer]
<b>Asset Management</b>	There are no asset management implications	[Head of Service & Manager]

## **7. REPORT APPENDICES**

### **Appendix A**

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## **8. BACKGROUND PAPERS**

*None*

**Appointment Sub-Committee** (To consider the applications received for the posts of Chief Executive and Directors and to compile a shortlist for interview and subsequently to interview and make appointments (in the case of the Chief Executive, this is subject to confirmation by full Council) – **Panel to comprise of 5 Councillors**

<b>CON X2</b>	<b>LIB DEM X2</b>	<b>IND X1</b>		
	WILSON	GOOCH		
	COX			

Substitutes

	JOY	MUNFORD		
	MORTIMER D	NEWTON		
		SAMS J		
		SAMS T		

**Performance Sub-Committee** (To review annually the performance of the Chief Executive and Directors, to agree the targets for the coming financial year, and agree any corrective action which may be required relating to the previous financial year) and to review the mid-term performance of the Chief Executive and Directors – **Panel to comprise of 5 Councillors (to include the Group Leaders of the 5 largest parties)**

<b>CON</b>	<b>LIB DEM</b>	<b>IND</b>	<b>UKIP</b>	<b>LAB</b>
BLACKMORE	WILSON	GOOCH	POWELL	HARPER

Substitutes

BURTON D	COX	MUNFORD	ELLS	ADKINSON
GARTEN	JOY	NEWTON		
MCLOUGHLIN	MORTIMER D	SAMS J		
RING		SAMS T		

**Investigatory Sub-Committee** (To act as a an investigatory Committee in disciplinary matters for protected Officers) (3 Councillors required)

<b>CON X2</b>	<b>LIB DEM X1</b>			
	COX			

Substitutes

	JOY			
	MORTIMER D			

**Hearings Sub-Committee** – to act as a hearings panel as appropriate (except any decision to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer which must be approved by Council) **(to comprise of 3 Councillors)**. The hearings panel to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer should also comprise of up to two Independent Persons.

<b>CON X2</b>	<b>LIB DEM X1</b>			
	WILSON			

Substitutes

	JOY			
	MORTIMER D			

**Appeals Sub-Committee** – 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 (to consist of 3 Councillors)

<b>CON X2</b>	<b>LIB DEM X1</b>			
	WILSON			

Substitutes

	COX			
	JOY			
	MORTIMER D			

By virtue of paragraph(s) 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

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