

# DEMOCRACY AND GENERAL PURPOSES COMMITTEE MEETING

Date: Wednesday 27 January 2021

Time: 6.30 pm

Venue: Remote Meeting: The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council Website

Membership:

Councillors Mrs Blackmore, Chappell-Tay, Mrs Gooch (Chairman), Hastie, Joy, Lewins, Perry, Purle and Webb (Vice-Chairman)

*The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.*

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## **AGENDA**

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| 1. Apologies for Absence  |        |
| 2. Notification of Substitute Members   |        |
| 3. Urgent Items   |        |
| 4. Notification of Visiting Members   |        |
| 5. Disclosures by Members and Officers  |        |
| 6. Disclosures of Lobbying  |        |
| 7. To consider whether any items should be taken in private because of the possible disclosure of exempt information. |        |
| 8. Minutes of the Meeting Held on 11 November 2020  | 1 - 4  |
| 9. Presentation of Petitions (if any)   |        |
| 10. Question and Answer Session for Members of the Public   |        |
| 11. Questions from Members to the Chairman (if any)   |        |
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**Issued on Tuesday 19 January 2021**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

15. Pay Policy Report	12 - 44
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## **INFORMATION FOR THE PUBLIC**

In order to ask a question at this remote meeting, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 25 January 2021). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

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## **MAIDSTONE BOROUGH COUNCIL**

### **DEMOCRACY AND GENERAL PURPOSES COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON WEDNESDAY 11 NOVEMBER 2020**

**Present:** Councillors Mrs Blackmore, Chappell-Tay, Mrs Gooch (Chairman), Hastie, Joy, Lewins, Perry, Purle and Webb

**Also Present:** Councillors Brice, Cox, Kimmance and Wilby

127. APOLOGIES FOR ABSENCE

There were no apologies for absence.

128. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

129. URGENT ITEMS

There were no urgent items.

130. NOTIFICATION OF VISITING MEMBERS

Councillors Brice, Cox, Kimmance and Wilby were present as Visiting Members for Item 16 – Democratic Representation – Boundary Review.

131. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

132. DISCLOSURES OF LOBBYING

Councillor Chappell-Tay had been lobbied on Item 14 – Councillor Training Update and Item 15 – Access to Information Review Report.

133. EXEMPT ITEMS

**RESOLVED:** That all items be taken in public as proposed.

134. CHANGE TO THE ORDER OF BUSINESS

The Chairman stated that they intended to take Item 16 – Democratic Representation – Boundary Review, before Item 12 – Committee work Programme. This was due to the attendance of Visiting Members to speak on the item following a Member briefing on the topic prior to the meeting.

135. MINUTES OF THE MEETING HELD ON 2 SEPTEMBER 2020

**RESOLVED:** That the Minutes of the meeting held on 2 September 2020 be approved as a correct record and signed at a later date, subject to the addition of Councillor Blackmore to the list of Members present.

136. PRESENTATION OF PETITIONS

There were no petitions.

137. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

138. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

139. DEMOCRATIC REPRESENTATION - BOUNDARY REVIEW

The Democratic and Electoral Services Manager introduced the report that had been produced following consideration of the Council's Strategic Priorities by the Policy and Resources Committee in September 2020, which included Democratic Representation. The report had set out that no stone should remain unturned in the consideration of savings and priorities for the Council going forward. It had been identified that savings could be achieved through whole council elections and an assessment of the number of Members through a boundary review, if agreed.

The Council met two of the criteria set by the Local Government Boundary Commission for England (LGBCE) to conduct a boundary review; variation in the average number of electors per member and 20 years since the last review being past the 14-year requirement. In answer to Member concerns it was clarified that in the event that Unitary Authorities were brought into force for Kent during the boundary review, LGBCE would pause the process.

If a boundary review were agreed, a significant piece of work would be undertaken between June 2021 until November 2021 to develop proposals for the Council. Whole Council elections would then follow, with the LGBCE likely to aim for this to occur in 2024. It was explained that prior to the review the Council would need to be clear on its governance arrangements and electoral cycle so additional reports would be needed on these, subject to Committee agreement.

Whilst there were concerns expressed about the possible reduction in Councillor numbers arising from the review, it was felt that the review would need to take place before outcomes were considered. It was reiterated that Members would be consulted throughout the process, with the LGBCE to consider the Council's views in conducting a review.

**RESOLVED:** That

1. The Local Government Boundary Commission for England (LGBCE) be informed that Maidstone requests a Ward Boundary Review;
2. In light of the potential changes a boundary review would bring, and the impact of electoral cycle, governance arrangements, and scrutiny arrangements on that review, the following be agreed for the next meeting of the Committee:
  - a. A report recommending that Council votes on whether to switch to Whole Council Elections, to include the impacts of a Ward Boundary Review;
  - b. A report recommending that Council votes on its future governance arrangements for decision making and scrutiny (Leader and Cabinet or Committee system);
  - c. Political groups be consulted and engaged in the reports on Whole Council elections and governance arrangements and on matters such as council size and the review generally; and
3. In the event of any definite proposals on Unitary Authorities coming forward the LGBCE will consider 'pausing' a review to allow those proposals to conclude, be noted.

140. COMMITTEE WORK PROGRAMME

**RESOLVED:** That the Committee Work Programme be noted.

141. REPORTS OF OUTSIDE BODIES

There were no reports of outside bodies.

142. COUNCILLOR TRAINING UPDATE

The Head of Policy, Communications and Governance introduced the report following the Member survey undertaken during the Summer on preferred learning approaches and training requirements. Virtual training and Member briefings would continue during the second lockdown period, with a combined approach of virtual and classroom learning suggested for the future.

Further training had been requested from those surveyed on the Council's Constitution and procedural rules and questioning skills and social media. External training would be organised for questioning skills and social media.

Additional Members briefings on Housing and Homelessness, the Benefits System, Community Protection and the Local Plan would take place.

The Committee expressed thanks for the work undertaken.

**RESOLVED:** That

1. The update on Councillor Training be noted; and
2. The proposed additions to the training programmes for 2020-21, be approved.

143. ACCESS TO INFORMATION REVIEW REPORT

The Monitoring Officer introduced the report that had been produced following Member queries on the access requirements for exempt information. Advice had been sought from Counsel and the Council's position on access to exempt information, outside of Committee Membership, was outlined.

A benchmarking exercise had been undertaken, with all authorities confirming that either the Director, Monitoring Officer or Chief Executive was responsible for determining access to information requests.

**RESOLVED:** That the update provided be noted.

144. DURATION OF MEETING

7.30 p.m. to 8.37 p.m.

**2020/21 WORK PROGRAMME**

	<b>Committee</b>	<b>Month</b>	<b>Origin</b>	<b>CLT to clear</b>	<b>Lead</b>	<b>Report Author</b>
Appointment of the Independent Person	D&GP	30-Mar-21	Governance		Patricia Narebor	Patricia Narebor
Workforce Strategy Update	D&GP	TBC	Officer Update	?	Bal Sandher	Bal Sandher

# Agenda Item 14

## DEMOCRACY AND GENERAL PURPOSES COMMITTEE

27 January 2021

### Electronic Signatures and Document Sealing

<b>Final Decision-Maker</b>	Full Council
<b>Lead Head of Service</b>	Patricia Narebor, Head of Legal Partnership and Monitoring Officer
<b>Lead Officer and Report Author</b>	Gina Clarke, Team Leader (Corporate Governance)
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### Executive Summary

This report sets out proposed changes to the Council's Constitution to enable the use of mobile seals and electronic signatures.

#### Purpose of Report

For decision.

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

1. To consider and recommend to Council for approval minor amendments to the Constitution relating to the use of mobile seals and electronic signatures as set out in paragraph 2.5 of the report.

#### Timetable

<b>Meeting</b>	<b>Date</b>
Democracy and General Purposes	27 January 2021
Council	24 February 2021

# Electronic Signatures and Document Sealing

## 2 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	The recommendation will have an effect on the governance arrangements of the Council which has an impact on all corporate priorities.	Gina Clarke, Team Leader (Corporate Governance), MKLS
<b>Risk Management</b>	The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. The changes proposed are to ensure the effective running of the council, when deciding whether to recommend approval of the changes the committee will need to consider the risk of not recommending approval of the proposed amendments to the Constitution.	Gina Clarke, Team Leader (Corporate Governance), MKLS
<b>Financial</b>	None identified at this time. The recommendations in this report can be met within existing budgets.	MLKS Business Manager
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Patricia Narebor Head of Kent Legal Partnership
<b>Legal</b>	The legal implications are set out in the body of the report. A clear and effective Constitution supports the corporate priorities and reviewing the Constitution regularly ensures that it most effectively meets the needs of the Council and the public. The Constitution requires the Monitoring Officer to monitor and review the operation of the	Gina Clarke, Team Leader (Corporate Governance), MKLS

	<p>Constitution.</p> <p>It is a function of the Democracy and General Purposes Committee to regularly review the Constitution in conjunction with the Monitoring Officer and recommend proposed changes, where significant, to the Council.</p>	
<b>Privacy and Data Protection</b>	There are no specific privacy or data protection issues to address.	Gina Clarke, Team Leader (Corporate Governance), MKLS
<b>Equalities</b>	It is recognised that the recommendations may have varying impacts on different communities within Maidstone. An equalities impact assessment has been completed.	Equalities and Corporate Policy Officer
<b>Public Health</b>	The current pandemic has led to further changes in working practices with a significant increase in remote working with an even greater reliance on electronic practices.	Gina Clarke, Team Leader (Corporate Governance), MKLS
<b>Crime and Disorder</b>	None identified in this report.	Gina Clarke, Team Leader (Corporate Governance), MKLS
<b>Procurement</b>	Following approval of the recommendation, the Council will then follow procurement exercises for any software which may be required. We will complete those exercises in line with financial procedure rules.	Head of Service & Section 151 Officer
<b>Cross Cutting Objectives</b>	The recommendation will have an impact on the governance arrangements of the Council which has an impact on the cross-cutting objectives.	Gina Clarke, Team Leader (Corporate Governance), MKLS

## 2. INTRODUCTION AND BACKGROUND

- 2.1 In recent times there has been a mounting trend towards developing a paperless working environment by making more use of electronic means of communication and document retention. As a result, the use of electronic signatures became more common. The Electronic Communication Act 2000 and the Electronic Signature Regulations 2002 deal with the admissibility and authenticity of electronic signatures.
- 2.2 The current pandemic has led to further changes in working practices with a significant increase in remote working with an even greater reliance on electronic practices. In consequence it's necessary to accept and formally recognise the validity of electronic signatures on documents such as contracts, deeds, minutes and resolutions when used by both the Council and those with whom it enters into contract, or other legally binding deeds and documents. HM Land Registry will, for the time being, accept, for the purposes of registration that certain deeds that have been electronically signed in accordance with the Land Registry requirements.
- 2.3 In addition, remote working has caused significant difficulties in affixing the Council's common seal to contracts and other documents. The Common Seal is currently located at the Legal strong room in Maidstone House in the custody of the Head of Legal Partnership in accordance with the Constitution. In the present circumstances it is necessary for two officers to physically attend the Legal office to affix and witness the affixing of the common seal. It is proposed to purchase mobile sealing devices which would be held remotely and securely in order to obviate the need for officers to attend Maidstone House.
- 2.4 It will not be the new practice to merely apply a JPG or PDF file of a signature to the document as this offers insufficient security. The requirements for the new software are that it is secure, reputable and effective in allowing both the Council and other parties to easily sign documents with a strong audit trail to confirm who has performed the signature. Marketplace research has been conducted and there is at least one supplier who meets these requirements.
- 2.5 Some minor amendments to the Constitution will be required in order to facilitate these changes, namely –
  - a) The addition of the following additional paragraphs to the Contract Procedure Rules:

*Electronic signatures may be used by both the Council and the Supplier in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Director of Finance and Business Improvement.*

*Electronic signatures will, in line with the Electronic Communication Act 2000, be accepted as a fair representation of a willingness to enter into a contract by and with the Council, insofar as the e-signature is a true*

*representation of the authorised person's written signature and (a) and (b) below apply (to the Supplier), in which case an e-signature and a signature will be referred to as the same.*

*(a) the Contract will be entered into in relation to being either under seal or under hand; and  
(b) is supported with a contemporaneous document of authenticity and authorisation from the Supplier.*

b) That the additional words in italics be added at:

Part 2 : Responsibility for Functions : 2.3.15 Head of Legal Partnership –

10. Contracts exceeding the value specified within the Financial Procedure Rules must be made under the common seal of the Council *or the mobile seal for remote use* attested by the Head of Legal Partnership or other authorised signatory, unless the Head of Legal Partnership considers that certain contracts may be signed rather than sealed.

11. The Common Seal of the Council *and the mobile seal for remote use* will be kept in a safe place in the custody of the Head of Legal Partnership. A decision of the Council or a Committee or Sub-Committee or Officer will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal *or the mobile seal for remote use* will be affixed to those documents which in the opinion of the Head of Legal Partnership, should be sealed. The affixing of the Common Seal *or the mobile seal for remote use* will be attested by the Head of Legal Partnership or any other solicitor authorised by her.

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### **3. AVAILABLE OPTIONS**

- 3.1 Leaving the Constitution unchanged which would result in the Council falling behind in the use of electronic practices and result in the continuation of the difficulties outlined in paragraph 2.3.
- 3.2 Amending the Constitution to recognise 1) the validity of electronic signatures and to allow documents to be sealed remotely without the need for attendance at the Council offices and 2) the use of mobile seals for remote use at the other MKLS offices.

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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option 3.2 is the preferred option as it will enable the Council to follow evolving working practices, reduce travelling by authorised signatories and aid remote working.

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### **5. RISK**

- 5.1 The approval of the sufficiency of the security arrangements for the use of electronic signatures by a Senior Council Officer will mitigate any risks associated with the use of electronic signatures.

5.2 The safe keeping and use of the mobile seal for remote use will be subject to the same safeguards which apply against the possible risks associated with the use of the Common Seal of the Council.

## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

6.1 Discussions have taken place with the Council's Corporate Leadership Team regarding the proposed amendments for the use of electronic signatures and mobile seal.

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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

7.1 If agreed, the amendments to the Constitution will be presented to full Council on 24 February 2021 with the recommendation that it adopts the revisions to take immediate effect.

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## **8. REPORT APPENDICES**

None.

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## **9. BACKGROUND PAPERS**

None.

# Agenda Item 15

## Democracy and General Purposes Committee

27 January 2021

### Pay Policy Statement 2021

<b>Final Decision-Maker</b>	Democracy and General Purposes Committee
<b>Lead Head of Service</b>	Bal Sandher, Head of HR Shared Service
<b>Lead Officer and Report Author</b>	Bal Sandher, Head of HR Shared Services
<b>Classification</b>	Public
<b>Wards affected</b>	None

#### Executive Summary

A Pay Policy Statement must be agreed by Full Council for publication by 31st March 2021. The Pay Policy Statement should set out the main aspects of the remuneration strategy of the council.

The Council met the target to publish a Pay Policy Statement in previous years and the attached document has been updated to reflect changes during the year.

#### Purpose of Report

Decision

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

1. That the Council be recommended to agree the proposed Pay Policy Statement set out at appendix 1 to this report prior to publication on the council's web site.

#### Timetable

<b>Meeting</b>	<b>Date</b>
Democracy and General Purposes Committee	27 January 2021
Council	24 February 2021

# Pay Policy Statement 2021

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	This statement makes no changes to the current situation and there are no implications due to the content of the pay policy statement.	Bal Sandher Head of HR
<b>Cross Cutting Objectives</b>	There is a legal requirement to publish an annual Pay Policy Statement as outlined below under legal implications.	Bal Sandher Head of HR
<b>Risk Management</b>	The risks are reputational if the council fails to publish a Pay Policy Statement	Bal Sandher Head of HR
<b>Financial</b>	There are no direct financial implications arising from publication of the pay policy statement. The Council's pay policy reflects its overall strategic and financial priorities.	Section 151 Officer & Finance Team
<b>Staffing</b>	This statement makes no changes to the current situation and there are no implications due to the content of the pay policy statement.	Bal Sandher Head of HR
<b>Legal</b>	The requirement to publish an annual Pay Policy Statement is set out in Section 38 (1) of the Localism Act 2011. Publication also satisfies the requirements to publish certain data, set out in the Local Government Code on Transparency 2015.	Bal Sandher Head of HR
<b>Privacy and Data Protection</b>	No personal data are contained in the report.	Policy and Information Team
<b>Equalities</b>	No impact identified as a result of this update report. As an employer the Council has a duty to fulfil under the Equality Act 2010. This is ongoing and is embedded in the current processes.	Bal Sandher Head of HR
<b>Public Health</b>	No impact identified at this time	Bal Sandher Head of HR

<b>Crime and Disorder</b>	No impact identified at this time	Bal Sandher, Head of HR
<b>Procurement</b>	No impact identified at this time.	Bal Sandher, Head of HR

## 2. INTRODUCTION AND BACKGROUND

- 2.1 Section 38 (1) of the Localism Act 2011 came into force on 15 January 2012 and required English and Welsh local authorities to produce a pay policy statement for 2012/13 and for each financial year after that. The government consulted on a revised code in 2015 and the draft pay policy statement reflects the requirements of the revised code.
- 2.2 The matters that must be included in the statutory pay policy statement and the revised code of practice are as follows:
- a local authority’s policy on the level and elements of remuneration for each chief officer;
  - a local authority’s policy on the remuneration of its lowest-paid employees (together with its definition of “lowest-paid employees” and its reasons for adopting that definition);
  - a local authority’s policy on the relationship between the remuneration of its chief officers and other officers and in particular the pay multiple between the two;
  - a local authority’s policy on other specific aspects of chief officers’ remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency;
  - an organisation chart or description of the number and grades of staff in the top three layers of the organisation, with information on the grades of all those with salaries in excess of £50,000;
  - details of trade union facility time including the trade union representatives for each of the recognised trade unions.
- 2.3 The reference to ‘chief officer’ refers to the statutory posts of Head of Paid Service, Monitoring Officer and Section 151 Officer plus any Deputy Chief Officers, which in our organisation includes anyone at Head of Service or above.
- 2.4 With regard to the process for approval, the pay policy statement:
- Must be approved formally by the council meeting
  - Must be approved by the end of March each year
  - Can be amended during the year
  - Must be published on the authority’s website
  - Must be complied with when the authority sets the terms and conditions for a chief officer
- 2.5 The Act specifically mentions that the pay policy statement may set out the authority’s policies relating to other terms and conditions for chief officers and in the interest of open government there are recommendations that the

pay policy statement sets out as much information relating to employee terms and conditions as is practical.

- 2.6 Terms and conditions of employment for employees is a function for which the Democracy and General Purposes Committee has delegated responsibility within the constitution.
  - 2.7 The general approach of the Democracy and General Purposes Committee has been to take the same approach to senior members of staff as that taken with all other employees in relation to the benefits available and the review processes followed. The council has a thorough approach that applies best practice in the areas of remuneration and equal pay.
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### **3. AVAILABLE OPTIONS**

- 3.1 The Council could choose to publicise a reduced version of the Pay Policy Statement that meets the minimum requirements of the Act but this is not recommended as it does not satisfy the need for transparency and means that the data is not seen in the context of the good work already undertaken by the council.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred option is the format of the Pay Policy Statement set out at Appendix I as it gives consistency from previous years and meets the requirements of the legislation.
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### **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
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### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 As this is a statement of what is already in place and does not make any changes to the current position there has been no consultation to date; the report to the Democracy and General Purposes Committee forms the basis of consultation to ensure that this format is acceptable before going to full council.
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### **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Once the report is agreed by Full Council the information will be updated in the tables and organisation structures in Appendix 1(H) including the actual pay figures for the year ending March 2021 before it is uploaded to the council's web site. These figures cannot be calculated until March payroll is complete. The most up to date information will also be used for the pension contributions table and the election payments.
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## **8. REPORT APPENDICES**

- Appendix 1: Pay Policy Statement 2021
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## **9. BACKGROUND PAPERS**

None.

# Maidstone Borough Council

## Pay Policy Statement - March 2021

### 1. Introduction

The key themes of the Workforce Strategy are:

- Organisation culture and change;
- Resourcing;
- Development; and
- Reward

These strategic themes recognise the importance of pay and rewards as fundamental to our role as an employer. Our work on pay and rewards began in 2006 with an equal pay audit resulting in significant changes to the council's terms and conditions. The work continued through the implementation of the Work Force Strategy and the development of a Total Rewards approach to remuneration for council staff.

Maidstone Borough Council has its own terms and conditions and undertakes local pay bargaining with trade unions.

### 2. Terms and Conditions – Decision Making

Terms and conditions for employees are determined by the Democracy and General Purposes Committee but where a decision has a budgetary implication beyond the agreed in year budget this will also require agreement from the Policy and Resources Committee.

### 3. Reward Strategy

The Reward Strategy was developed in full consultation with trade unions, staff and Members. This was a very thorough piece of work that ensured the Council managed the terms of employees at all levels in the same way and applied the principles of equal pay and performance management to the scheme that was developed. The strategy has been refined over time but the principles have remained in place.

The principles for the reward strategy are to:

1. Support a **performance** orientated organisation;
2. Provide an **attractive** employment package at all levels;
3. Be relevant to a **modern** local government authority;
4. Have a pay structure that is **transparent** and straightforward;
5. Reward people **fairly** and consistently;
6. Move toward a **Total Reward** approach; and
7. To be **affordable** within the Medium Term Financial Strategy.

The reward strategy takes a 'Total Reward' approach to the benefits package received by employees at the council to ensure that maximum benefit is gained from all aspects of what is on offer to employees. The key elements of this package are set out below.

### **3.1 Pay Scale and Pay Progression**

Our policy for grades within the organisation is to apply an objective assessment of the relative 'size and value' of all our roles using a formal job evaluation process. Posts are graded through the HAY Job Evaluation Scheme and this process measures the requirements of the role against the key criteria of Know How, Problem Solving and Accountability when all the duties are being performed and the employee is fully effective in the role. Job evaluators are drawn from different parts of the organisation and trained to use the HAY scheme; every panel has one trade union representative as part of the panel. The **Lowest Paid** employees are defined as those whose posts have HAY points of up to 66 which place them into grade 2 of the pay scale, the same process is applied to Chief Officers whose roles are evaluated at the highest level of points. It is the policy of the organisation to refer to the HAY salary data for Local Government and to reflect the median salary for the south east public and not for profit sector. In April 2020, the council agreed to move to the real Living Wage which is independently calculated by the Living Wage Foundation. This gave a significant increase to the low paid by matching them to the hourly rate of £9.30 per hour. This will ensure our lowest paid staff are rewarded appropriately to meet their living cost needs.

Each pay scale has up to seven increments which recognises that with development in a role over time an employee's skills are of more value to the organisation and therefore warrant a higher salary. There are fewer incremental points in the lower grades and more in the more complex roles. New appointments to post will normally be at the first point of the grade unless there is evidence of a skill shortage in line with the criteria set out in the Market Supplement Policy. The pay scale is at Appendix I(A).

Incremental progression is assessed against the agreed Competency Profile for the role and evidence of the necessary Performance Standards and agreed objectives being met. Assessment takes place on an annual basis but will be linked to the clear and continuous performance at the level required at each incremental step. Standard progression for fully effective performance is not beyond scale point four; in grades 13 – 16 there are an additional three high performance increments which may be awarded for performance which is over that usually required in the post. The rules for pay progression are set out in Appendix I(B).

Incremental progression is assessed by an employee's line manager in consultation with the Head of Service and Director who has to approve the recommendations within their Directorate; this is monitored by Corporate Leadership Team. The process and timetable for appraisals and incremental progression for the Chief Executive and Directors is set out at Appendix I(C).

### **3.2 Market Supplements**

Currently there are seventeen employees in receipt of Market Supplements within the council; this is a decrease of one from the previous year; the policy is at Appendix I(D).

### 3.3 Pension

The council offers access to the Local Government Pension Scheme (LGPS) which is a significant benefit to employees and is one of the aspects of the Total Rewards package. The LGPS is a defined benefits scheme which requires contribution rates from employees of between 5.5% and 12.5% depending on earnings in accordance with the following table; in April 2014 there was an option to make lower level contributions with the introduction of the 50/50 scheme.

Pensionable pay	Main Section	50/50 Section
Up to £14,600	5.50%	2.75%
£14,601 - £22,800	5.80%	2.90%
£22,801 - £37,100	6.50%	3.25%
£37,101 - £46,900	6.80%	3.40%
£46,901 - £65,600	8.50%	4.25%
£65,601 - £93,000	9.90%	4.95%
£93,101 - £109,500	10.50%	5.25%
£109,501 - £164,200	11.40%	5.70%
More than £164,201	12.50%	6.25%

The employer contribution rate for 2020/21 will be 17.6% although this does vary from year to year, this is the future service rate excluding past service deficit.

The pension scheme is standard between all local government employers and in broad terms offers a pension benefit equivalent to 1/49<sup>th</sup> of pensionable salary per year of service, where pensionable salary is calculated on a career average with benefits paid at state retirement age.

Although most of the rules associated with the scheme are set centrally there are a few areas where local employers must define their own policy; the discretionary policy is attached at Appendix I(E). In broad terms it is not the policy of the council to increase pension benefits to employees through any form of enhancement.

Kent County Council is the administering authority for the Maidstone Borough Council scheme.

### 3.4 Pay Protection and Redundancy Payments

The council has a Redundancy Policy which sets out the approach that must be followed if posts are going to be affected because of organisational change. The procedure sets out the approval process and the consultation timetable, it also sets out the terms for redundancy and the pay protection policy, the pay protection policy is set out at Appendix I(F).

Any payments paid to an employee in relation to redundancy shall be in accordance with the statutory redundancy payments scheme and any other

regulations applicable except that the Council will calculate a week's pay on actual earnings where this is in excess of the statutory maximum figure. (*Local Govt. (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000*).

The policy of the organisation regarding re-employment following redundancy is that if a redundant employee commences local government employment within one month of the redundancy then the redundancy payment must be returned. Any other re-employment will only be considered where all other council rules on recruitment or procurement have been followed.

The Exit Pay Cap has been passed by Parliament and became law on 4 November 2020. The legislation will cap exit payments at £95,000 on the total value of the payment for public sector workers. In addition, the Ministry of Housing, Communities and Local Government (MHCLG) have undertaken a further consultation relating to the effects and impacts of the proposals on the local government workforce and specifically the implications for the Local Government Pension Scheme (LGPS). The proposed changes to the pension scheme regulations have a wide-reaching impact on those who leave the organisation aged 55+ via redundancy. This consultation ended on 18 December 2020 and the changes relating to the pension regulations will come into force at a date not yet determined. Council policies will be amended to incorporate these requirements once these have been finalised by government.

### **3.5 Other payments**

#### **Honoraria**

The council has a policy to recognise situations where an employee takes on more responsibility on a temporary basis; this helps to provide continuity of service delivery and development opportunities. In 2020/21 there were fourteen people in receipt of Honoraria during the year and by the end of March this had reduced to nine staff.

#### **Cash and Non-cash Awards**

As part of the Total Rewards package the council has mechanisms for recognising exceptional contributions both from individuals and teams. In 2020/21 these were received by seventeen employees and there was a total of £3,450 paid in cash awards.

#### **Stand-By payments**

A review of standby duties and payments was carried out in May 2020. This resulted in amending the Standby Allowance Policy to ensure that those employees who are required to take part in standby rotas and respond to call out duties are treated consistently across the Council and remunerated fairly for the duties. The standby payments are paid to a small number of employees (thirty eight in 2020/21) who are on an out of hours on-call rota for specialist duties such as emergency planning, collecting stray dogs or attending noise complaints. The level of remuneration is up to £146.81 for each week of being on-call.

#### **Car Allowances**

In 2010 the council removed the facility for lease cars but retained a lease car allowance; in 2012 it was agreed that there would be no further allocation of

the Lease Car Allowance in the future and that the current allowance would be frozen. During the period since 2010 cars have been removed as the lease expired and the affected employees have moved onto the allowance and there are no remaining lease cars in the council. In 2010 there were in excess of ninety employees receiving either a lease car or cash alternative and this figure has reduced to sixteen by March 2021 a reduction of one from the previous year. Mileage rates for those receiving this allowance are currently up to 28 pence per mile.

A car allowance of up to £1239 is given to those employees that are required to have a vehicle for their role and by March 2021 there were 115 members of staff in receipt of this allowance. The majority of those staff in receipt of this payment are within the statutory services or shared services which require external visits e.g. planning, environmental health and housing. Mileage rates for those receiving this allowance are at the HMRC level (in 2020/21 this was 45 pence per mile).

A further review on car travel allowances has been completed and staff will be communicated with on the changes. This will include a change in the policy for car travel allowances to reflect new ways of working as well as meeting the council's Green agenda.

### **Bonuses**

The council does not make use of bonuses as part of its own remuneration package. However, there is currently one employee in receipt of regular bonuses as part of their TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006) transfer terms and conditions from a previous employer; this is sixteen fewer than in 2011/12. These employees are all employed in the grounds maintenance teams and the productivity bonus tops up a lower basic wage. The TUPE regulations give protection to employees when their employment transfers which may only be changed through consultation.

### **3.6 Special fees and arrangements**

Special fees may be paid for certain additional duties. In general these are connected to election duties and the funding for the allowance will not come from the council's own budget. An additional fee is paid for the role of Returning Officer for the District elections, this statutory role may be allocated to the Chief Executive or other officer within the council. Additional fees may be paid when an employee undertakes the role of Returning Officer, Counting Officer or other similar role, on behalf of another authority or organisation.

The council has adopted the Kent schedule of fees which is attached at Appendix I(G).

### **3.7 Other employee benefits**

The council provides access to an Employee Assistance Programme which gives both telephone and face-to-face counselling on a range of issues. The council has access to an Occupational Health Service which helps to ensure that employees are properly supported to avoid taking sick leave and to return to work as soon as possible.

The council supports employees in their role with a development plan and training opportunities to ensure they are fully qualified to give excellent service.

On an annual basis the council has an Awards Ceremony which recognises the best achievements during the preceding year. The council also recognises long service and during 2014 this scheme was changed to recognise service over a longer period with shopping vouchers – the first level of recognition is at ten years and every five years thereafter up to forty years.

Salary sacrifice schemes – the council offers a salary sacrifice scheme to employees for the purchase of bicycles. In December 2018, the Council introduced another salary sacrifice scheme for the purchase of cars. There is no cost to the Council of these schemes.

Buying annual leave – subject to agreement with their manager, employees are allowed to sacrifice some of their salary to buy more annual leave. In 2020/21 there were twenty six members of staff that used this benefit, four less than the previous year.

#### **4. Monitoring**

Salary budgets are monitored through the normal budget management processes by line managers. Members and senior officers regularly consider the Medium Term Financial Strategy and in particular to consider ways to reduce costs to the council.

As required by the Equality Act 2010 the council undertakes an equal pay audit of salaries annually which is published on the council's web site. This helps to identify whether there are significant differences in any employees that have the protected characteristics.

From April 2017 under the Equality Act 2010 employers with more than 250 employees have been required to publish statutory gender pay gap calculations on an annual basis. The data must be a snapshot of salary data on 31 March 2020 and must be published on our own website and a government website by 30 March 2021.

The Code of Recommended Practice for Local Authorities on Data Transparency 2011 required that salary data was published on the highest earning staff within the council; this was actioned by March 2011 as required by the code. There has now been further qualification of the salary threshold for publication which has been set at £50,000 and above. This information is at Appendix 1(H).

The Code of Recommended Practice for Local Authorities on Data Transparency September 2011 (updated 2015) also requires that there is a process established to monitor the rate of growth of senior earnings compared to all other employees in the organisation. The formula required is to calculate the pay multiple of the Chief Executive compared to the median earnings of all other employees and where there is any significant change year on year this should be explained. It is the council's policy to use this pay multiple to

monitor the relationship between remuneration of chief officers and other employees.

The recommendation in the 'Hutton Review of Fair Pay' 2011 has been followed:

'the pay multiple should be calculated on the basis of all taxable earnings for the given year, including base salary, variable pay, bonuses, allowances and the cash value of any benefits in kind'

The calculation for earnings changed in 2016 from previous years following the guidance from the Local Government Association (LGA). In previous years the calculations have included earnings subject to national insurance contributions but this has been amended to include just the taxable earnings; the main difference between these two is the pension contribution made by the employee.

### **Taxable Pay**

	<b>Chief Executive earnings</b>	<b>Median</b>	<b>Pay Multiple</b>
<b>2018/19</b>	121,832	21,367	5.70
<b>2019/20</b>	134,564	22,366	6.02
<b>2020/21</b>	119,017	23,194	5.13
<b>% change from previous year</b>	-11.55%	3.70%	-14.78%

The main difference in the Chief Executives pay relates to elections not taking place during 2020/21. In the previous year the Chief Executive received a payment for her role as Returning Officer at elections however, this did not take place in 2020/21.

It is important to emphasise that the pay policy of the council is to pay at the market median and this is only reached at the top of the incremental pay points for each grade. This ensures that people are paid at a lower level than the council policy until they have fully matured into the role and, although these are contractual payments, they are withheld if performance is not satisfactory at the expected level.

## **5. Trade Union Facility time**

The Council recognises three trade unions, UNISON; UNITE and the GMB. However, there are only representatives for UNISON and UNITE.

The Trade Union (Facility Time Publication Requirements) Regulations 2017 came into force on 1<sup>st</sup> April 2017 which requires public sector employers to publish specified information relating to facility time provided by trade union officials. Under the regulations, the relevant information will need to be published on an annual basis for the period 1<sup>st</sup> April to 31<sup>st</sup> March.

The council has a history of co-operative employee relations and with a range of fair employment policies there is a low level of trade union activity. None of

the trade union representatives spend more than 50% of their working time on trade union duties; the council allows reasonable time for trade union duties (attending management meetings, pay negotiation, etc.) but no time is given for trade union activities (canvassing for additional membership etc.).

The total number of employees who are trade union representatives is:

	Headcount	Full Time Equivalent (FTE)
UNISON	2	2
UNITE	1	1
GMB	0	0

Percentage of time spent by union officials on facility time is:

Percentage of time	Number of employees
0%	0
1-50%	3
51%-99%	0
100%	0

Note: only 6% of facility time is spent by union officials

Percentage of pay bill spent on facility time:

Total cost of facility time	£2,994
Total pay bill	£15,055,421
Percentage of pay bill	0.02%

There has been no time spent on paid trade union activities.

## 6. Contact for further information

If you require any further information regarding the salary policy of the council you should contact Bal Sandher, Head of HR Shared Services on 01622 602165 or by email on [baljinder.sandher@midkent.gov.uk](mailto:baljinder.sandher@midkent.gov.uk)

Appendix I(A)

**Pay Scale 2020 – 2021**

Grade	Spine point 1	Spine point 2	Spine point 3	Spine point 4	Spine point 5	Spine point 6	Spine point 7
1	<b>GRADE ONE IS NO LONGER IN USE</b>						
2	17,956	<b>Last point of G2 removed</b>					
3	18,072	18,186					
4	18,367	18,556	18,926				
5	19,614	20,105	20,607	21,122			
6	21,341	21,832	22,335	22,848			
7	23,505	24,046	24,599	25,164			
8	26,471	27,199	27,947	28,715			
9	29,582	30,396	31,232	32,090			
10	33,226	34,223	35,250	36,308			
11	36,615	37,622	38,657	39,720			
12	42,586	43,864	45,180	46,535			
13	47,228	48,645	50,105	51,647	53,979	56,311	58,643
14	62,817	65,654	68,493	71,331	74,702	78,171	80,482
15	83,272	86,912	90,554	94,196	97,837	101,478	105,526
16	110,501	113,641	116,784	119,925	123,068	126,208	131,246

## Appendix I(B) **Pay Progression**

### 1. Annual Inflation Award

Annual pay consultation will consider the cost of living, the position of MBC pay in comparison to the market but affordability will be the foremost consideration. Consultation will commence annually in September with the aim to reach agreement within the budget cycle so that payment can be made in April salaries.

The Chief Executive and Head of HR are responsible for undertaking pay negotiation with trades unions but the Policy and Resources Committee takes ultimate responsibility for agreeing the budget.

### 2. Pay progression within grade

The pay scale has up to four standard increments which recognise that with development in a role over time an employee is of more value to the organisation and therefore warrants a higher salary. There are fewer incremental points in the lower grades and more in the more complex roles. New appointments to post will normally be at the first point of the grade unless there is evidence of a skill shortage in line with the criteria set out in the Market Supplement Policy.

Progress through the grade will be assessed annually. This will not be an automatic progression but will require an assessment against the agreed Competency Profile and Performance Standards for the position. Where the employee has progressed towards the full competency profile they will be awarded an increment. Assessment for incremental progression will take place by October each year. This will therefore not be linked to the annual appraisal but will take place mid-year. Increased increments will be paid with effect from 1<sup>st</sup> October.

Employees must have six months service in their role by the 1<sup>st</sup> October to be eligible for assessment, if they are more recently appointed they will receive a review after six months in the position, thereafter they will be reviewed annually for the October increment.

Individuals will need to consistently demonstrate the behaviours required by the Competency Profile and Performance Standards for their role in order to maintain their incremental position. One off performance will not be sufficient to merit or maintain an increment.

Where individuals do not sustain the level of performance or where they have been assimilated to the top of the grade but are assessed as not having the full range of competencies they will be given time to improve but their pay will be frozen until they drop to the pay level that matches their performance, this includes any rise in annual pay as a result of pay inflation. This is outside the normal Pay Protection policy as it does not represent an organisational

change. Where the individual is assessed as not meeting the requirements of the grade their performance will be treated as a capability issue.

### 3. High Performance Increments (HPI) – Grades 13-16

In addition to the standard incremental progression which is linked to fully meeting performance objectives there are an additional three incremental points in grades 13 to 16. These incremental points will be linked to sustained high performance and should not be awarded for one off projects for which either an ex-gratia payment or cash award may be more appropriate. These HPI's recognise the impact of senior managers on the high performance of the organisation and they should only be used where it is possible to demonstrate that the individual has added significant value over and above what might be seen by other fully effective performers in the same role.

High Performance Increments will be considered in line with the mid year review for effect in October. The HPI may be awarded on either a consolidated or non-consolidated basis. Recommendation for an HPI must be made by a Director to the Corporate Leadership Team for grades 13 and 14, by the Chief Executive to the Member and Employment and Development Panel (MEDP) appraisal sub-committee for Directors (grade 15) and by the Leader to the MEDP appraisal sub-committee for the Chief Executive.

Consideration of some or all of the following factors is appropriate when an award of an HPI is recommended:

- Flexibility to manage new services following structure changes
- Innovative ways of working to improve performance and reduce costs
- Management of services outside the council e.g. shared services
- Continued performance at a level above the current grade but where there are no suitable opportunities for promotion
- Increased income to the council from selling services

It is important to emphasise that the HPI will not be the norm for pay progression and movement onto these increments will be carefully monitored to ensure that there are no equal pay implications.

### 4. Career Grades and Incremental Progression

A Career Grade offers the opportunity of a long path of progression to a particular professional position. As such the nature of the role and the requisite competencies are likely to vary considerably between the entry point and final destination. This means that through Job Evaluation the Career Grade is likely to span several grades and have many steps. To enable this clear stepped progression there may be some need to have interim points between the normal incremental points e.g. in recognition of the achievement of some particular milestone. These half incremental steps will be allowed providing that there is prior agreement with the Head of HR and that they are applied equally to all those who meet the criteria and are set out as part of the agreed career grade structure. Progress through the career grade will need to be evidence based and the Head of HR will need to agree to the progression if it is between grades.

Appendix I(C)

**Chief Executive and Director Appraisal Process**

The appraisal panel for the Chief Executive will comprise of a sub-committee of the Employment Committee.

This committee will also take a ‘grandparent’ role to review and comment on the full annual appraisal and objectives for the Directors as set by the Chief Executive.

An indicative timetable and process for the Chief Executive and Directors is set out below:

<b>Process</b>	<b>Dates</b>	<b>Papers Required</b>
Chief Executive Appraisal and Director review	March	
Mid-Year Review – CEO with sub-committee	By mid September	Appraisal documents with agreed objectives and development plan – to be reviewed and up-dated
Mid-Year Review - Directors with CEO	September	Appraisal documents with agreed objectives and development plan – to be reviewed and up-dated
Chief Executive preparation Documents complete for circulation to sub- committee	January	Previous years appraisal & Mid Year Review Knowledge, Skills and Performance Standards Strategic Direction Competency Framework Appraisal Preparation document Briefing note on appraisal preparation
Chief Executives appraisal with sub committee	February	Appraisal produced from the meeting
Directors appraisals with CEO	February	Directors appraisals then CEO to write up and agreed by Directors
Sub-committee review of Directors appraisals	March	Previous years appraisal & Mid Year Review Knowledge, Skills and Performance Standards Strategic Direction Competency Framework Appraisal completed by Chief Executive & Director

## **MARKET SUPPLEMENTS FOR PAY**

### **Introduction**

The Council will utilise a Market Supplement to ensure that competitive salaries will attract and retain key workers in skill shortage areas without distorting the pay structures for all other employees. A Market Supplement for recruitment or retention purposes will only be used where there are clear business reasons that cannot be better addressed through the total benefits package, the work environment or department skill mix. It is recognised that pay is only one factor contributing to our attractiveness as an employer and other aspects of employment, particularly those relating to development, should be applied rather than using just a Market Supplement.

All jobs are graded using the HAY Job Evaluation system and the defined pay policy of the Council is to pay at Market Median where the market used is the HAY Local Government salary data. This is also checked against local Kent salary surveys to ensure that it is robust for the geographical region. This approach ensures that the employees of Maidstone Borough Council are paid at a fair level in comparison to other workers in similar employment groups.

However there is recognition that in certain professions there are either national or regional skill shortages and Maidstone needs to be responsive to the competition for these skills. In the longer term our aim will be to train employees to move into these specialist areas and to ensure that the specialists' skills are used properly within the organisation. In the short-term Market Supplements may be used.

### **Identification of the Skill Shortage**

#### Recruitment Campaigns

Where there is no anticipated shortage there will need to be a minimum of two appropriate external recruitment campaigns within a 12 month period to establish that it is not possible to fill a position before it is agreed there is a requirement for a market supplement.

#### Salary Survey

The salary survey is conducted on an annual basis and gives details of the comparative salaries for defined positions in the south east. This clearly identifies the median salaries and is particularly relevant for local government roles. This will enable the identification of positions which may be vulnerable and where there is more than a 10% salary difference from the median there should be consideration of the need for a market supplement. The existence of this difference alone is unlikely to be sufficient justification and further analysis will be required to identify whether this has had an adverse impact on the Council's ability to recruit and retain.

#### National Information

Within local government there are certain identified skill shortage areas. These are identified through data collection from the Employers Organisation. In 2016 these skills were listed as:

1. Children's social workers
2. Planning officers \*
3. Building control officers \*
4. Environmental health officers \*
5. Educational psychologists
6. School crossing patrol
7. Adult social workers
8. Trading standards officers
9. Solicitors and lawyers
10. Mental Health Social Workers

\* category of worker employed by MBC

This national picture is the first indicator of a shortage. Where there is an identified shortage nationally the manager will still be required to demonstrate that this applies to the local area. This proof can be gained through the outcome of a relevant recruitment campaign during the previous 12 month period or through information from agencies about the availability of particular skill sets.

### **Market Supplement for Recruitment Purposes**

The level of supplement will be agreed between the Director and the Head of HR in consultation with the Head of Finance. It will be paid as part of monthly salary and will be pensionable. The supplement will not be subject to the cost of living award and will not be taken into account for any salary related enhancements eg overtime which will be paid at the normal salary rate.

The Market Supplement will be given for a minimum two year period initially. This will be annually reviewed to confirm that the supplement is still necessary and at the appropriate level. Where a reduction in level is the outcome of the review this will not take effect until the minimum two years has expired. Reductions will follow the process set out in section 5.

The payment of a Market Supplement must be within the Director's agreed budget. Approval must be given by the relevant Director and the Head of Human Resources who will ensure that all alternative options have been explored.

### **Market Supplement for Retention Purposes**

Whilst the Market Supplement is principally to enable the Council to be able to compete in a highly competitive market to attract new employees, there may be exceptional cases where a supplement should be considered for existing employees. This may occur in situations where a new recruit is offered a supplement which would then cause equally mobile colleagues to leave and seek a similar salary elsewhere. There may also be occasions where an employee with a specialist skill needs to be retained to ensure business continuity.

The level of supplement will be agreed between the Director and the Head of HR in consultation with the Head of Finance. It will be paid as part of monthly salary and will be pensionable. The supplement will not be subject to the cost of living award and will not be taken into account for any salary related enhancements eg overtime which will be paid at the normal salary rate. The Market Supplement will be given for a minimum two year period initially. This will be annually reviewed to confirm that the supplement is still necessary and at the appropriate level. Where a reduction in level is the outcome of the review this will not take effect until the minimum two years has expired. Reductions will follow the process set out in section 5.

Agreement to the Market Supplement (or appointment above the bottom of the grade) will require the completion of the form at Appendix 1.

Payment of a Retention Supplement must only be considered in exceptional circumstances and particular attention must be paid to the Equal Pay issues.

### **Removal of the Supplement**

The availability of skills varies over time. As professions are identified as skill shortage areas and salaries rise they can attract an increased number of trainees. Where this is the case the Council would not wish to incur unnecessary costs, i.e. paying more for a skill than the median rate if this would be sufficient to attract high quality applicants.

Management Team will review the posts attracting a supplement annually in January. When it is clear that a particular profession or skill area no longer necessitates a market supplement this will be withdrawn over a phased period of 2 years – with the withdrawal of 25% of the supplement every six months until the employee returns to the normal rate for the job. The assessment of the on-going need will relate to the national skills assessment combined with local salary reviews and the response to recruitment campaigns. When a market supplement is to be withdrawn the employee will be notified by the end of January and the phased withdrawal will commence in April of that year. In this way the annual pay award should help to offset any reduction.

## **Appendix I(E)**

### **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 2013 and the LGPS (Transitional Provisions, Savings and amendments) Regulations 2014. Last updated June 2014.

The policy statement applies to all members of staff who are eligible to be members of the LGPS, as defined in the regulations i.e. employees with a contract of employment of over 3 month's duration and who are under 75 years of age and are contractually enrolled at the start of employment. Those with contracts of less than 3 months, including casuals, can join but need to elect to do so.

Employees who are members of the pension scheme are only entitled to receive pension benefits if they have 2 years or more service. Under LGPS 2014 Regulation 18, if an employee leaves within 2 years of the start of their employment their contributions can be repaid or transferred to another scheme, unless there is some fraudulent offence or misconduct in connection with the employment

#### **Principles**

The Authority will treat any individual retirement case and decisions on its merits.

Decisions relating to retirement will be made taking into account the business case and business implications, the financial implications, employment law consideration, the regulations and the legality of each case. It may also take into account long term savings, affordability, skills and skills retention and impact on service delivery.

The definition of business efficiency shall include, but not be limited to financial savings and/or quality improvements judged on a case by case basis.

Each decision will be made free from discrimination on the grounds of any protected characterising – age, disability, gender reassignment, marriage or civil partnership, pregnancy & maternity, race, religion and belief, sex, sexual orientation or any other personal criteria.

The Authority's decisions relating to retirement and the release of pension benefits will be in line with the current pension regulations. These regulations may be updated from time to time and the Authority will default to the regulations if the policy is not explicit on any current or future regulation.

Decisions relating to the release of deferred benefits to former employees will refer to the relevant pension policies applicable at the time of their employment. In such cases, the decision as to the release of deferred benefits will be on a case by case basis and will take into account the criteria detailed in these principles. Guidance may be sought from the pension administrators as required.

#### **Regulation 9 (1) & (3) - Contributions**

Maidstone Borough Council will apply the nationally determined employee contribution rates and bands. These are subject to change and may be varied.

Maidstone Borough Council will pay the rate of contributions determined in the regulations for employees whose pay is reduced through ill health or during authorised unpaid leave, including child related leave.

The calculation of pensionable pay will include basic annual salary plus any other pensionable salary items including – Market Supplement/ Premium, Overtime, Bonus, Honorarium, Salary Supplements. The pensionable pay will be reviewed monthly and based on earnings for that month to identify the appropriate band and contribution percentage

Maidstone Borough Council will notify employees of their individual contribution rates in their payslips or by letter at least annually.

### **Regulation 16 (2)e and 16 (4)d – Shared Cost Additional Pension Contributions (SCAPC)**

It is not Maidstone Borough Council's general policy to operate a SCAPC where a scheme member wishes to purchase extra annual pension (up to the limit defined in the regulations).

Where a scheme member has a period of child related leave or authorised unpaid leave and elects, within 30 days of return to work, to pay a SCAPC to cover the amount of pension 'lost' during the period of absence, in these circumstances Maidstone Borough Council is required to contribute 2/3rds of the cost. If an election is made after the 30 day time limit the full costs will be met by the scheme member.

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.

### **TP Regulations 1(1)(c) of Schedule 2 – whether to allow the rule of 85 to be 'switched on' for members age 55-59.**

It is not Maidstone Borough Council's general policy to make use of the discretion to 'switch back on' the 85 year rule protections unless there are clear financial or operational advantages to the council. Each case will be considered on its merits by Head of Human Resources, the Head of Finance and the relevant Director.

### **Regulation 17 (1) – Shared Cost Additional Voluntary Contributions (SCAVC)**

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 21 (5) – In determining Assumed Pensionable Pay whether a lump sum payment made in the previous 12 months is a 'regular lump sum'.**

Maidstone Borough Council will maintain a list which details what Maidstone Borough Council considers being a regular lump sum payment made to our employees to be used in the calculation of the Assumed Pensionable Pay

### **Regulation 22 (7)(b) & 22 (8)(b) - Aggregation of Benefits**

Employees who have previous LGPS pension benefits in England and Wales will automatically have these aggregated with their new LGPS employment unless they elect within 12 months of commencing membership of the LGPS in the new employment to retain separate benefits. Maidstone Borough Council has the discretion to extend this period beyond 12 months and each case will be considered on its own merits by the Head of Human Resources, the Head of Finance and the relevant Director.

### **Regulation 30(6) – Flexible Retirement**

It is Maidstone Borough Council's policy to only provide consent for flexible retirement and the immediate payment of benefits where there are clear financial or operational benefits to the council. Any such consent requires the agreement of the Head of Human Resources and the relevant Director and each case would be considered on its merits.

If consent has been given under Regulation 30 (6) it is not Maidstone Borough Council's general policy to waive any actuarial reduction unless there are exceptional circumstances.

### **Regulation 30(8) Waiving of Actuarial Reductions**

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; circumstances must be exceptional and would not reasonably be expected to prevail i.e. the occurrence of a disaster or accident etc. Financial hardship alone would not normally be deemed sufficient. Any such consent shall be agreed by the Head of Human Resources, Head of Finance 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, Head of Finance and the relevant Director taking account of all the details involved in the case. It is not the council's general policy to waive any actuarial reduction in these circumstances.

### **Regulation 31 – Award of Additional Pension**

Maidstone Borough Council has the discretion to award additional pension (up to the additional pension limit defined in the regulations) to an active member or within 6 months of leaving the scheme to a scheme member who was dismissed on grounds of redundancy or business efficiency.

Maidstone Borough Council will only exercise this discretion in exceptional circumstances and where there is a proven total benefit to the organisation which includes any costs that might be borne by the authority. Any consent shall be agreed by the Head of Human Resources, Head of Finance and the relevant Director taking account of all the details involved in the case.

### **Regulation 100 (6) – Aggregation of Benefits**

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 within Maidstone Borough Council and by the Pension Scheme Administrator, both organisations must agree to the late transfer.

## **Appendix I(F)**

### **PAY PROTECTION POLICY**

#### **Introduction**

The Council believes that an integral feature of any successful organisation is its ability to identify the need for change and to manage that change, taking into account management's aspirations as well as the aspirations and well being of its employees.

Whilst the Council is committed to providing security of employment and to minimising the personal impact of organisational change there will be occasions when it will be necessary to reorganise services and the way in which they are delivered. In these circumstances the provisions of this policy will apply.

#### **Scope**

This policy applies to any employee who, as a consequence of organisational change, is required by management to move to a new post or suffers a reduction in basic hours worked within the standard working week. The provisions of this policy do not apply where an employee moves to another position as a result of:

- action taken in accordance with the Council's disciplinary or capability procedures
- the need for re-deployment on health grounds
- unacceptable standards of work performance
- a request from the individual or by mutual agreement between the individual and the Council
- a voluntary application to another position within the Council

#### **Protection Period**

Protection of earnings will be given for a period of 36 months. The first twelve months will be protected at the full earnings of the role held by the employee prior to the change. The 13-24 month period will be with a 33% reduction of the difference between the new earnings and the earnings of the role held prior to the change. The 25-36 month period will be with a 66% reduction and after a period of 36 months the employee will move to the salary and earnings of the new post. The employee will be moved to the salary point of the pay scale for the grade of the new post that is closest to the salary of the previous post. In most cases this is likely to be the highest incremental point of the relevant grade.

In exceptional circumstances, and where there may be a cost advantage to the organisation (e.g. where redundancy costs would be very high) there may be agreement with the Chief Executive, the Head of Finance and Head of Human Resources to extend this period to a maximum of five years.

#### **Calculation of Protection**

Earnings protection will be calculated as an average of the earnings in the four months preceding the organisational change. This will include basic salary, essential car user allowance, lease car cash allowance, stand-by payments and an average of overtime and out of hour's payments.

Earnings in the new post will be off-set against protected earnings and if for any particular pay period the earnings in the new post exceed the protected earnings then the higher earnings will be paid ~~35~~ for that pay period.

Where the period of protection spans the annual pay award the protected pay will be reduced by an amount equivalent to any increase in pay in the new substantive post.

### **Conditions of Protection**

Protection of earnings is conditional upon the employee undertaking any shift work, standby or other duties which may be required in the new post. Where there are increased earnings as a result of these additional duties this will result in an equivalent decrease in pay protection. In circumstance where the employee is required to drive and the post is designated as an Essential Car User or the level of mileage is such that the employee qualifies for the Essential Car User Allowance this will be paid but the level of pay protection will be reduced by the equivalent amount.

Protection of earnings is also conditional upon the employee accepting any subsequent offer of a suitable alternative post which attracts a salary in excess of that of the new post.

Overtime will be paid at the new rate (i.e. the real rate attached to the post) not at the protected rate.

### **Pension Implication**

It has been the Borough Council's policy to issue a certificate of protection of pension benefits to protect employees who suffer detriment by being required to take a cut in pay or who are prevented from having future pay increases by having their pay frozen. Any certificates issued may continue to apply to pension forecasts whilst they are still valid. Following the pension changes on 1 April 2008 there were no further certificates of protection issued but up to 31 March 2014 there are options for pension calculation to be based over a longer time period, affected employees should contact the pension administrator.

### **Terms and Conditions other than Pay**

Annual Leave entitlements and length of notice period required from the employee will not be protected and those applicable to the new post will be effective from the date of transfer.

## Appendix I(G)

### ELECTORAL REGISTRATION OFFICERS AND STAFF (Kent AEROS) – SCALE OF FEES

#### Proposed scale of fees for District/Borough and Parish Council elections and Neighbourhood Referendum held on or after 1<sup>st</sup> April 2020

1. The scale of fees are uplifted annually, by using the NJC award pay award for local government and approved by the Kent Chief Executives Group.
2. Kent County Council's scale of fees uses a calculation based upon per 1000 electorate. Kent AEROS' scale uses a calculation of per 500 electorate because of small parishes.
3. In order to ensure consistency the Kent AERO's scale reflects the KCC 2020 Scale and is in line with the NJC increase
4. The Kent AEROS' scale has been uplifted by 2.5% using the NJC Pay Award for Local Government Services 2020/2021.

	Item	Current 2020 £	Proposed 2021 £
<b>Stationery and Equipment</b>			
1.	Printing and publishing all notices, forms and other documents, providing stationery and sundries, and other miscellaneous expenditure including postage, telephone calls and faxes		
2.	Stationery and equipment at each polling station, including depreciation		
3.	Hire of any building or room for the purpose of the election and the expenses attending the use of any building or room, including temporary polling stations if necessary	Reasonable and appropriate cost	Reasonable and appropriate cost
4.	Fitting-up polling stations including the provision, transport and erection of voting compartments, the hire of necessary furniture (where this is not		

	otherwise available) and the return to store afterwards		
5.	Ballot Papers – provision and printing		
6.	Register of Electors – purchase		
7.	Printing or production of official poll cards and postal vote packs		
8.	Delivery of official poll cards by hand	Second class postage rate	Second class postage rate
<b>Travelling expenses</b>			
9.	Travelling expenses to DRO's staff to make arrangements for the poll or otherwise in connection with the conduct of the election	47p per mile	48p per mile
10.	Presiding Officer travelling expenses	14.94	15.32
11.	Poll Clerk travelling expenses	8.68	8.90
12.	Travelling expenses for staff in connection with the counting of votes, at the discretion of the DRO	8.68	8.90
<b>Polling Station Staff</b>			
13.	One Presiding Officer at each Polling Station – single election	217.90	223.35
14.	For each PO at a Polling Station – combined election or difficult station due to local circumstances (at the discretion of the Returning Officer (RO))	267.68	274.37
15.	For a PO who acts as a supervisor at a Polling Place where there is more than one Polling Station	(additional) 10.56	(additional) 10.82
16.	Supervising Officer (SO) – for every 10 polling station overseen	217.90	223.35
17.	For each Poll Clerk (PC) at a Polling Station – single election (see Notes)	131.36	139.52
18.	For each Poll Clerk at a	161.87	165.91

	Polling Station – joint election or difficult station due to local circumstances (at the discretion of the Returning Officer (RO))		
19.	For each training session provided by the DRO for Presiding Officers, Poll Clerks or count staff	186.80	191.47
20.	For each Presiding Officer and Poll Clerk attending training	48.37	49.58
21.	An allowance for each polling station to have available a mobile phone on polling day	5.23	5.36
22.	For the employment of persons in connection with the counting of the votes, clerical and other assistance required by the RO – for each 500 electors or part in a contested election	76.23 (per 500)	78.13
23.	For the employment of persons in connection with the issue and opening of postal ballot papers – for each 100 postal voters or part	74.71	76.58
24.	For the recount of votes – for each 500 electors or part	4.39	4.50
25.	Payment to the District/Borough for the use of Council staff to support the RO in the conduct of elections as follows:		
(a)	Contested election – (i.e. <b>without</b> District/Borough) for each <b>500</b> electors (or part)	59.04 (per 500)	60.52 (per 500)
(b)	Contested joint election (i.e. <b>with</b> District/Borough) – for each <b>500</b> (or part)	29.52 (per 500)	30.26 (per 500)
26.	Contested single election – payment to DRO for the management and	32.99	33.82
		<b>39</b>	

	conduct of the election – for each 500 electors or part		
27.	Contested joint election – payment to DRO for the management and conduct of the election – for each 500 electors or part	45.56	46.70
28.	For each Counter attending training	15.68	16.07
29.	For each Count Supervisor and Count General Assistant attending training	31.37	32.15
30.	Reasonable refreshments for staff involved in the verification and count	Maximum £5.13 per head	Maximum £5.25 per head
31.	Payment to District/Borough Council for the use of Council staff at an uncontested election – for each 500 electors or part	16.29 (per 500)	16.69 (per 500)
32.	RO fee for the conduct of elections as follows:		
(a)	Uncontested District/Borough election – single fee	56.51	57.92
(b)	Uncontested Parish election – single fee	19.36	19.85
33.	For clerical and other assistance required by the Returning Officer at an uncontested election – for each 500 electors (or part)	20.74	21.25

#### Notes

1. The fees are calculated on the number of local government electors on the register of electors and entitled to vote at the last day for publication of the notice of election.
2. At parish polls the fees relating to polling staff **may** be pro rata.
3. **Items 10, 11 and 12** – variable mileage rates may be applied where fixed travel is considered appropriate.
4. **Item 17-** has been additionally uplifted to meet the National Living Wage.
5. **Item 24** – in special circumstances, the RO may recover actual costs
6. **Item 31** – the payment referred to applies (in the case of a parish election) to each ward of the parish.

## Appendix I(H)

**Details of remuneration and job title of certain senior employees whose basic salary is between £50,000 and £150,000.**

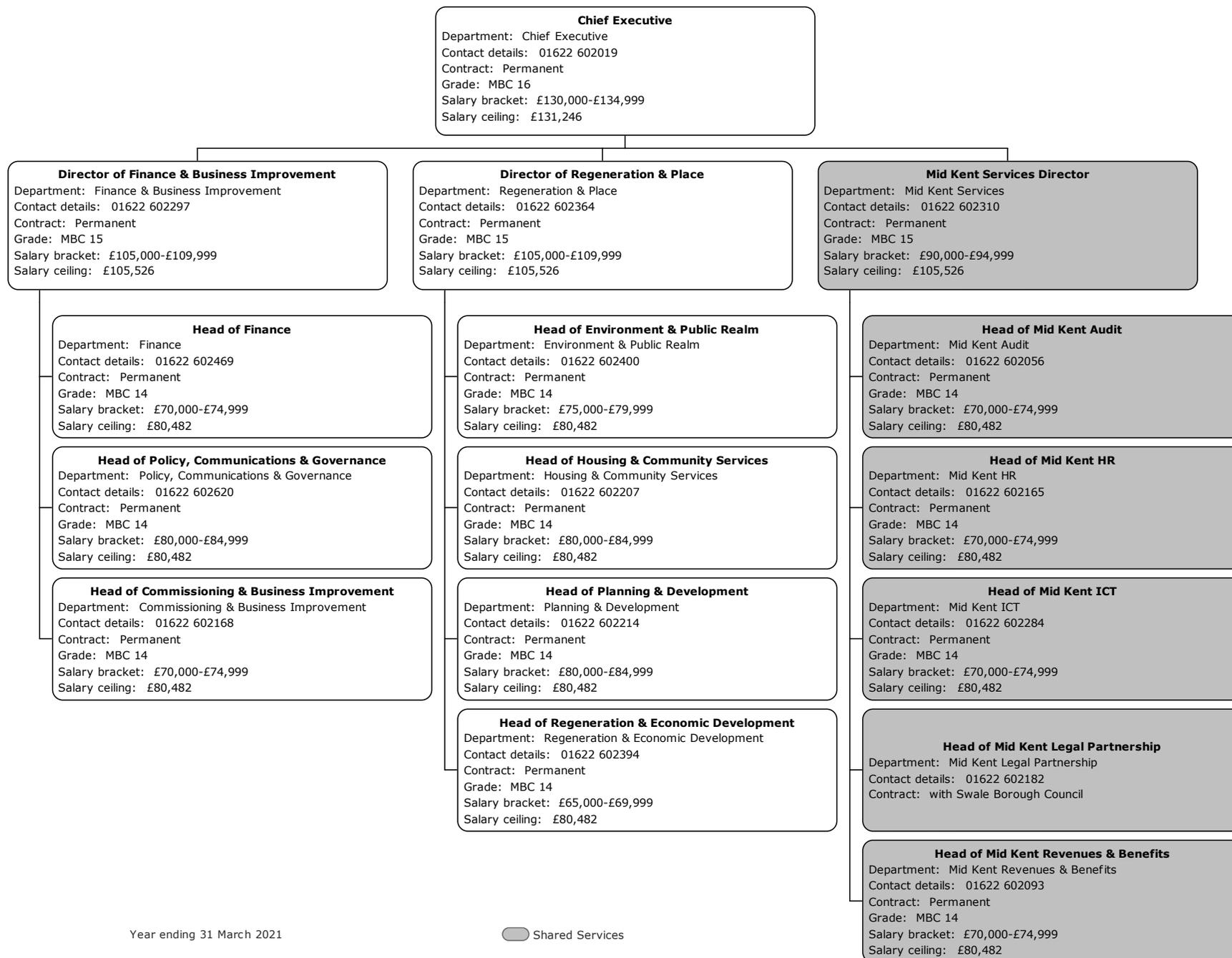
Position	Department	Remuneration	No of staff	Budget	Other services/responsibilities
Chief Executive	Chief Executive	£130,000 - £134,999	550	£20,561,640	Returning Officer responsible for all elections & Head of Paid Service
Director of Regeneration and Place	Regeneration and Place	£105,000 - £109,999	294	£8,564,840	
Director of Finance and Business Improvement	Finance and Business Improvement	£105,000 - £109,999	102	£9,391,040	Section 151 Officer
Mid Kent Services Director	Mid Kent Services	£95,000 - £99,999	151	£2,429,080	Reports to Chief Executives of Maidstone, Swale & Tunbridge Wells Borough Councils.
Head of Policy, Communications and Governance	Policy, Communications and Governance	£85,000 - £89,999	64	£2,701,870	Data Protection Officer
Head of Planning and Development	Planning and Development	£80,000 - £84,999	45	£943,880	
Head of Housing and Community Services	Housing and Community Services	£80,000 - £84,999	68	£3,452,450	
Head of Regeneration and Economic Development	Regeneration and Economic Development	£65,000 - £69,999	54	£1,130,060	
Head of Mid Kent Audit	Mid Kent Audit	£75,000 - £79,999	10	£211,710	Head of shared service with Ashford, Swale and Tunbridge Wells Borough Councils.
Head of Environment and Public Realm	Environment and Public Realm	£70,000 - £74,999	108	£4,982,790	
Head of Mid Kent ICT	Mid Kent ICT	£70,000 - £74,999	34	£1,153,510	Head of shared service with Swale and Tunbridge Wells Borough Councils.
Head of Commissioning and Business Improvement	Commissioning and Business Improvement	£75,000 - £79,999	20	£1,214,160	
Head of Finance	Finance	£65,000 - £69,999	15	£0	
Head of Mid Kent HR	Mid Kent HR	£70,000 - £74,999	16	£503,790	Head of shared service with Swale Borough Council
Head of Mid Kent Revenues and Benefits	Mid Kent Revenues and Benefits	£65,000 - £69,999	66	£67,600	Head of shared service with Tunbridge Wells Borough Council
Deputy Head of Audit	Mid Kent Audit	£60,000 - £64,999	5	£0	Manager within shared service with Ashford, Swale and Tunbridge Wells Borough Councils.
Parking Services Manager	Parking Services	£55,000 - £59,999	18	-£2,218,780	Manager within shared service with Swale Borough Council
IT Programme Manager	Mid Kent ICT	£55,000 - £59,999	2	£0	Manager within shared service with Swale and Tunbridge Wells Borough Councils.

Policy & Information Manager	Policy & Information	£60,000 - £64,999	12	£401,390	
Development Manager	Development Management	£60,000 - £64,999	18	£390,310	
Strategic Planning Manager	Strategic Planning	£55,000 - £59,999	9	£746,660	
Building Control Manager	Building Control	£60,000 - £64,999	6	£49,670	
Museums Director	Museum	£50,000 - £54,999	37	£502,570	
Housing & Inclusion Manager	Housing and Inclusion	£55,000 - £59,999	46	£1,540,130	
Transformation & Digital Services Manager	Transformation	£55,000 - £59,999	5	£0	
Major Projects Team Leader	Major Projects	£55,000 - £59,999	8	£0	

**Number of employees whose remuneration in 2019/20  
is at least £50,000 in brackets of £5,000**

<b>Remuneration band</b>	<b>Number of employees in band</b>
£50,000 - £54,999	6
£55,000 - £59,999	6
£60,000 - £64,999	4
£65,000 - £69,999	3
£70,000 - £74,999	3
£75,000 - £79,999	2
£80,000 - £84,999	2
£85,000 - £89,999	0
£90,000 - £94,999	1
£95,000 - £99,999	1
£100,000 - £104,999	0
£105,000 - £109,999	2
£110,000 - £114,999	0
£115,000 - £119,999	0
£120,000 - £124,999	0
£125,000 - £129,999	0
£130,000 - £134,999	1
<b>Total</b>	<b>31</b>

# Data transparency: Maidstone Borough Council organisation chart



**DEMOCRACY AND GENERAL  
PURPOSES COMMITTEE**

**27 January 2021**

**Workforce Strategy Update Report**

<b>Final Decision-Maker</b>	Democracy and General Purposes Committee
<b>Lead Head of Service</b>	Bal Sandher, Head of HR Shared Services
<b>Lead Officer and Report Author</b>	Bal Sandher, Head of HR Shared Services
<b>Classification</b>	Public
<b>Wards affected</b>	No wards

**Executive Summary**

The Council has had a Workforce Strategy since 2008 and this has been reviewed and developed as the priorities and environment have changed. As part of the approval the P&R Committee requested that the Employment Committee should receive progress updates twice per year. Following the Committee Structure Review undertaken by the Democracy Committee in the 2018/19 municipal year, the functions of the Employment Committee now fall under the Democracy and General Purposes Committee.

At Appendix 1 the report sets out the progress made against the action plan that supports the Workforce Strategy.

**Purpose of Report**

The report is for noting.

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

1. That the progress of the actions set out in the Workforce Strategy be noted.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Democracy and General Purposes Committee	27 January 2021

# Workforce Strategy Update Report

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	The Workforce Strategy has an impact on all aspects of the corporate priorities.	Bal Sandher, Head of HR
<b>Cross Cutting Objectives</b>	The Workforce Strategy has an impact on all objectives.	Bal Sandher, Head of HR
<b>Risk Management</b>	The overarching risk is that if the council does not have a Workforce Strategy it may fail to put in place the appropriate resources to implement actions to deliver the priorities and outcomes for delivery of the Council's Strategic Plan.	Bal Sandher, Head of HR
<b>Financial</b>	Workforce costs are the single biggest area of expenditure for the Council, accounting for around half of the Council's total budget. The Workforce Strategy therefore has a financial impact, but this is costed within the normal annual budget. Specific initiatives described within this report are also funded from within existing budgets.	Section 151 Officer & Finance Team
<b>Staffing</b>	The Workforce Strategy will have an impact on staff – this should be a positive impact as we work to ensure that there are improvements.	Bal Sandher, Head of HR
<b>Legal</b>	Although there may be specific actions arising out of the Strategy that require legal input, there is nothing identified in the plan overall that will have legal implications.	Keith Trowell, Team Leader (Corporate Governance), MKLS
<b>Privacy and Data Protection</b>	No personal data is contained in the report.	Keith Trowell, Team Leader (Corporate Governance), MKLS
<b>Equalities</b>	No impact identified because of this update report. As an employer the Council has a duty to fulfil under the Equality Act 2010. This is ongoing and is embedded in the processes to deliver the Work Force Strategy.	Equalities and Corporate Policy Officer

<b>Public Health</b>	No impact identified at this time.	Bal Sandher, Head of HR
<b>Crime and Disorder</b>	No impact identified at this time.	Bal Sandher, Head of HR
<b>Procurement</b>	No impact identified at this time.	Bal Sandher, Head of HR

## **2. INTRODUCTION AND BACKGROUND**

2.1 The current Workforce Strategy covers the period 2016 – 2020. The work to review the strategy to create a new Workforce Strategy for 2021 onwards has not commenced due to the Covid-19 pandemic. Since the outbreak of Covid-19, all our resources have been focused on dealing with the unprecedented emergency by ensuring the council has the guidance and support to help maintain service delivery in all parts of the Council. This report will highlight the work we have carried out to support the council during this crisis.

There has also been a level of uncertainty created by Covid-19 on the future direction of services, the way we work and our support to staff. We have started to review our work practices caused by Covid-19, this will help to identify future workforce requirements such as skills and competencies which will be needed to deliver new, different or improved services.

2.2 The current key themes of the Workforce Strategy are:

- Organisation culture and change;
- Resourcing;
- Development, and
- Reward.

2.3 There has been progress against all the themes, much of which is cross cutting and affects more than one theme.

### **2.4 Organisation culture and change**

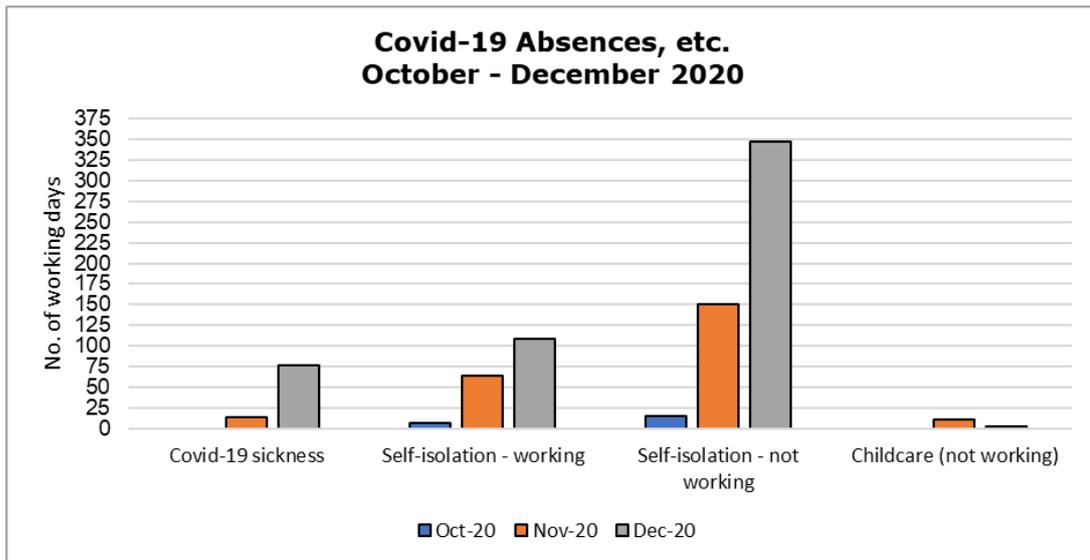
2.4.1 During 2020 we conducted a survey to understand the views of staff regarding future working arrangements. The results of the survey indicated staff would prefer to work more flexibly in the future with a mix of office and home working. The results were also discussed with each Head of Service to understand the changes that they envisaged on future working for their teams. Both sets of findings confirmed that the office accommodation will need to change so that there is more collaborative space for teams to work together and fewer permanent desks. The information from Heads of Service and staff is being used to design the office space to ensure this is cost effective and used efficiently by the workforce. This work is also being used to inform the review of office accommodation which is being carried out in light of the end of our current lease on Maidstone House in October 2023.

- 2.4.2 In February 2020, a staff engagement survey created by the council was sent to all staff. The results of the survey produced high levels of engagement in a number of areas but there were some lower scored areas such as engagement and leadership. A pulse survey has been designed to assess these areas and to establish progress in engagement and leadership.
- 2.4.3 The planned events outlined in the annual engagement plan for 2020-21 have continued to ensure the council communicates key messages to staff. This has been particularly important during Covid-19 to ensure we are engaging with staff on a wide range of issues as well as supporting their wellbeing. These will continue while the majority of our staff are working from home.
- 2.4.4 The next One Council will be held in the next few weeks. This will be held virtually and will reflect on all the work we have done in relation to our priorities. The event will also include the annual STRIVE awards to recognise staff achievements during the year.
- 2.4.5 In our continued response to Covid-19 pandemic, we developed further guidance for staff in relation to the Government's national lockdown restrictions. The guidance outlined responsibilities under health and safety, advice around home/office working and managing childcare while working from home. We also communicated the importance of taking annual leave during the current holiday leave year and the rules around carrying leave into future leave years.

## **2.5 Resourcing**

- 2.5.1 The absence reports were reviewed daily at the start of the pandemic by the senior management team and this has continued on a regular basis. The information has enabled the council to have a better understanding of staff that are either sick due to Covid-19, self-isolating/shielding and unable to work from home including childcare issues as well as information on staff that are self-isolating but are able to work from home due to Covid-19.

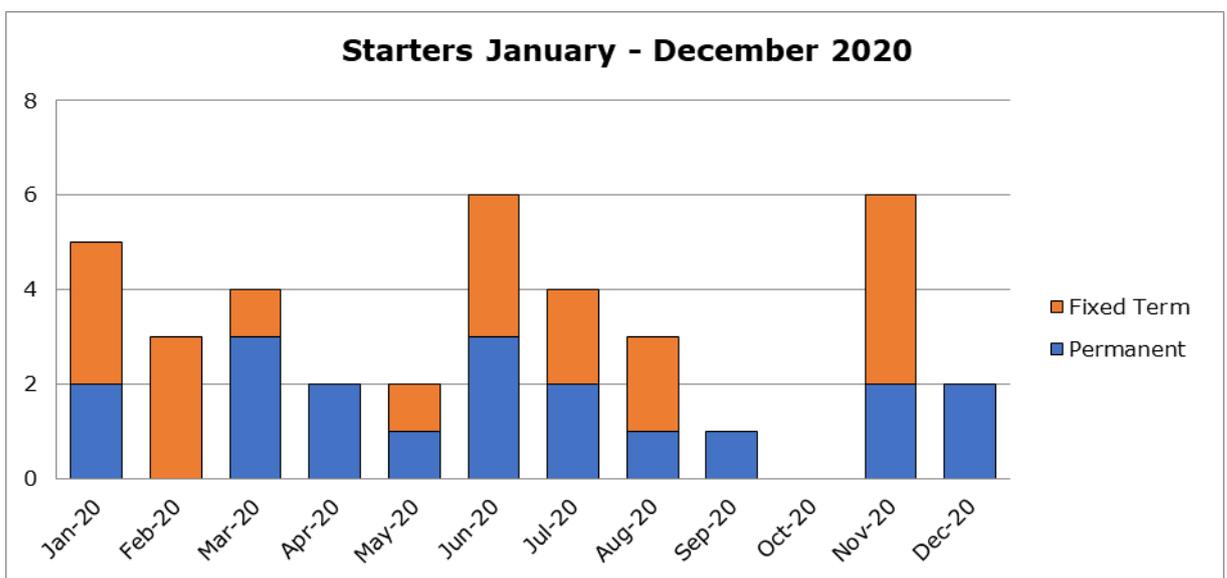
In relation to the previous report on the number of working days lost or spent in self-isolation for Covid-19, we have seen a significant increase in numbers. The table below outlines the absences caused by Covid-19 during October to December 2020:



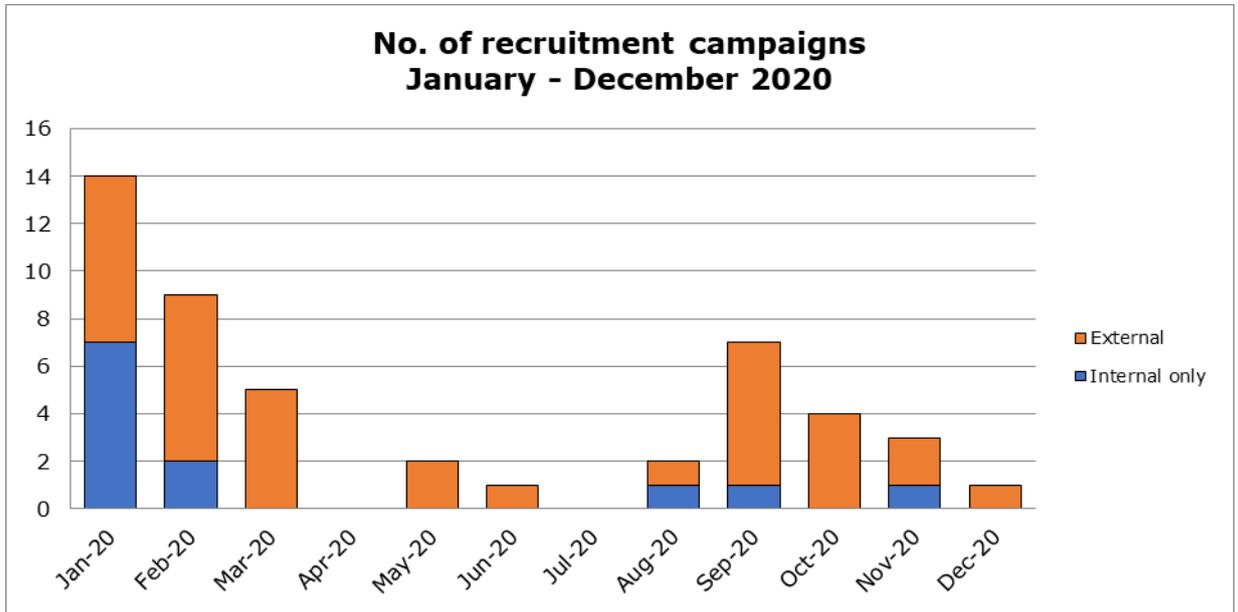
In the period October to December 2020, 14 people were absent with Covid-19, 26 people were working whilst self-isolating, 43 people were self-isolating and not working, and 2 people had spells of not working due to childcare. However, this has not caused a major impact in terms of service delivery.

2.5.2 During the period from January to December 2020, the HR team has supported managers in recruiting 38 new staff at the council. This has included permanent and fixed term contracts to various positions at the council. In addition, there were 32 staff on permanent contracts that left the organisation over this period.

The Council's turnover during the year January to December 2020 was 5.99%. According to a Local Government Workforce Survey report dated June 2019, the average turnover has been reported as 13.4%. The Council's turnover is therefore significantly lower than other local authorities.



The number of recruitment campaigns completed during January to December 2020 has been 48 and includes both internal and external recruitment. The number of recruitment campaigns has fallen since the beginning of April due to the impact of Covid-19.



2.5.3 The council also commenced a tender process for its recruitment advertising services during 2020. The contract has been awarded to TMP who have worked with a number of local authorities including Kent County Council. The new contract will allow the council to make savings where possible on recruitment advertising and obtain advice on innovative recruitment solutions for some of our hard to recruit jobs at the council.

## 2.6 Development

2.6.1 At the start of lockdown, the Learning & Development team introduced webinars into the training schedule to support staff with their wellbeing and working from home and to provide guidance to managers on managing remote teams. From August to November 2020, we have created 14 different webinars and delivered 21 webinar sessions to staff. These sessions continue to receive positive feedback and will continue to be delivered along with the now monthly staff quiz.

As well as providing information and guidance to staff, the webinars have also enabled the Council to continue to demonstrate its commitment to employee wellbeing, and provided support to those who fed back through the wellbeing surveys that they were feeling socially isolated. In addition to being able to attend the live webinars and participating, a recorded version has also been saved and is available to staff to view anytime.

2.6.2 Check-in, the Council's new approach to performance development, is being rolled out by service area across the Council. The new approach puts more focus on regular conversations and less reliance on the bi-annual reviews of Appraisal and Mid-Year Review. The new approach requires all employees

to have a monthly Check-in with their manager, discussing progress on objectives, development needs, wellbeing, and career aspirations. The check-in, objectives and actions agreed is captured on Clear Review software which is designed for this purpose and easy to use. The roll out began in September 2020 and is expected to be completed by February 2021.

- 2.6.3 For the 2020/2021 year, the training budget was reduced by 35% to £84.7k. This reflects in part disruption to training and development provided through traditional face to face events for a substantial part of the year. It also reflects the need to carefully manage resources given the significant impact of COVID-19 on the council's finances i.e. increased spending to support the community and diminished income. The central training budget has been allocated £22k to meet the costs of essential training only (health and safety and safeguarding) and training where contracts are already in place. The remaining amount has been allocated to Service Units based on headcount and will enable training, including for qualifications, to continue.

The HR Team have continued to deliver training in areas such as Managing Change, Recruitment and Selection, Resilient Teams for Managers and Team Facilitation Skills. These are programmes that the team would usually deliver in the training room, but for this year they have been re-developed to be delivered online in order to ensure our usual training offering can continue.

- 2.6.4 In September 2020, we launched our digital employee onboarding platform. The new induction process enables both the manager and the new starter to manage the onboarding process online without the need to use paper-based forms. In addition, we have also developed a manager digital employee induction platform to replace the paper-based induction form for new managers.

Within the on-line employee induction section on the website an additional section has been created that allows new managers to access key information for their roles before they join the council.

The section includes information on:

- Corporate and Service Planning
- The Councils Committee Processes
- Risk Management procedures and policies
- Business Continuity planning, procedures and policies
- Freedom of Information
- Support for staff
- Management development framework

The new process will be tested and launched to new managers in January.

These changes will also help to support the current and future working arrangements.

In addition, a new agency workers induction has been developed. This will guide managers to ensure temporary staff have been provided with mandatory safety guidance including key information relating to the council.

## **2.7 Reward**

2.7.1 The Covid-19 pandemic has meant that we are unable to travel to our normal workplaces and a number of services have therefore found innovative ways to ensure their services can still be delivered remotely by making better use of technology and therefore reducing the need for staff travel using their own cars. Based on what we have learnt from the pandemic, there will be a reduced requirement for staff to travel to work in the future as there will be more options for staff to work flexibly. For these reasons, a review on car travel allowances, which form part of the reward package has been carried out. This will require a change in the policy for car travel allowances to reflect the new ways of working as well as meeting the council's Green agenda.

2.7.2 In September 2020, the council launched the Payroll Giving scheme, also known as Give As You Earn (CAF). This scheme is a tax-effective and easy way to donate to any UK charity through monthly salary or as a one-off payment. This new benefit has been promoted to all staff across the council.

2.7.3 As a thank you to all staff and to acknowledge their efforts in our response to Covid-19, we provided an additional 1 days leave for staff to take by 31<sup>st</sup> January 2021. This was communicated in the all staff webinar in October where it was recognised that it had been challenging year for many staff and that the council was grateful for all their hard work and commitment over this period.

2.7.4 There have been a number of benefits that have been promoted as well as wellbeing events organised over the last few months. In September, staff were reminded of the Tusker salary sacrifice car benefit offered by the council. We also communicated to staff about World Suicide Prevention Day, with helpful advice and guidance on supporting those of concern.

We also organised Flu Vaccination Clinics at Maidstone House and the Depot for staff across the Council. There were 3 clinics organised in October and November for staff to attend for their vaccine.

In addition, HR Surgeries were organised for staff to provide the opportunity to contact a member of the HR team for advice and support on a confidential basis.

2.7.5 The next annual Wellbeing week has been arranged to take place between 8 - 12 February 2021. The events organised will be held virtually and will include a mix of wellbeing events and speakers. The aim of the week is to promote the importance of being healthy and to raise awareness on overall

wellbeing. This is especially important during this new lockdown period where some staff are struggling with home schooling as well as working to deliver their roles.

- 2.8 The Workforce Strategy sets out the key themes and there is an associated action plan that has been updated on a regular basis to ensure the council continues to develop. The action plan is at Appendix I.
- 

### **3 AVAILABLE OPTIONS**

- 3.1 The Committee is asked to note the progress to date and agree that work continues on the current action plan. Members could substitute alternative actions or add to the existing ones.
- 

### **4 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred option is for the Committee to note the developments and support the on-going work.
- 

### **5 RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
- 

### **6 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 The Workforce Strategy was developed with input from the managers in the organisation and discussed with both the trade unions and Staff Forum.
- 

### **7 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Developments based on the Workforce Strategy are regularly communicated to managers and staff through the council's newsletter, Team Talk activities, consultation with trade unions, Staff Forum and by email.
- 7.2 Actions within the Workforce Strategy are regularly reviewed by the Wider Leadership Team and twice a year by the Committee.
-

## **8 REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix 1: Workforce Plan 2016-2020 Progress January 2021
- 

## **9 BACKGROUND PAPERS**

Workforce Strategy

[https://www.maidstone.gov.uk/\\_data/assets/pdf\\_file/0007/164653/MBC-Workforce-Strategy-2016-to-2020-final-002.pdf](https://www.maidstone.gov.uk/_data/assets/pdf_file/0007/164653/MBC-Workforce-Strategy-2016-to-2020-final-002.pdf)

**Appendix I Workforce Plan Progress January 2021**

<b>Key Theme</b>	<b>Need / Driver</b>	<b>Outcome</b>	<b>Action</b>	<b>Responsibility</b>	<b>Update / Timescale</b>
55	Organisational culture and change	Flexibility in workforce movement.	Secondments arranged into and out of partner sector  Redeployment policy	HR Manager  HHR	Ongoing  Implemented April 2020
	Maintain and develop the organisation culture to be consistent with the values and priorities	Increased levels of employee engagement	Employee engagement survey and action plan  Team talks/briefs; One Council meetings; Service planning and appraisal  Develop a Council engagement plan	Wider Leadership Team (WLT)	Outcome of survey presented to CLT, WLT and all staff. Follow up pulse survey to be sent to all staff in Jan 2021.  Team talks ongoing. One Council briefing on 10 Feb 2021 which includes staff awards. Monthly webinars led by CEO continue to be delivered.  Engagement plan for 2020/21 has been updated and events are delivered regularly – monitored by CLT
		Minimise stress amongst the workforce	Training for staff and managers to recognise and manage stress and reduce the organisational causes of stress	L&D Manager	Monthly webinars delivered on wellbeing including mental health. Mental Health First Aid supervision sessions regularly organised.  Wellbeing surveys introduced to review wellbeing of staff and managers during Covid-19
	Increased income generation including through regeneration and commercialisation	Organisation structure designed to meet key priorities	Senior management structure and development programme  Strengthen project and programme management capacity and skills	Chief Executive Officer (CEO) with Corporate Leadership Team (CLT) and WLT	On-going capital projects  Payroll service for Dartford Borough council - ongoing. To explore opportunities with other external organisations to expand payroll service.

	Senior Leadership is visible	Employees feel that senior leaders are approachable, listen and live the values	One Council briefings, back to the floor and attending local team meetings	Policy, Wider Leadership Team (WLT)	One Council briefings All staff monthly webinars
			Staff Forum meetings to gain representative views	CLT	Staff forum review complete
			WLT to visit staff during wellbeing week and birthday teas	WLT	On hold.
	Employees are engaged with organisation purpose	Employees know where they fit in to the organisation and how they help deliver priorities	Team talks delivered by line managers	WLT Line managers	Ongoing
	Organisation design	Accommodation design meets the new ways of working for staff	Survey to review feedback from staff and managers on future ways of working	HHR Head of Commissioning & Business Improvement	Survey results reviewed. HOS feedback received. Accommodation options to be considered
Key Theme	Need / Driver	Outcome	Action	Responsibility	Update/ Timescale
Resourcing 9	The organisation is fully resourced with the right skills to deliver council priorities	Streamlined processes for greater efficiency	Review induction programme for all staff	Head of HR (HHR) Web Team	New digital onboarding induction programme has been designed – launched Sept 2020
		Council is presented in the best light to attract good candidates	Council jobs provide attractive information for candidates	HR Manager	Recruitment advertising contract tendered and awarded. New job page created with information on the borough and the council.
		Competitive employment package to attract and retain good people	Appropriate use of market supplements in skill shortage areas	HR Manager	Ongoing and has improved recruitment in hard to fill areas (Planning and Building Control)
		Maximise effectiveness of the full team to deliver council priorities	Line managers are trained and address performance and absence issues	Line managers	Absence management and Performance management training on-going. New absence records created in iTrent to monitor Covid-19 absence and general sickness
	A representative and balanced workforce	Increase the % of employees under the age of 25	Apprenticeship programme	HHR	Training and qualifications agreed for existing staff through the

					apprenticeship levy. Recruitment of apprentices to continue. Careers fairs at local schools and colleges – on hold
	A representative and balanced workforce	Council that values equality, diversity and inclusion	Meet the Disability Confident employer status  Calculate and report on the Gender Pay Gap	HHR	Ongoing – further supported by the work experience opportunities provided to the students from the Grow 19 college. Figures to be updated and published on the Govt website to meet the deadline of 31 March 2021. Minimal difference between male and female pay rates
	The organisation is fully resourced with the right skills to deliver Council priorities	No skill / knowledge gaps because of retirements or turnover	Succession planning and multi-skilling to ensure business continuity	WLT	To complete 'Developing Everyone' analysis following Appraisals in March/April 2021
		Organisational effectiveness increased, workloads reduced	Change in mind-set of employees to overcome challenges in their roles	L&D Manager	Personal Best training for staff delivered. Personal Best for Leaders – introduced programme for managers and supervisors.
<b>Key Theme</b>	<b>Need / Driver</b>	<b>Outcome</b>	<b>Action</b>	<b>Responsibility</b>	<b>Update/Timescale</b>
Development	Develop consistency of approach by leaders and managers	Managers and leaders know what is expected of them as a 'Maidstone Manager'	Management development; 360°feedback. All new managers to go through the manager induction programme	L&D Manager and WLT	New online induction programme for managers to be launched in Jan 2021
			Pilot new software on performance management	L&D Manager	Clear Review system – implementation programme being delivered to all teams. Roll out to be completed by Feb 2021
	The organisation is fully resourced with the right skills to deliver council priorities	Blended approach to learning All employees engaged in personal development	All employees have development plan; training plan in place to address future skill gaps	L&D Manager Line managers	Recorded in Clear Review and managed by managers during regular meetings.
			Development of new eLearning package with tailored programmes	L&D Manager	Ongoing
	A flexible workforce	Internal recruitment and selection enables horizontal movement to	Streamline processes for internal re-deployment.	HHR	Ongoing

		develop careers and give employment stability	Training for new roles and ways of working eg arising from service reviews and business transformation		
	A flexible workforce	Develop a range of skills	Secondments encouraged	HHR	Ongoing
			Work shadowing process developed to facilitate people spending time in other areas	HHR	WLT/CLT Job Swap programme in place.
	A safe workforce	A strong health and safety culture with minimal accident levels.	Deliver the Health and Safety action plan	Health and Safety Officer Line managers	Ongoing monitoring through the Health & Safety Committee.
<b>Key Theme</b>	<b>Need / Driver</b>	<b>Outcome</b>	<b>Action</b>	<b>Responsibility</b>	<b>Update/Timescale</b>
58	Rewards Retain competitive position as an employer	Reinforce benefits package so that employees feel they are fairly rewarded.	Update and re-issue employee handbook	HR Manager	To update with new Strategic Plan
			Health and wellbeing initiatives developed	HR Manager Community Development	Ongoing, virtual Well-being week to take place in February 2021. Roll out wellbeing events during the rest of the year. Flu vaccinations delivered in Oct 2020 Webinars introduced on staff wellbeing and support provided through EAP and occupational health
			Total benefits statement developed	HHR	Completed
			Enhance rewards and benefit provision at the Council	HR Manager	Ongoing – introduced payroll giving benefit
		Employees feel they are fairly rewarded	Review pay for lower graded staff Review rewards in terms of future working methods Promote current rewards and benefits	HHR	Implemented Real Living wage in April 2020 for lowest paid staff. Webinars delivered on rewards and benefits Review on car travel allowances to be implemented in 2021 Award 1 days additional leave as a thank you to all staff Regular communication provided on staff benefits

		Staff feel valued for their contribution	Awards ceremony continued and strengthened	HHR	Included as part of One Council event in Feb 2021
			Mechanisms developed to increase the ways for recognising staff	HHR	Ongoing – webinar to all staff in July to say ‘thank you’ Revised recognition process through policy & performance introduced

# Agenda Item 17

## DEMOCRACY AND GENERAL PURPOSES COMMITTEE

27 January 2021

### Governance for Biodiversity and Climate Change

<b>Final Decision-Maker</b>	Democracy and General Purposes Committee
<b>Lead Head of Service</b>	Angela Woodhouse, Head of Policy, Communications and Governance
<b>Lead Officer and Report Author</b>	Angela Woodhouse, Head of Policy, Communications and Governance
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### Executive Summary

This report provides information on possible options for the governance of Biodiversity and Climate Change going forward. Options proposed include a separate overview and scrutiny committee, no change to the current arrangements, Communities, Housing and Environment Committee taking responsibility as the decision-making committee or taking a scrutiny role and splitting responsibility amongst the service committees. The Committee are asked to consider the options and recommend one to full Council.

#### Purpose of Report

To make a recommendation to Council on the governance arrangements for Biodiversity and Climate Change.

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

1. To consider the governance options as detailed in the report and at Appendix A and recommend one option or an alternative to Council to ensure the effective governance of Biodiversity and Climate Change going forward.
2. That the Constitution be amended to reflect the option the Committee recommend to Council, with the amended Constitution going directly to Council for approval.

#### Timetable

<b>Meeting</b>	<b>Date</b>
Democracy and General Purposes Committee	27 January 2021
Council	24 February 2021

# Governance for Biodiversity and Climate Change

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>The Biodiversity and Climate Change Strategy and Action Plan will make a significant contribution to clean and green as part of the Safe, Clean and Green Priority.</p>	Head of Policy, Communications and Governance
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The report recommendation(s) supports the achievement(s) of the Biodiversity and Environmental Sustainability is respected cross cutting objective by including actions and objectives that promote and enhance biodiversity and actions to combat climate change.</p>	Head of Policy, Communications and Governance
<b>Risk Management</b>	<p>A key part of the governance will be to ensure risk is appropriately managed.</p>	Head of Policy, Communications and Governance
<b>Financial</b>	<p>The options set out in the report are within current resources. If a new Committee is created the role of Chairman would need to be assessed to determine if it should be remunerated – this could lead to an increase in costs.</p>	Section 151 Officer & Finance Team

<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Head of Policy, Communications and Governance
<b>Legal</b>	<p>Local authorities have a duty to have regard to the conservation of biodiversity in exercising their functions. This Duty was introduced by the Natural Environment and Rural Communities Act 2006. The Duty affects all local authorities and make it an integral part of policy and decision making in relation to all the council functions, services and actions of the Council.</p> <p>Local authorities who have adopted a committee system model of governance is not required to have an overview and scrutiny committee, but may by resolution appoint one or more committees as the authority's overview and scrutiny committee( section 9JA Local Government Act 2000).</p> <p>In addition the Local Authorities (Committee System) (England) Regulations 2012/1020 sets outs the functions, composition and procedure and powers to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the authority and limits the functions which can be discharged by an overview and scrutiny committee it to those set out in the Regulations.</p> <p>If it is proposed to establish an overview and scrutiny, the Regulations require that the committee would only permitted exercise the scrutiny functions set out in the 2012 Regulations.</p> <p>Communities Housing and Environment Committee cannot be responsible for scrutiny of biodiversity functions as this would not be in accordance with the 2012 Regulations as the committee has other decision making responsibilities in relation to housing and environmental matters whose decision could then be subject to scrutiny in relation to biodiversity.</p>	Team Leader, Corporate Governance

<b>Privacy and Data Protection</b>	Not applicable	Policy and Information Team
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy & Information Manager
<b>Public Health</b>	Any recommendation to increase the visibility and accountability of the Biodiversity and Climate Change Strategy and Action Plan will improve Public Health outcomes for residents as improvements to the environment are associated with improved Public Health outcomes.	Public Health Officer
<b>Crime and Disorder</b>	Not applicable	Head of Policy, Communications and Governance
<b>Procurement</b>	Not applicable	Head of Policy, Communications and Governance

## 2. INTRODUCTION AND BACKGROUND

- 2.1 Following a motion to Council a working group was commissioned to create a Biodiversity and Climate Change strategy and Action Plan supported by a Biodiversity and Climate Change Officer. The Strategy and Action Plan were approved by Policy and Resources Overview and Scrutiny Committee in October 2020 with an ambition to be carbon neutral for the whole Borough by 2030. The matter of future governance was considered by the working group with a preference for the creation of a new Overview and Scrutiny Committee focussed solely on Biodiversity and Climate Change.
- 2.2 It was agreed by the Policy and Resources Committee on 21 October that the Head of Policy, Communications and Governance bring a report to Democracy and General Purposes Committee outlining the Committee structure options for Biodiversity and Climate Change functions, including a dedicated Overview and Scrutiny Committee, or having Overview and Scrutiny functions embedded in the Communities Housing and Environment Committee.
- 2.3 This report sets out several options for consideration by the Committee and resource implications. This has been summarised in Appendix A as diagrams.
- 2.4 At present because the matter is cross-cutting it sits with the Policy and Resources Committee. There is no scrutiny function in the current committee style governance arrangement other than for crime and disorder matters. The Council can choose to include scrutiny committees within its current governance model.

- 2.5 It should be noted that the Action Plan agreed covers every aspect of Council business with a considerable £1million capital budget allocated for completion of the action plan. The Action Plan is ambitious and includes expenditure beyond that £1million on the basis that grant funding will be bid for and spend to save investment can be made.
- 2.6 As can be seen in **Appendix A** the 9 themes of the strategy are cross cutting and hit most of the committees. The Council's constitutions sets out that the Policy and Resources Committee will deal with any cross cutting policies that impact on other committee areas.
- 

### **3. AVAILABLE OPTIONS**

#### **3.1 Option One – Maintain Status Quo**

At present because of the cross-cutting nature of the topic, Policy and Resources Committee has had responsibility for the Biodiversity and Climate Change Strategy and Action Plan. The work to create the plan was undertaken by a cross-party member working group similar in nature to a scrutiny working group. Monitoring and refreshing the Biodiversity and Climate Change Strategy will sit with Policy and Resources, the Biodiversity and Climate Change Officer will report into the Committee at regular intervals throughout the year.

#### **3.2 Option Two – Policy and Resources Committee with an Overview and Scrutiny Committee**

The Member working group favoured the creation of a new Overview and Scrutiny Committee with responsibility for scrutinising the progress of the action plan and making recommendations for policy development to decision makers. This will have resource implications both in terms of Member capacity and Democratic Services Committee administration. The proposal is the Committee comprising of nine members would meet four times a year to scrutinise progress of the action plan. As a biodiversity and climate change officer is in post they would be reporting into the committee and taking forward actions and recommendations so democratic services support would be clerical and could be managed within current resource.

#### **3.3 Option Three – Split across the Service Committees by theme**

At Appendix A the themes have been matched to the service committees. To split the plan by Committee would be very difficult as nearly all themes hit more than one service committee and some hit all four. This option is not recommended as it is far too complex and cross cutting.

#### **3.4 Option Four -Communities, Housing and Environment Committee**

Both biodiversity and climate change sit within CHE's terms of reference, however as the actions and budgetary commitment required to progress this are cross cutting it currently sits with Policy and Resources. Council

could decide that the new strategy and action plan should be moved to CHE as the committee with the most synergy and relevance to the topic, however any funding issues outside of budget for the plan would need to be referred to Policy and Resources (as they are now for issues outside of budget).

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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The options are presented with considerations in section 3. The Committee will need to review these to identify a preferred option. The cross-party member working group recommended a new Overview and Scrutiny Committee be created for biodiversity and climate change.
- 

#### **5. RISK**

- 5.1 The Biodiversity and Climate Change Strategy and Action Plan already has an adequate governance arrangement in place. Introducing overview and scrutiny will increase visibility and accountability so may mitigate risk. The option to split the plan by committee could lead to conflict and potential confusion and a lack of transparency thereby increasing risk of non-delivery of the whole plan.
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#### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 Policy and Resources Committee agreed that a paper on the options for governance would be considered by the Democracy and General Purposes Committee. The working group that created the strategy and plan recommended that a new Overview and Scrutiny be created with responsibility for oversight of Biodiversity and Climate Change.
- 

#### **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 If the Committee choose an option other than maintain the status quo then a recommendation will need to be made to council and consequential amendments made to the constitution.
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#### **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

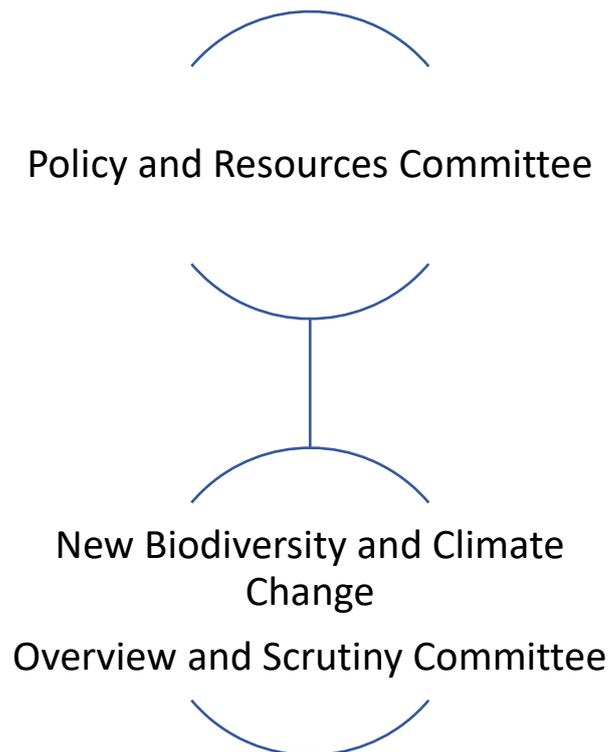
- Appendix A: Governance Options for Biodiversity and Climate Change
-

**Governance Options for Biodiversity and Climate Change**

Option1 – Status Quo – Policy and Resources maintain responsibility for Biodiversity and Climate Change Strategy and Action Plan as it is cross cutting.



Option 2 – Policy and Resources with Overview and Scrutiny



Option 3 – Plan split by Service Committee

Strategy and Action Plan themes matched to Service Committees



Option 4 – Communities, Housing and Environment Committee takes on Biodiversity and Climate Change as the decision making committee



**DEMOCRACY AND GENERAL  
PURPOSES COMMITTEE**

**27 January 2021**

**Governance Arrangements**

<b>Final Decision-Maker</b>	Democracy and General Purposes Committee
<b>Lead Head of Service</b>	Head of Policy, Communications and Guidance
<b>Lead Officer and Report Author</b>	Angela Woodhouse, Head of Policy, Communications and Governance
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

This report outlines the legislative requirements and process for changing the council's governance arrangements.

**Purpose of Report**

Decision.

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

1. To consider the options for governance and decide on the most appropriate course of action.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Democracy and General Purposes Committee	27 January 2021
Council	TBC

# Governance Arrangements

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>Any change to governance arrangements would need to ensure there was effective decision making processes in place linked to our strategic priorities.</p>	Head of Policy, Communications and Governance
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>Any change to governance arrangements would need to ensure there was effective decision making processes in place linked to our strategic priorities.</p>	Head of Policy, Communications and Governance
<b>Risk Management</b>	Already covered in the risk section	Head of Policy, Communications and Governance
<b>Financial</b>	Changing governance arrangements could have financial implications both in terms of member remuneration, the support and advice required to change (i.e. drafting a new constitution) and staffing required to support the change.	[Section 151 Officer & Finance Team]
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Head of Policy, Communications and Governance

<p><b>Legal</b></p>	<p>The Localism Act 2011 amended and inserted Part 1A of the Local Government Act 2000. The provisions enable a Council to operate one of three permitted forms of governance:</p> <ul style="list-style-type: none"> <li>(a) Executive arrangements; or</li> <li>(b) A committee system; or</li> <li>(c) Arrangements prescribed by the Secretary of State.</li> </ul> <p>The executive arrangement may consist of a 'executive' leader and cabinet under the 2000 Act, section 9C(3); or the directly elected mayor and cabinet model of governance under section 9C(2). The executive may not exceed 10 members of the Council, to include the Leader and/or Mayor.</p> <p>The hybrid form of governance may involve the Cabinet ratifying decisions recommended to it by Cabinet cross-party committees.</p> <p>The executive arrangement of a Council must include provision for the appointment of one or more overview and scrutiny committees to review and scrutinise executive decisions made, or other action taken – LGA 2000, section 9F.</p> <p>If the Council elects to form an executive form of governance, the 2000 Act divides the functions into Council functions, local choice and executive functions. The allocation of functions is prescribed under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). Anything not listed in these regulations is an executive function.</p> <p>The Council is required to have an up to date written Constitution setting out how the Council conducts its business, who takes which decisions and how to work with the Council. The Constitution should contain the Council's Standing Orders, the Code of Conduct, information required by the</p>	<p>Head of Mid Kent Legal Partnership</p>
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	Secretary of State and other information as the Council considers appropriate – section 9P LGA 2000.  The proposals in this report and the appendix are in accordance with the statutory requirements.	
<b>Privacy and Data Protection</b>	No impact identified.	Policy and Information Team
<b>Equalities</b>	The recommendations do not propose a change that will require an equalities impact assessment	Senior Policy and Engagement Officer
<b>Public Health</b>	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
<b>Crime and Disorder</b>	No implications	Head of Policy, Communications and Governance
<b>Procurement</b>	There may be a need to procure additional support if the option goes forward to progress to a new system at pace.	Head of Policy, Communications and Governance

## 2. INTRODUCTION AND BACKGROUND

2.1 Democracy and General Purposes on 11 November 2020 agreed that a Ward Boundary Review should be requested, in light of the potential changes a review would bring and the need for clarity on the Council’s governance arrangements it was agreed that a report be brought to this committee recommending that the Council votes on its future governance arrangements for decision making and scrutiny (Leader and Cabinet or a Committee System). As more than five years has passed since the Council changed to its current governance model in 2015 a change can now be made.

### **Legislative Context**

#### 2.2 The Localism Act 2011

The Act amended the Local Government Act 2000 to allow the Council to adopt one of the following forms of governance:

- (a) Executive arrangements;
- (b) A Committee system;

- (c) Prescribed arrangements (to be set out in regulations by Secretary of State); or
- (d) The Localism Act also allows local authorities to make alternative proposals to the Secretary of State as long as the proposed governance arrangements meet the following conditions:
  - That they would be an improvement on the arrangements already in place at the authority;
  - That they ensure the decisions taken by the authority are done in an efficient, transparent and accountable way; and
  - That the arrangements would be appropriate for all local authorities, or particular type of local authority, to consider.

### 2.3 Process for Changing the Governance Arrangements

The Localism Act specifies in order to change their governance arrangements, local authorities must:-

- Pass a resolution to change their governance arrangements, setting out the date it will take effect and details of change;
- As soon as practicable after passing the resolution, make the provisions of the new arrangements available for inspection; and
- Publish in one or more newspapers circulating in the area a notice which describes the features of the new system and timescales for implementation.

Having passed a resolution and complied with the publicity requirements above, authorities are required to cease operating their old form of governance arrangements and start operating their new arrangements. This must take place "at the relevant change time" which is defined as:-

(a) The first annual meeting of the local authority to be held after the resolution to make the change in governance arrangements is passed; or

(b) A later annual meeting of the local authority specified in that resolution.

It should be noted that any change to a new scheme would be a 5 year commitment to that model.

## **Governance Models**

### **2.4 Executive Model**

Under executive arrangements strategic decision-making powers lie with a small number of elected members (Cabinet and cabinet members) with the executive making the majority of the member decisions (usually controlled by the largest political group). Decisions are also delegated to officers as set out in the constitution. Overview and Scrutiny acts as a check and balance on the executive's decisions through call-in and the committees are responsible for developing policy through proactive scrutiny.

### **2.5 Committee System**

The system we have at present. A Committee system involves groups of councillors from all parties/groups sitting as committees in political balance to make decisions as delegated by Council. Most of the committees present in the Council's current committee structure would remain in the Committee system including Planning and Licensing Committees.

### **2.6 Hybrid Model**

Please see Appendix A for examples of hybrid models of governance, combining Cabinet, Scrutiny and Cabinet Advisory Committees. Or Committee system and overview and scrutiny.

### **2.7 Directly Elected Mayor Executive Model**

A person is elected to the office of Mayor by the electorate following a vote across the Borough they do not have additional powers over and above those available in authorities using the leader and cabinet model or committee system. Once the Mayor is elected they can then put in place a Cabinet and the system would be similar to the Leader and Cabinet Model, although the Mayor may choose to exercise more power individually. Overview and scrutiny would still be required.

Originally an elected mayor could only be created following a referendum in favour in the relevant authority, since 2007, local authorities have also been able to create elected mayors by resolution. The first election of a directly-elected mayor may take place separately from elections to the Council, either in May or October.

The Council could opt for a Directly Elected Mayor – as in the first report no indication has been given by members on a preference for a directly elected mayor so this has not been put forward for consideration as a governance model as part of option 1 or 2.

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## **3. AVAILABLE OPTIONS**

3.1 Democracy and General Purposes could recommend a change to a new system to be in place by the Annual Meeting in 2021 or for the Annual Meeting in 2022 or they could make no recommendation and retain the status quo.

3.2 An agreement to change governance arrangements would require a new constitution, a review of staffing to ensure the new model was supported

and a revised Members Allowances Scheme for the new roles and responsibilities created. Any new model of governance should have full member involvement in its development. The timetables below would not apply if the council chose to opt for a directly elected Mayor – Councillors have previously indicated that this is not an option that would be taken forward.

**3.3 Option 1 – A new governance model to be in place for the Annual Meeting in May 2022.**

This would involve a resolution expressing the intention to change from the Committee system at full council and instructing the development of the new model by D&GP or a task and finish Group, then a further resolution to change to the new governance model at a later date. The new Governance Model would come into place at the May 2022 Annual Meeting. To impact the boundary commission’s review the commitment to change governance would need to be made by November 2021, the timetable set out below assumes this Committee would make a reference to Council in July this could be earlier or later.

Timetable

<b>Meeting/Activity</b>	<b>Date</b>	<b>Purpose</b>
Council consider motion from DGP	July 2021	Agree intention to change governance model on AGM May 2021 and the process for creating the new model i.e. give to Democracy and General Purposes
Task and Finish Group/ D&GP/ Group Leaders	July – September 2020	Develop the new model
Council	October 2021	New Model approved by Council and resolution to move to a new governance system passed
Publication of Proposals	October 2021	Publish Detailed Proposals and required notices
Officers reporting to D&GP	October 2021 to March 2022	Develop Constitution
Officers	October 2021 onwards	Officers to develop staffing to support new arrangements ready for 1 May 2021
Panel	March 2022	Members Allowance Scheme reviewed
Council	April 2022	Approve Constitution and members Allowance Scheme
Council	May 2022	New arrangements in place

### 3.4 **Option 2 –A new Governance Model to take effect as of the May 2021 AGM**

A recommendation is made by this Committee which is then passed by Council to change Governance Arrangements including the date on which this would take effect and broad details of those arrangements i.e. Leader and Cabinet Model to come into place at May 2021 AGM.

Timetable

<b>Meeting/Activity</b>	<b>Date</b>	<b>Purpose</b>
Council	March 2021	Resolution to change governance arrangements setting out the new model, date it will take effect and giving delegation to publish notices etc
Publication of Proposals	March 2021	Publish Detailed Proposals and required notices
Officers reporting to D&GP on constitution etc – could be working with a Member group	March 2021- April 2021	Develop Constitution Develop Staffing model Members Allowance Scheme reviewed
Council	May 2021	Approve Constitution – may have to be in phases Approve Members Allowance Scheme New arrangements in place

### 3.5 **Option 3 – Retain status quo**

The Council continues with the Committee system and no recommendation is made from this Committee to Council. This would not prevent any Councillor from coming forward with a motion to Council to request change.

## **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The Committee is asked to review the three options and agree whether to make a recommendation to Council to change the governance arrangements.
- 4.2 Option 1 requires a recommendation to Council to agree to a change in 2022, option 2 requires a recommendation to Council outlining the change proposed and the date of effect as the Annual meeting in May 2021. Option 2 will require an extensive amount of work in a short space of time, it will prove very challenging to do this within the current resource, with elections and other duties falling on those who will be responsible for drafting a new constitution, new staffing structure, new governance model and other changes that would be required.

- 4.3 If a change is required it would be preferable to take the approach that allows the greatest time for the new arrangements to be developed and the greatest amount of Member involvement in their development as set out in Option 1.
- 

## **5. RISK**

- 5.1 Changing the Council's governance arrangement will incur risk in terms of managing and delivering change and ensuring any new system is effective and robust.
- 5.2 Seeking clarity on whether any change is required will give more certainty to the Boundary Review and should mitigate risk to that process.
- 

## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 As identified in the November report an early draft of this report has been shared with Group Leaders to allow full consideration of options prior to the meeting.
- 

## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 The next steps will be dependent on the option the Committee choose to take forward, options 1 and 2 will both require recommendations to Council and then the consequent steps that have been set out in the timetables for options put forward in section 3.
- 

## **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix A: Examples of Hybrid Governance Models
- 

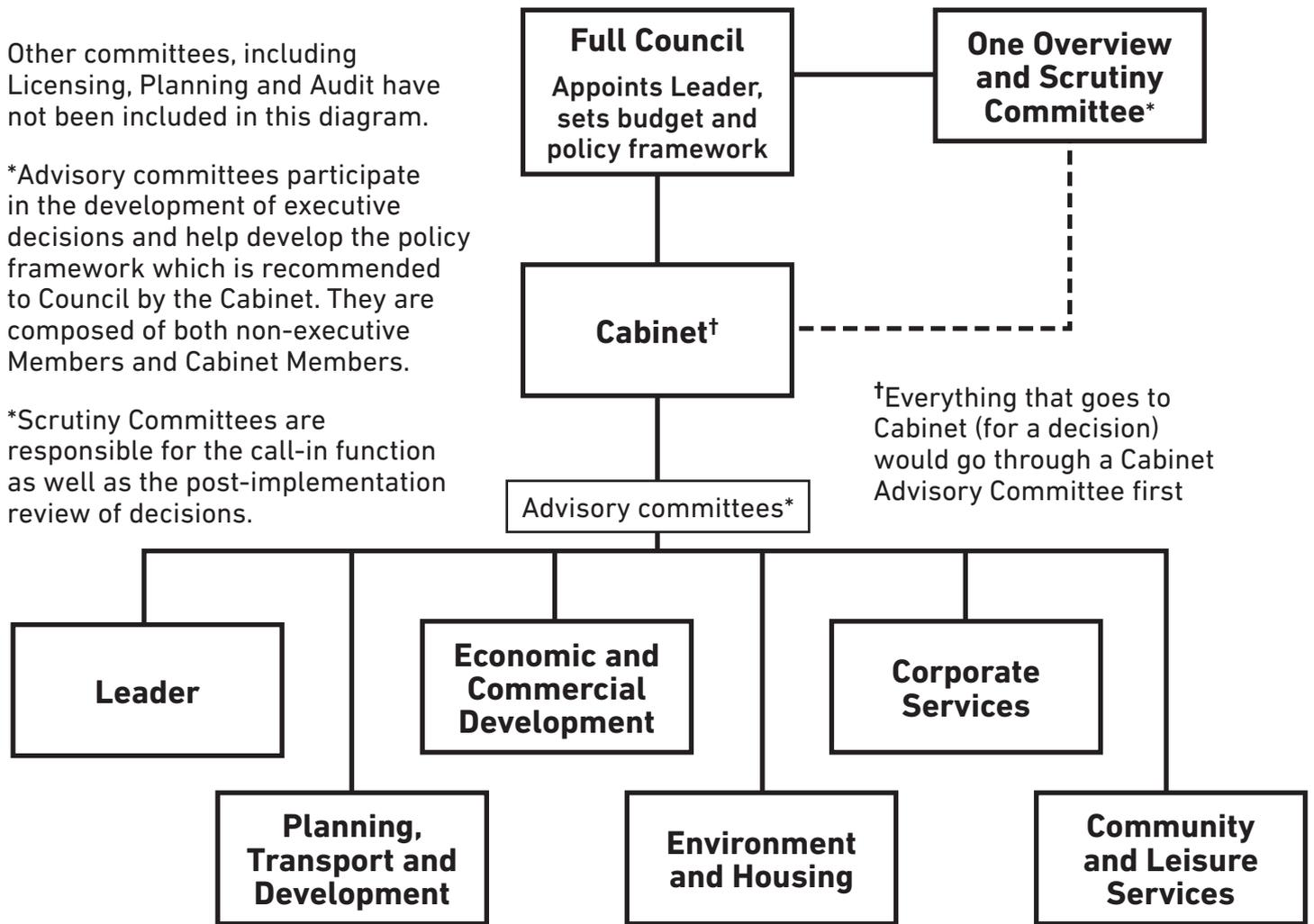
## **9. BACKGROUND PAPERS**

None

Other committees, including Licensing, Planning and Audit have not been included in this diagram.

\*Advisory committees participate in the development of executive decisions and help develop the policy framework which is recommended to Council by the Cabinet. They are composed of both non-executive Members and Cabinet Members.

\*Scrutiny Committees are responsible for the call-in function as well as the post-implementation review of decisions.



†Everything that goes to Cabinet (for a decision) would go through a Cabinet Advisory Committee first

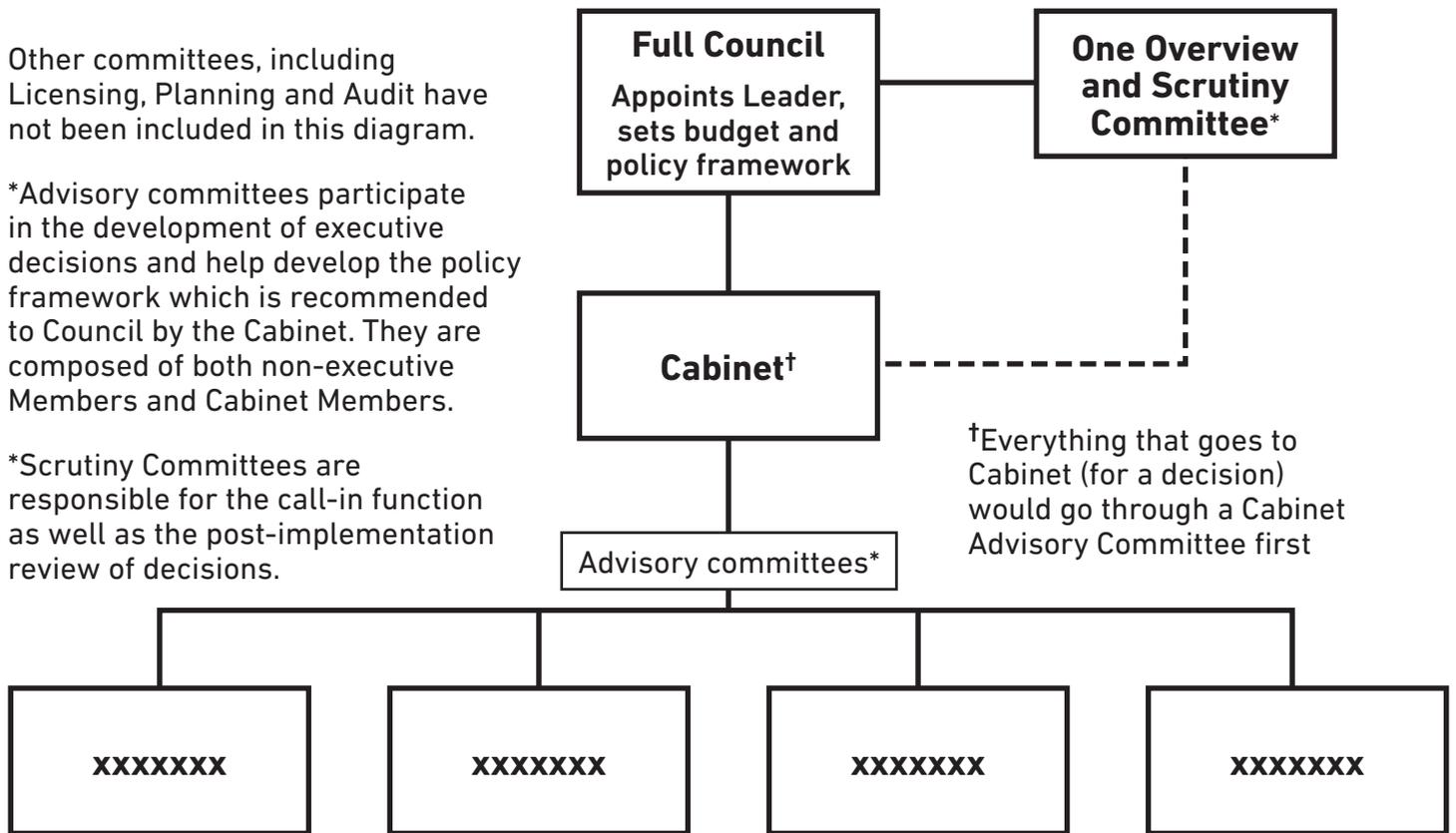
A) Advisory Committees are chaired by the relevant portfolio holder

B) Advisory Committees elect their own chairman

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A) Advisory Committees are chaired by the relevant portfolio holder

B) Advisory Committees elect their own chairman

# Agenda Item 19

## Democracy and General Purposes Committee

27 January 2021

### Whole Council Elections – Consultation Stage Approval

<b>Final Decision-Maker</b>	Council
<b>Lead Head of Service</b>	Angela Woodhouse, Head of Policy, Communications and Governance
<b>Lead Officer and Report Author</b>	Ryan O’Connell, Democratic and Electoral Services Manager
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### Executive Summary

Following the agreement for the LGBCE to carry out a Boundary Review this report sets out the considerations for moving to Whole Council Elections including the impacts of a boundary review depending on electoral cycle, and detail of the possible consultations to be carried out in the event the Committee agree to proceed to consultation to inform any Council decision.

#### Purpose of Report

Decision

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

1. To note the impact a boundary review will have on numbers of Members and Wards dependent on electoral cycle;
2. To decide whether the Whole Council Elections process moves onto the consultation stage;
3. That if consultation is approved, the medium consultation option be undertaken as set out in Appendix 2 as the best balance of cost, accuracy and weight of response; and
4. That the outcomes be reported back to Democracy and General Purposes in June 2021 for a recommendation to be made to Council in July 2021.

#### Timetable

<b>Meeting</b>	<b>Date</b>
Democracy and General Purposes Committee	Tbc June 2021
Council	Tbc July 2021

## Whole Council Elections – Consultation Stage Approval

### 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	Ensuring the Council has appropriate forms of Governance, including how Members are elected and the Council is formed, is crucial to the proper functioning of the Council and therefore contributes indirectly to all Council objectives.	Democratic and Electoral Services Manager
<b>Cross Cutting Objectives</b>	Ensuring the Council has appropriate forms of Governance, including how Members are elected and the Council is formed, is crucial to the proper functioning of the Council and therefore contributes indirectly to all Council objectives.	Democratic and Electoral Services Manager
<b>Risk Management</b>	The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council’s Risk Management Framework. We are satisfied that the risks associated are within the Council’s risk appetite and will be managed as per the Policy.	Democratic and Electoral Services Manager
<b>Financial</b>	<ul style="list-style-type: none"> <li>• The options in the report include consideration of the financial impact of switching to Whole Council Elections. It is for the Committee to weigh those up against the non-financial considerations.</li> <li>• The proposals also consider costed options for consultation. This is one off expenditure and will therefore be treated as an invest to save proposal due to the potential reduction in election costs. However, if the proposal is not progressed the one off costs would be written off against the contingency budget.</li> </ul>	Section 151 Officer & Finance Team
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Democratic and Electoral Services Manager

<b>Legal</b>	<ul style="list-style-type: none"> <li>The legislation governing the move to Whole Council Elections is the Local Government and Public Involvement in Health Act 2007 as amended by the Localism Act 2011. The Acts give Councils the power to decide whether to move to whole council elections, elections by halves or elections by thirds. The legislation to move to whole council elections includes certain actions that must be taken during the process.</li> <li>One requirement is to have carried out a consultation on the proposal. The format of that consultation is a consideration of this report.</li> </ul>	Team Leader (Corporate Governance), MKLS
<b>Privacy and Data Protection</b>	Any consultation agreed by the Committee will be carried out using the Council's corporate policies for consultations and will meet data protection requirements.	Policy and Information Team
<b>Equalities</b>	The chosen consultation will be carried out using the Council's corporate policies for consultations and this will include consideration of equalities.	Policy & Information Manager
<b>Public Health</b>	No impacts.	Democratic and Electoral Services Manager
<b>Crime and Disorder</b>	No impacts.	Democratic and Electoral Services Manager
<b>Procurement</b>	The consultation will be carried out in house.	Democratic and Electoral Services Manager

## 2. INTRODUCTION AND BACKGROUND

- 2.1 At its meeting on 11 November 2020 Democracy and General Purposes considered the matter of the Local Government Boundary Commission for England (LGBCE) carrying out a boundary review of Maidstone Borough. The committee agreed to request a review and to consider two matters that could impact on the outcome of that review, namely Whole Council

Elections and the Council's governance arrangements. This report sets out consideration of Whole Council Elections.

- 2.2 In November 2019 Democracy and General Purposes considered taking Whole Council Elections out to consultation and it was agreed not to pursue it further due to it being unlikely to achieve the necessary two-thirds majority to get agreement at Council. However, the impending boundary review presents a significant change to considerations for that decision. If elections by thirds (the current system) is maintained it will mean that ward boundaries and ward memberships will have to change to meet the Boundary Commissions aims of uniform three Member wards across the Borough.
  - 2.3 Whereas if a change is agreed to move to Whole Council elections a wider variety of options for ward memberships is available as uniform three Member wards will no longer be an aim of the review. It should be noted that even in elections by thirds, where exceptional circumstances can be demonstrated, some wards might not become three Member wards.
  - 2.4 This report includes the Member consultation outcomes following Democracy and General Purposes on 3 July 2019 where the Committee agreed to proceed with the work on Whole Council Elections and to carry out consultation with Members on boundary issues. This consultation was carried out via a workshop and a survey and questions on Whole Council Elections were included to help inform the overall review.
  - 2.5 The Committee previously agreed the factors to be included in considering Whole Council Elections. These have been included in the analysis in Appendix 1.
- 

### **3. AVAILABLE OPTIONS**

- 3.1 To agree to proceed to the consultation stage of Whole Council Elections and select one of the possible consultation options in Appendix 2, the medium option is recommended. The Committee will need to consider the form of the consultation and any amendments they may wish to make to the wording to ensure that it is balanced and clear about the options the public are being asked to express an opinion on.
  - 3.2 On the basis of the information presented in this report, the Committee could decide not to proceed to the consultation stage. This would need to be made on a balance of the reasons for and against moving to Whole Council Elections.
- 

### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 This report does not make a recommendation on which option is preferred as any decision on Whole Council Elections will require the Committee to balance the factors, including political considerations, and conclude on how much weight to give to each of these factors.

- 4.2 Should the Committee decide to proceed to consultation stage it is recommended to go with the medium option.
- 

## **5. RISK**

- 5.1 The decision on whether to move to Whole Council Elections needs to weigh up the pros and cons of changing the electoral cycle. Some of the risks are political in nature and are not considered here.
- 5.2 Any change inherently carries risks. From an administrative viewpoint the primary risk is the capacity of the electoral services team to support the increased size of a Whole Council Election. However, this risk is considered to be low given that the team already currently administer larger elections, for example a General Election.
- 5.3 In considering the impacts of this decision it is important to consider that there will be a ward boundary review conducted over the next few years and any change (or not) to our election cycle will have knock on impacts for that review (which will consider its own risks).
- 

## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 Whole Council Elections have been considered on several previous occasions:
- Following a motion to Council in 2008 to look at elections, a scrutiny review was commissioned in 2009 which led to public consultation on 4 yearly elections in September 2010. A motion to change the electoral cycle to all out elections was put to full Council in November 2010. This motion was lost.
  - On 17 September 2014 – A motion was put to full Council to change to a four yearly cycle for elections. This motion was lost.
  - On 22 April 2015 – A motion was put to Council to hold a referendum on four yearly elections. This motion was lost.
  - In summer 2016 the Democracy Committee began a review of the electoral cycle and in November 2016 the Committee decided not to continue with the review.
  - In November 2019 – this committee decided not to proceed to consultation on Whole Council Elections
- 6.2 A Member workshop was held at the end of July 2019 and a Member consultation was carried out in August 2019. The results of these have been factored into this report and will be considered through the decision making process.
- 

## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 If the Committee agree to move to consultation stage the consultation will be prepared and conducted.

- 7.2 The consultation will then be carried out and the results reported to Democracy and General Purposes Committee for a final decision on whether to put the issue to an extraordinary meeting of Council in February 2020.
- 7.3 If the Committee do not wish to proceed to consultation then no further action will be taken and elections by thirds will be factor into the LGBCE boundary review.
- 

## **8. REPORT APPENDICES**

- Appendix 1: Whole Council Elections - Analysis
  - Appendix 2: Whole Council Elections – Consultation Options
- 

## **9. BACKGROUND PAPERS**

None.

## WHOLE COUNCIL ELECTIONS - ANALYSIS

### 1. Overview of Factors to be Included

- Consideration of pros and cons (including those summarised from the consultation below)
- Impact on time and resources for officers and Members, including the interruption to the committee flow
- Cost analysis
- Consultation – method and content (see Appendix 2)

### 2. Pros and Cons of Whole Council Elections – Summary from Member Workshop, Survey and Committees

Pro	Con
Stability - would enable 4 years of strategy, work and building relationships	Increased potential for wholesale change - could lose many experienced Councillors and impact on continuity
Could improve voter engagement - reduced voter fatigue and potentially increase turnout	Parishes would need to align or face additional costs and their by-elections are less likely to coincide with borough elections.
Lower cost – see cost analysis	Hard to find suitable candidates for 55 seats
Increased focus on borough-wide issues for election campaigns	Reduced focus on Independent candidates and Ward/Street issues for election campaigns
Greater scope for wholesale policy change	Local elections can be related to National Politics so could become out of step with feelings.
Clearer delineation between Borough and County as distinction between elections would be clearer	Extra work for whole council election on the Elections team (e.g. nominations)
Training and induction for councillors is easier – done as one cohort	Feeling of reduced political accountability immediately following an election and less gradual change
Reduced time spent campaigning and canvassing, and in 'purdah'	Less canvassing to put Members in touch with their electorate

ELECTIONS BY THIRDS	2021	2022	2023	2024	2025	2026
Election Type	County PCC Borough	District General	District	District PCC	County	District
Estimated proportion of spend	33%	50%	100%	50%	0%	100%
Estimated Expenditure	£54,666 <sup>1</sup>	£82,000	£164,000	£82,000	£0	£164,000

District Election Cost (based on budget incl. by elections)	£164,000
4 year Cost	£410,000

WHOLE COUNCIL ELECTIONS	2021	2022	2023	2024	2025	2026
Election Type	County PCC Borough	District General	District	PCC	County	
Estimated proportion of spend	33%	50%	100%	0%	0%	0%
Estimated Expenditure	£54,666 <sup>1</sup>	£82,000	£275,000	£0	£0	£0

District Election Cost (Estimate incl. by elections)	£275,000
4 year Cost	£275,000 <sup>2</sup>

Whole Council Election Saving	£135,000
Annualised	£33,750

	Election By Thirds	Whole Council Election
Vacancies <sup>3</sup>	18 or 19	55
Wards <sup>3</sup>	18 or 19	26 or up to 55
Electorate (est.)	90k	120k
Cost (incl. by elections)	£164k	£275k
Parish elections (dependent on contested)	up to 21	up to 40

<sup>1</sup>Actual costs likely to be significantly higher depending on PPE costs and Cabinet Office funding

<sup>2</sup>This cost is likely to decrease over time as efficiencies are made in running WCE.

<sup>3</sup>The references to vacancies and wards in this table is subject to change depending on the outcomes from the LGBCE boundary review.

### 3. Practical Impact on the Calendar:

- Currently lose early May from the calendar, as per our local choice
- Publicity restrictions in place 'Purdah' – limits types of decisions able to be taken in April (impact is managed so minimal in practice)
- Publicity restrictions currently happen in four out of four years (three Borough, one County)
- Under Whole Council Elections publicity restrictions would happen in two out of four years (one Borough, one County)

### 4. Impact on Electoral Services and elections resourcing

4.1 Electoral Services carry out Electoral Registration functions and Election functions. Whole Council Elections impacts only on Borough Elections not any other function performed by the team as set below:

Electoral Registration	Election functions
<ul style="list-style-type: none"> <li>• Rolling registration</li> <li>• Annual Canvass</li> <li>• Postal refresh (January)</li> <li>• Service voters and other declarations</li> <li>• Polling Place Review</li> <li>• Community Governance Reviews</li> <li>• Boundary maintenance (UPRNs etc.)</li> <li>• Register control and access</li> </ul>	<ul style="list-style-type: none"> <li>• Primary election activity - Parliamentary, County, PCC and referendums</li> <li>• By elections (Parliamentary, PCC, County, Borough, and Parish)</li> <li>• Other elections (i.e. prison)</li> <li>• Neighbourhood plan referendums</li> <li>• Other (misc.) referendums (e.g. linked to CGR or BID)</li> </ul>

4.2 Running elections involves the work of the Electoral Services team and officers from Democratic Services, Policy and Communications, Business Improvement, Borough Services and others in preparing for the count. On the day of the poll and count staff from across the authority are given a day to work on the election.

4.3 It is hard to estimate the full resource opportunity cost of this – but in any event these resource requirements would only be removed one year in four – assuming no other elections take place in that year (i.e. a General Election).

4.4 The possibility of electoral services staffing reductions has been raised previously but this is unlikely to be achievable (see 4.1). As shown we would have elections three years in every four as a minimum, and registration work is now all year round. However, the additional time freed up one year in four (assuming no General Election) would be to provide capacity to ensure all other activities are up to date, look at Democratic Engagement, and look at services developments through improvements to the canvass, registration and election processes.

4.5 There is an argument that currently, with local elections run three years in four and county elections in the fourth, that electoral services and the wider elections team maintain practice at running local elections and this improves our ability to deliver them. It could also be argued that running

a local election for the whole council would be a significantly bigger undertaking than an election by thirds. However, in reality, with the number of elections we would be running, and our capacity to run larger elections (such as a General Election) it is really only the scale of the nominations process that would represent a new challenge for the team. We would put in place actions required to cover this (for example providing office cover to free electoral services staff to receive nominations). The cost of a Whole Council Election budget has factored in the increased size of an all out election, potential complexities from multi-member wards and an increase in by-elections in coming to the savings calculation.

## **5. Impacts on Members**

- 5.1 Members would be better placed to comment on the resource requirement and impacts of interruptions caused by elections due to campaigning and publicity restrictions. Depending on the natural timings of issues publicity restrictions 'Purdah' could have either a significant or limited impact each year. Campaigning impacts would presumably have a varying degree of impact dependent upon the 'party machinery' available to support local groups and is not something that officers can effectively evaluate.
- 5.2 The choice of election cycle will impact Members insofar as the Local Government Boundary Commission for England will soon be conducting a boundary review of Maidstone Borough. If the Council stays with elections by thirds the review will aim to produce uniform three Member wards across the Borough. Therefore staying with elections by thirds will definitely result in a change to wards and Members.
- 5.3 If the Council changes to all out elections ('Whole Council') then a variety of different Ward membership sizes are possible and single member wards can be requested. Please note that changes are likely regardless of which system is chosen but the status quo of elections by thirds is no longer an option.

## Appendix 2

### Whole Council Elections – Consultation Options

This appendix sets out the costings for three levels of consultation and sets out some proposed wording for the consultation document and the format of the question for the Committee to approve. The three levels are:

- Full – Sending a copy of the consultation document to every household
- Medium – Sending a copy of the consultation document to a sample of 15,000 households and conducting face to face interviews in key locations around the Borough
- Minimal - Producing an online survey, emailing consultation mailing list, advertising via social media etc. and collating the responses

Confidence – depending on sample size and return rate consultations have varying degrees of margin of error. The industry standard is 5%, Maidstone Borough Council aims for at least 3%. Each of the options below has a stated margin of error based on a return rate assumption. Above a certain threshold there is a diminishing return on rate of improvement.

What is a margin of error? If you repeated the exercise 100 times then it would come back 95 times with a result +/- the amount stated (i.e. if 50% of people said 'Yes' with an error rate of +/- 2% then the results would be 48%-52%).

	Full	Medium	Minimal
	Forms sent to every occupied household (70,000)	Residents Survey style – 15,000 sample plus face to face	Online survey (online and email list)
Postage*	£28,000	£6,000	£0
Return Postage*	£0-£30,800	£0-£6,600	£0
Print	£1,500	£350	£0
Staff time (Opp. Cost)	£2,000	£4,000	£1,500
Total	£31,500-£62,300	£10,350-£16,950	£1,500
Margin of error at 20% response rate	+/-0.78%	+/-1.7%	+/- 8%

\*Costs of postage do not include 2021 Royal Mail price uplift.

## **Consultation on method of elections for Maidstone Borough Council**

Maidstone Borough Council are consulting on how often electors should vote for our councillors. We are interested in your views on whether we should change to 'whole' council elections every four years or retain the existing system of election 'by thirds'. This page gives background information and the reasons for both electoral cycles to help give you an informed view on the issue.

The consultation closes on xx xx

Our Council

Maidstone Borough Council (MBC) currently consists of 55 Councillors who are elected by voters in 26 Wards. The Councillors represent residents and make decisions on the running of MBC.

MBC provides numerous services including waste collection, street cleaning, development planning, housing, parking, benefits, culture and leisure (including the museum, parks and open spaces), licensing, environmental health, building control and others services.

### Current Electoral Cycle – election 'by thirds'

Currently the Council holds elections 'by thirds' meaning that in 3 years out of 4 one third of seats are up for election.

### Whole Council Elections

Under the Local Government and Public Involvement Health Act 2007, the Council has the power to change its electoral arrangements to 'whole council elections' which would mean that all seats on the Council would be elected at the same time, once every four years.

Please note that the elections for the County Council, UK Parliament and the Police and Crime Commissioner will not be affected by any future change in Maidstone Borough Council's electoral cycle.

### **Reasons to keep elections 'by thirds'**

- A regular turnover of Council members.
- Decisions are being made annually rather than every 4 years which means voters are able to react sooner to local circumstances, thereby providing more immediate political accountability.
- Maintaining the current system may encourage people to vote by getting them into the habit of voting regularly.

### **Reasons to change to whole council elections**

- When a Council has a 4 year mandate it can adopt a long term strategic approach to policy and decision making with less focus on yearly election campaigning.
- The results from whole council elections are simpler and more easily understood by the electorate. This may increase turnout at local elections.

- There would be a better opportunity for voters to change the political makeup of the Council as all seats would be up for election.

### **Local Government Boundary Review**

The Local Government Boundary Commission for England will soon be reviewing Maidstone Borough's ward boundaries and the numbers of Councillors in each ward. If the Council stays with elections by thirds the Commission will aim for all wards to have three Members each. If the Council changes to Whole Council Elections then each Ward can have a varying number of Members, or the Council can ask for single Member wards.

### **Cost Implications**

The current budget for running local elections by thirds is £164,000 per annum. Running a single election every four years will result in savings. Please see the report to Democracy and General Purposes committee for more information (insert link to report).

### **Why Respond?**

As part of making its decision on this the Council will take into account the opinion of its residents. We are therefore asking you to let us know which system you would prefer.

-----  
**"Should the Council have elections by thirds, or whole council elections?"**

**Elections By Thirds**

**Whole Council Elections**

**(MARK YOUR PREFERRED OPTION ONLY)**

*Equalities and monitoring information*