



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Council

Date: **Wednesday 24 January 2024**

Time: **6.00 pm**

Place: **Council Chamber**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3844

Council

Membership

Mayor Councillor Julie Najuk

Deputy Mayor Councillor Ron McCrossen

Councillor Michael Adams	Councillor Alison Hunt
Councillor Roy Allan	Councillor Viv McCrossen
Councillor Sandra Barnes	Councillor Marje Paling
Councillor Stuart Bestwick	Councillor Michael Payne
Councillor David Brocklebank	Councillor Lynda Pearson
Councillor Lorraine Brown	Councillor Sue Pickering
Councillor John Clarke	Councillor Catherine Pope
Councillor Jim Creamer	Councillor Grahame Pope
Councillor Andrew Dunkin	Councillor Kyle Robinson-Payne
Councillor Boyd Elliott	Councillor Alex Scroggie
Councillor David Ellis	Councillor Martin Smith
Councillor Rachael Ellis	Councillor Sam Smith
Councillor Roxanne Ellis	Councillor Ruth Strong
Councillor Andrew Ellwood	Councillor Clive Towsey-Hinton
Councillor Paul Feeney	Councillor Jane Walker
Councillor Kathryn Fox	Councillor Michelle Welsh
Councillor Des Gibbons	Councillor Henry Wheeler
Councillor Helen Greensmith	Councillor Russell Whiting
Councillor Jenny Hollingsworth	Councillor Paul Wilkinson
Councillor Paul Hughes	

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SUMMONS

A meeting of the Borough Council will be held in the Council Chamber, Civic Centre, Arnot Hill Park on Wednesday 24 January 2024 at 6.00 pm to transact the business as set out below.



Mike Hill
Chief Executive

AGENDA

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| 1 | Thought for the day | |
| 2 | Apologies for absence | |
| 3 | Mayor's announcements | |
| 4 | To approve, as a correct record, the minutes of the meeting held on 15 November 2023 | 5 - 19 |
| 5 | Declaration of interests | |
| 6 | To deal with any petitions received under procedural rule 7.8 | |
| 7 | To answer questions asked by the public under procedural rule 7.7 | |

Question 1

Last year the Rt Hon Kemi Badenoch MP, Minister for Women and Equalities wrote to public leaders reaffirming the Government's commitment to the protected characteristics under the Equalities Act.

The 9 protected characteristics in the act are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The Minister for Women and Equalities also wrote, in the same letter, 'I would like to be clear that there is no 'hierarchy of rights' under the act, therefore we should not hold one protected characteristic in higher regard than another.'

At the last full council meeting in November, the leader of the council made the following comment. 'We were doing that [Councillors Name] before you left school'.

Does the Leader of the Council regret that the Mayor, nor the Chief Executive did not intervene to reprimand the Leader for this age based insult?

Question 2

What plans do the council have over the next year to protect people from age based discrimination in; the council chamber, at work in the council and across the Borough as a whole.

Question 3

Gedling Borough Council often uses the flag poles outside its entrance to mark occasions. Certain flags that the Council have flown fall outside of the Government's approved list and therefore planning permission is required. Could the Council Leader detail when Gedling Borough Council has sought those permissions and for what flags?

Question 4

Would the leader of the council expect a member of his cabinet to resign if:

said member of his cabinet made a political attack on another democratically elected member of the council which was based on that member's protected characteristics under the equalities act.

E.g. an attack based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

8 To answer questions asked by Members of the Council under procedural rule 7.9

Question from Cllr Whiting to the Leader of the Council:

- How will Gedling Borough Council ensure that any lessons from the handling of the recent flooding event in Colwick and elsewhere in the borough are learned?

Question from Cllr Whiting to the Portfolio Holder for Climate Change and Natural Habitat:

- How much has been spent topping up the surface of the car park at Colwick Rec in the past 3 years - and when will it be properly resurfaced?

9 To receive questions and comments from Members concerning any matter dealt with by the Executive or a Committee (procedural rule 7.10)

a	Minutes of meeting Thursday 9 November 2023 of Cabinet	21 - 23
b	Minutes of meeting Monday 13 November 2023 of Overview and Scrutiny Committee	25 - 29
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f	Minutes of meeting Thursday 7 December 2023 of Standards Committee	47 - 48
g	Minutes of meeting Tuesday 12 December 2023 of Audit Committee	49 - 50
h	Minutes of meeting Thursday 14 December 2023 of Cabinet	51 - 53
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j	Decisions made under delegated authority	59 - 60
10	Pay Policy Statement- 2024-25	61 - 130
	Report of the Head of HR, Performance and Service Planning	
11	Council Tax Reduction Scheme	131 - 143
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12	Levelling Up and Regeneration Act 2023 Council Tax Charges	145 - 151
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	Report of the Democratic Services Manager	

Report of the Monitoring Officer

15 **To consider comments, of which due notice has been given, under procedural rule 7.11**

16 **To consider motions under procedural rule 7.12**

Motion 1 – this motion has been removed from the agenda as the Mayor has ruled that it does not meet section 7.12e of section 4 of the council's constitution - every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Borough.

Motion 2

Gedling Borough Council notes the difficulties faced with on-street parking and the increase in the number of cars per household.

To help mitigate new housing from increasing the amount of on-street parking, this Council has an adopted Supplementary Planning Document referenced in LPD 57 'Parking Provision for Residential and Non-Residential Developments' (February 2022) ("SPD"), however, this policy allows for unallocated spaces which includes on-street parking as part of meeting the required parking provision.

The SPD also states at paragraph 4.12 that whilst "The expectation is that parking standards will be met, however if the development is served by one or more regular public transport service, this may be a material consideration justifying a reduced parking provision requirement, especially if a site is located within; or close to a central area."

This Council can not, however, control who moves into housing that does not have provision for off-street parking and can therefore not enforce the use of public transport or none use of personal vehicles.

Therefore, Gedling Borough Council resolves to recommend that Cabinet considers a review of the 'Parking Provision for Residential and Non-Residential Developments' Supplementary Planning Document (SPD) and such review to include:

1. the removal of paragraph 4.12 and its content from the 'Parking Provision for Residential and Non-Residential Developments'.
2. the provision that all car parking requirements serving occupants on new developments must be met within residential curtilages

Proposer: Cllr Stuart Bestwick

Seconder: Cllr Helen Greensmith

Motion 3

Currently, ashes can be interred in Gedling Borough Council cemeteries between Monday and Friday at a fee of £221 which are observed by the Council's cemetery staff. There is, however, demand for this service at weekends, including from working families and those who have family members who are not local to the Borough.

This Council therefore resolves, subject to approval of a business case, that Council staff are made available to observe the interment of ashes on two Saturdays per month for a trial period of at least six months.

Proposer: Cllr Sam Smith

Seconder: Cllr Mike Adams

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MINUTES COUNCIL

Wednesday 15 November 2023

Councillor Julie Najuk (Mayor)

Present: Councillor Ron McCrossen Councillor Paul Hughes
Councillor Michael Adams Councillor Alison Hunt
Councillor Roy Allan Councillor Viv McCrossen
Councillor Sandra Barnes Councillor Marje Paling
Councillor Stuart Bestwick Councillor Michael Payne
Councillor Lorraine Brown Councillor Lynda Pearson
Councillor John Clarke Councillor Sue Pickering
Councillor Jim Creamer Councillor Catherine Pope
Councillor Boyd Elliott Councillor Grahame Pope
Councillor David Ellis Councillor Kyle Robinson-Payne
Councillor Rachael Ellis Councillor Alex Scroggie
Councillor Roxanne Ellis Councillor Martin Smith
Councillor Andrew Ellwood Councillor Sam Smith
Councillor Paul Feeney Councillor Ruth Strong
Councillor Kathryn Fox Councillor Jane Walker
Councillor Des Gibbons Councillor Henry Wheeler
Councillor Helen Greensmith Councillor Russell Whiting
Councillor Jenny Hollingsworth Councillor Paul Wilkinson

Absent: Councillor David Brocklebank, Councillor Andrew
Dunkin, Councillor Clive Towsey-Hinton and
Councillor Michelle Welsh

48 THOUGHT FOR THE DAY

A minute's silence was held in remembrance of the innocent lives lost at home and around the world. The Mayor's Chaplain, Father Philipp Ziomek, addressed council and gave a reading.

49 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Brocklebank, Dunkin, Towsey-Hinton and Welsh.

50 MAYOR'S ANNOUNCEMENTS

The Mayor confirmed she had recently attended several remembrance events, held across the borough and noted she found it encouraging to see the great turnout amongst the community. She also highlighted that she was looking forward to turning various Christmas lights on across the borough and thanked the organisers for their hard work.

51 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 20 SEPTEMBER 2023

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

52 DECLARATION OF INTERESTS

None.

53 TO DEAL WITH ANY PETITIONS RECEIVED UNDER PROCEDURAL RULE 7.8

None.

54 TO ANSWER QUESTIONS ASKED BY THE PUBLIC UNDER PROCEDURAL RULE 7.7

Six questions had been received, however question six had been withdrawn as the questioner had expressed the view that they felt the question would not be answered in full and had asked that the reason be minuted.

The remaining 5 questioners were unable to attend so their questions were read out by the Chief Executive and answered by the Leader of the Council, as follows:

Question 1

With reference to the Council's own constitution published on its own website and dated 31 October 2023, in particular 'Section 4 – The Full Council'. How does the Council feel the gendered language, which refers to Members and Mayor as 'he' in the constitution - language which is seen to reinforce glass ceilings rather than break them down, help the social mobility of women in Gedling Borough?

Answer 1

It is recognised that some of the language within the Council's Procedure Rules at Section 4 of the Constitution is dated and gender specific. At the Council meeting on 12 July 2023, it was agreed to establish a working group to review the Procedure Rules and the working group met in October to discuss and propose amendments. One of those proposals was to review and amend the language within the Rules to make it easier to understand and remove the gender specific references.

At the moment a new draft of the procedure rules is underway to be brought back to the Working group later this year with a view to the Council considering a new set of Rules in the New Year.

Question 2

I note that the Council's constitution reads 'If the questioner is not present at the meeting, the question will not be dealt with. In exceptional circumstances, in consultation with the Chief Executive, The Mayor has the discretion to put the question in the absence of the questioner, to defer it to the next meeting or to direct that a written response is provided.' My view is that the very tone of this aspect of the constitution deters people's participation in our local democracy.

In 2023, given the technology available to us, I believe that a constitution that dictates a member of the public must attend a meeting limits people's participation in our democracy. I believe that people with caring commitments, varied working patterns, NHS shift workers, people who have challenges with accessibility etc, should have full access to our democracy. These don't strike me as 'exceptional circumstances'. The reasons I cannot attend this evening are far from exceptional, they are my ordinary weekly commitments.

Does the Council not agree that people's participation in our democracy should not rest on the 'discretion' of the Mayor or Chief Executive and should be fully backed and protected within the constitution?

Answer 2

It is accepted there may be a number of valid reasons why a member of the public, who wishes to put a question to this council, may be unable to attend the meeting in person. For this reason, the Constitution does give the Mayor discretion to consider whether a question can be put in the absence of the questioner. It is for the Mayor to consider what might amount to exceptional circumstances.

As Councillors we welcome the participation of the public through questions to the Council and as indicated in my previous answer, the Council are currently reviewing Procedure Rules to consider how they can be improved. The Rules in relation to questions from the public will form part of the review and as such the points raised in your question will be taken into account.

Question 3

What plans does Gedling Borough Council have in place to mitigate the use of council property being used to display election campaign material?

Answer 3

This Council adheres to legislation and guidance in relation to elections set out by the government and the regulatory bodies, such as the

Electoral Commission. In terms of council property being used to display campaign material, this is something that is governed by the Local Government Act which notes restrictions regarding the “pre-election period”. The “pre-election period” is a period of around 6 weeks before an election when there are extremely specific rules about what a council can or cannot do in terms of publicity and the use of council facilities and resources.

The restrictions state that material relating to wider political issues should not be posted on official notice boards which may be seen by members of the public. It also says that the council facilities and resources should not be used for political gain. These restrictions are consistently applied across the whole council and all staff are briefed on the pre-election period to ensure they are clear of our responsibilities.

If any member of staff or the public notice any campaign material on council property, or anything they are not sure of, then this should be reported to the elections team who will investigate it further.

Question 4

Given that over several years there has been issues with Gedling Borough Council’s responses to Freedom of Information requests, for example:

- FOI 11304 – late response attributed to the ‘an issue with our FOI collation system’. The FOI was only answered once the requester chased the Council.
- FOI 11396 – wrong information was given in the response to the request. This was only picked up because the requester challenged the data. Gedling Borough Council responded, ‘we made an error on this question’.
- FOI 8728 – Late response.
- FOI 12399 – Late response and partially answered response. Requester had to chase the Council for a response. The reason for the late reply was ‘This was due to no other reason that workload issues and annual leave.’ The reason the FOI was only partially answered was because ‘It would appear that I [the responder] was not provided with the full details of your query’. The requester had to chase the remaining parts of the query.
- FOI 12022 – Regarding Levelling Up bids. Initially the response said ‘We do not hold any feedback for round one, as this was dealt with by officers who are no longer employed by the Council. I have included the feedback for round two as a PDF document.’ When the requester queried this, they were told in a follow up email ‘I have spoken with

colleagues and found that feedback for round 1 of the Levelling Up Fund was given verbally at a meeting, attached are notes that were taken by an officer in attendance.'

How does the Council plan to address the issues with the way it handles FOI requests alongside balancing the wellbeing of its colleagues and allowing proper scrutiny within its statutory obligations?

Answer 4

The main principle behind freedom of information legislation is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to.

At Gedling Borough Council, we strive to get the information as soon as possible and always in working days, 20 working days. The time limit can be extended by a reasonable period if a qualified exemption applies, and we need additional time to consider the public interest test.

In the year 1 April 2022 to 31 March 23, the Council handled a total of 667 requests made under the Freedom of Information Act or the Environmental Information Regulations. From 1 April 23 to date the Council has received a total of 485 requests.

Gedling Borough Council is aware that the way some data is organised on the systems sometimes means it has been difficult to locate the information requested. The Council is currently undertaking a review into the ICT systems and data strategy. It is hoped that this strategy will provide some recommendations on data storage and handling that will improve the delivery of FOI responses.

Gedling Borough Council, like other Councils across the country, are being placed under pressure to provide services and meet statutory time frames with less staff. The staff are working extremely hard to provide services to the public and sometimes it is regretful that there are instances when timeframes are missed due to competing pressures and staff shortages. These instances are thankfully very few, but the Council is aware this is an area that needs some consideration to prevent missed response times.

The Council is currently undertaking an internal review of the FOI system working processes. This review aims to review the current working practices and their effectiveness with a view to streamlining the process where possible, to create a more effective working system. It is hoped that the findings of this review along with any recommendations will be implemented in early 2024.

It's not been added to this, I did ask for it, but the cost of this up to now is running into thousands of pounds and not wanting people to be deterred by not asking questions or FOI and things but please consider it is probably costing one full employee.

Question 5

Given that the setting up of a Gedling Social Mobility Commission was an objective for the 2020-2023 Gedling Plan, and that it has been over 7 months since its only meeting, and with no further meetings currently scheduled.

Does Gedling Borough Council feel they have adequately seized an opportunity to use the expertise available to review the current social mobility of our residents and consider how all our communities might be enabled to reach their full potential?

Answer 5

Thank you, Madam Mayor, and can I start by saying thank you to the questioner for asking the question and to also place on record my thanks to all the people for asking the questions. The fact that we have questions here tonight shows that local democracy is working, and this administration welcomes the accountability around these issues. It gives us a good opportunity to talk about the excellent work that this council does.

In March 2023 Gedling Borough Council held its first meeting of our Gedling Social Mobility Commission and allow me Madam Mayor and this junction to say thank you to Cllr Fox and the officers who are leading this excellent work. We are proud, Madam Mayor, to be one of only a few, I think less than a handful, councils across the country, who have committed to bringing together statutory partner organisations and community organisations as a social mobility commission to help improve life chances and opportunities for young people across the borough.

The commission includes representatives from Gedling Borough Council, there will also be representatives from Nottinghamshire County Council, Nottinghamshire Police, Nottingham Trent University, Gedling Youth Council, Nottingham Nottinghamshire Integrated Care Board as well as the voluntary and community sector and the business sector.

The Gedling Social Mobility Commission held its first meeting in March 2023 and the next meeting is scheduled and planned for the 5th of December 2023. Following the first meeting of the commission, there has been a need for a much deeper dive into the extensive data and insights available to help progress the important work of the Social Mobility Commission. The most recent census data for the 2021 census was not made publicly available until the start date of 28th of June 2022 and this is just one key source of data available for the commission's work. The latest social mobility index which was published by the Government in 2017, ranked Gedling 272nd out of 324 local authorities,

one of the worst areas in the country in terms of social mobility, which entirely vindicates this Council's commitment and this administration's commitment to tackling the challenges of social mobility in our borough, many of which, may I hasten to point out, Madam Mayor, arise as a result of policy decisions made in Westminster and in Whitehall. This Council is wholeheartedly committed to seeing through the vital work of the social mobility commission, however long it takes. And I will also say that this Council I think has adequately, to seize the phrase from the questioner, the opportunity to bring forward the expertise needed.

I will conclude by just touching on some of the points that were raised by the expert group in the social mobility commission in its first meeting. Careers, advice and information and support for young people, the lack of skills and expertise around bringing together a CV and getting into work, an area this council has been doing amazing work on for many years. Youth engagement and the impact of anti-social behaviour and youth violence in our local area, again an area this council has been leading on for many years whilst we have seen a lack of neighbourhood policing across our Borough.

Early years was touched on, the crying shame in one of the richest countries in the world, of food poverty and fuel poverty, the mental health of our young people and crucially a long discussion on the gaps in data and insight. Shocking lack of data from some of our partners around disabilities particularly, which have now come into sharp focus, as a result of the release of that census data.

Let me just conclude by saying this, Madam Mayor. There are two very good reasons this Labour administration committed to and is deeply committed to finishing the work of this social mobility commission, and it comes back to what I said earlier, because this government has let this borough down. First, we have some of the worst levels of tooth decay amongst young people across our county in Nottinghamshire and we all know why. Because you cannot get access to an NHS dentist as a result of a decision taken in Westminster and Whitehall. And secondly, through poverty, which was discussed in its first meeting, rising levels of food poverty amongst young children, and we all know why, Madam Mayor. Because this government is not committed to providing free school meals and will not stand behind the children who have empty stomachs when they go to primary school.

55 TO ANSWER QUESTIONS ASKED BY MEMBERS OF THE COUNCIL UNDER PROCEDURAL RULE 7.9

None.

56 GEDLING STATEMENT OF LICENSING POLICY

Consideration was given to a report of the Head of Environment, which sought to inform Members of the requirements of Section 5(3) of the Licensing Act 2003 in relation to the review of the Gedling Statement of Licensing Policy and to seek approval to adopt the revised Policy to come into effect on 7 January 2024.

RESOLVED to:

Approve the revised Gedling Statement of Licensing Policy to come into effect from 7 January 2024.

57 CO-OPTION OF PARISH REPRESENTATIVE TO STANDARDS COMMITTEE

Consideration was given to a report of the Monitoring Officer, which sought to recommend that Louise Kopyrko, Councillor for Calverton Parish Council, be co-opted on to the Standards Committee to fill the vacant post of co-opted parish representative.

RESOLVED:

That Louise Kopyrko, Councillor for Calverton Parish Council, be co-opted on to the Standards Committee to fill the vacant post of co-opted parish representative until the next annual meeting.

58 CHANGES TO COMMITTEE MEMBERSHIP

Consideration was given to a report of the Democratic Services Manager, which sought to approve changes on representation on committees, following formal notification of two resignations of membership from the Labour Party.

An amendment to recommendation points 10 was made in the following terms:

This Council resolves to amend recommendation 10 of the report to read as follows: "Councillor Dunkin to be elected of Vice-Chair or Overview & Scrutiny committee"

Proposed by Cllr Ellwood
Seconded by Cllr Hughes

A request for a recorded vote on the amendment was proposed and seconded. On being put the vote, the amendment was lost.

The original motion was debated and on being put to vote, it was carried.

RESOLVED to:

- 1) Remove Councillor Whiting from Joint Consultative and Safety Committee; and
- 2) Add Councillor Ron McCrossen as a member of the Joint Consultative and Safety Committee; and
- 3) Remove Councillor Ron McCrossen as a member of the Overview & Scrutiny Committee; and
- 4) Add Councillor Robinson-Payne as a member of the Overview & Scrutiny Committee; and
- 5) Add Councillors Gibbons and Whiting to Standards Committee; and
- 6) Remove Councillor Gibbons from Planning Committee; and
- 7) Add Councillor Whiting as a member of the Planning Committee; and
- 8) Councillor Gibbons to remain on the Environment and Licensing Committee and Licensing Act Panel as an Independent; and
- 9) Councillor Whiting to remain on the Overview & Scrutiny Committee as an Independent; and
- 10) Add Councillor Brocklebank as Vice-Chair of the Overview & Scrutiny Committee.

59 TO RECEIVE QUESTIONS AND COMMENTS FROM MEMBERS CONCERNING ANY MATTER DEALT WITH BY THE EXECUTIVE OR A COMMITTEE (PROCEDURAL RULE 7.10)

No comments were made.

60 TO CONSIDER COMMENTS, OF WHICH DUE NOTICE HAS BEEN GIVEN, UNDER PROCEDURAL RULE 7.11

None.

61 TO CONSIDER MOTIONS UNDER PROCEDURAL RULE 7.12

Motion 1

Councillor Payne, seconded by Councillor Clarke proposed a motion in the following terms:

“This Council expresses its concern at the seriousness of the flooding across Gedling Borough, which took place on 20 October 2023 and subsequent days.

This Council recognises that homes and businesses have been damaged as a result of these flood waters and debris.

This Council recognises the severity of recent flooding and damage to properties in Woodborough and Lambley, as well as flooding impact in Burton Joyce, Newstead, Ravenshead and locations across Arnold and the wider Borough. This Council extends its sympathy and support to residents and businesses within our borough who have been personally affected by the recent flooding.

This Council expresses its thanks to everyone involved in the response to October's floods, including the emergency services, members of the community, businesses, council officers and public agencies.

This Council notes that in November 2014 the National Audit Office warned half of Britain's flood defence systems were being maintained at a 'minimal level' and were likely to 'deteriorate faster' as a result of government budget cuts.

This Council is disappointed that central government cuts to the Environment Agency led to a reduction in staff and capacity, with the independent Chair of the Environment Agency warning in a letter to government in April 2021, that without an 'uplift' in funding 'we would not be able to maintain all our defences in the desired condition, putting communities at risk.'

This Council urges the Government and the Environment Agency to urgently commit to providing significant capital funding and support for the communities of Woodborough, Lambley and other aforementioned flooding hot spot areas across Gedling Borough to help prevent and mitigate against future flooding.

This Council urges the Government to reform HM Treasury 'green book' rules for investment into flood mitigation, where an evaluation of cost against economic benefit is required. This means that some properties will never be protected because of this calculation, as it ignores wellbeing, stress caused and psychological impacts on flooded residents.

This Council commits to making representations to the Secretary of State for Environment, Food and Rural Affairs on these issues.

Proposer: Cllr Michael Payne
Secunder: Cllr John Clarke"

On being put to vote, the motion was carried unanimously.

RESOLVED that:

This Council expresses its concern at the seriousness of the flooding across Gedling Borough, which took place on 20 October 2023 and subsequent days.

This Council recognises that homes and businesses have been damaged as a result of these flood waters and debris.

This Council recognises the severity of recent flooding and damage to properties in Woodborough and Lambley, as well as flooding impact in Burton Joyce, Newstead, Ravenshead and locations across Arnold and

the wider Borough. This Council extends its sympathy and support to residents and businesses within our borough who have been personally affected by the recent flooding.

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This Council urges the Government and the Environment Agency to urgently commit to providing significant capital funding and support for the communities of Woodborough, Lambley and other aforementioned flooding hot spot areas across Gedling Borough to help prevent and mitigate against future flooding.

This Council urges the Government to reform HM Treasury 'green book' rules for investment into flood mitigation, where an evaluation of cost against economic benefit is required. This means that some properties will never be protected because of this calculation, as it ignores wellbeing, stress caused and psychological impacts on flooded residents.

This Council commits to making representations to the Secretary of State for Environment, Food and Rural Affairs on these issues.

Proposer: Cllr Michael Payne

Secunder: Cllr John Clarke

Motion 2

Councillor Clarke, seconded by Councillor Payne, proposed a motion in the following terms:

"This Council expresses bitter disappointment and anger that the Conservative government has chosen not to give Gedling a single penny from the billions of pounds it has allocated as part of the Towns Fund (July 2021), Levelling Up Fund Round 1 (October 2021), Future High Streets Fund (December 2021), Levelling Up Fund Round 2 (January

2023), Levelling Up Partnerships (March 2023), Long Term Plan for Towns Fund (October 2023).

This Council also notes with disappointment the Conservative government's decision not to award the communities of Gedling a single penny from the Levelling Up Parks Fund (September 2022).

This Council notes the unfairness and significant disparity when comparing the funds allocated to our nearest neighbouring councils and the fact Gedling's communities have not received a single penny. The allocations from the Conservative government for Nottinghamshire councils from the Towns Fund, Levelling Up Fund Round 1, Future High Streets Fund, Levelling Up Fund Round 2, Levelling Up Partnerships Funding and Long-Term Plan for Towns Fund are as follows:

Ashfield District - £91.980 million
Bassetlaw District - £55.969 million
Broxtowe Borough - £37.639 million
Gedling Borough - £0
Mansfield District - £72.300 million
Newark & Sherwood District - £65.000 million
Rushcliffe Borough - £0
Nottingham City (unitary council) - £50.524 million

This Council believes Gedling's communities of Carlton, Carlton Hill, Colwick, Netherfield, Burton Joyce, Stoke Bardolph, Newstead, Arnold, Woodthorpe, Mapperley, Gedling, Ravenshead, Calverton, Woodborough, Lambley, Papplewick, Linby, Daybrook, Porchester, Redhill, Killisick, Warren Hill & Bestwood village are being held back by the Conservative government's decision not to award Gedling a single penny from the billions of pounds it has allocated from the aforementioned funds.

This Council implores the Conservative government to provide Gedling a fair share of funding when allocating the Levelling Up Fund Round 3, in order to ensure Gedling's communities are given the same opportunities and benefits our nearest neighbouring communities in Nottinghamshire have been.

This Council also implores the Conservative government to take action in the local government finance settlement to significantly uplift Gedling Borough's revenue funding and ensure Gedling is no longer the fifth worst affected council in the country in terms of Core Spending Power (government's official measure of local government funding) compared to 2015/16.

This Council commits to making representations to Government and the Secretary of State for Levelling Up, Housing and Communities on these issues.

Proposer: Cllr John Clarke
Secunder: Cllr Michael Payne”

An amendment was proposed and seconded by Councillors Adams and Sam Smith in the following terms:

“This Council expresses disappointment that Gedling Borough Council’s bids for funding from the government’s Levelling Up Fund Round 1 (October 2021), Future High Streets Fund (December 2021), Levelling Up Fund Round 2 (January 2023), Levelling Up Partnerships (March 2023), have been unsuccessful.

This Council also notes that we were not allocated funding from the Towns Fund (July 2021) and the Long Term Plan for Towns Fund (October 2023) or eligible for the Levelling Up Parks Fund (September 2022) as this funding was only available to Local Authority areas which rate highly on the index of Multiple Deprivation and have limited access to green space.

This Council believes Gedling’s communities of Carlton, Carlton Hill, Colwick, Netherfield, Burton Joyce, Stoke Bardolph, Newstead, Arnold, Woodthorpe, Mapperley, Gedling, Ravenshead, Calverton, Woodborough, Lambley, Papplewick, Linby, Daybrook, Porchester, Redhill, Killisick, Warren Hill & Bestwood village deserve investment. This Council also notes residents’ feedback that they feel Arnold receives a disproportionality large allocation of Council funding.

This Council notes that the Conservative government has allocated Gedling Borough with £2,866,555 from the Shared Prosperity Fund, which is being invested into projects including new sports facilities on Lambley lane and accessible facilities on King George V playing fields in Arnold.

This Council implores the Conservative Government to provide Gedling a fair share of funding when allocating the Levelling Up Fund Round 3, in order to ensure Gedling’s communities are given the same opportunities and benefits our nearest neighbouring communities in Nottinghamshire have been but notes that the next round of LUF may be allocative and Gedling Round 2 bid failed to be shortlisted.

This Council also implores the Conservative Government to take action in the local government finance settlement to significantly uplift Gedling Borough’s revenue funding.

This Council commits to making representations to Government and the Secretary of State for Levelling Up, Housing and Communities on these issues.

Proposer: Cllr Mike Adams
Secunder: Cllr Sam Smith”

A request for a recorded vote on the amendment was proposed and seconded. On being put the vote, the amendment was lost.

The original motion was debated and on being put to vote, it was carried.

RESOLVED that:

This Council expresses bitter disappointment and anger that the Conservative government has chosen not to give Gedling a single penny from the billions of pounds it has allocated as part of the Towns Fund (July 2021), Levelling Up Fund Round 1 (October 2021), Future High Streets Fund (December 2021), Levelling Up Fund Round 2 (January 2023), Levelling Up Partnerships (March 2023), Long Term Plan for Towns Fund (October 2023).

This Council also notes with disappointment the Conservative government's decision not to award the communities of Gedling a single penny from the Levelling Up Parks Fund (September 2022).

This Council notes the unfairness and significant disparity when comparing the funds allocated to our nearest neighbouring councils and the fact Gedling's communities have not received a single penny. The allocations from the Conservative government for Nottinghamshire councils from the Towns Fund, Levelling Up Fund Round 1, Future High Streets Fund, Levelling Up Fund Round 2, Levelling Up Partnerships Funding and Long-Term Plan for Towns Fund are as follows:

Ashfield District - £91.980 million
Bassetlaw District - £55.969 million
Broxtowe Borough - £37.639 million
Gedling Borough - £0
Mansfield District - £72.300 million
Newark & Sherwood District - £65.000 million
Rushcliffe Borough - £0
Nottingham City (unitary council) - £50.524 million

This Council believes Gedling's communities of Carlton, Carlton Hill, Colwick, Netherfield, Burton Joyce, Stoke Bardolph, Newstead, Arnold, Woodthorpe, Mapperley, Gedling, Ravenshead, Calverton, Woodborough, Lambley, Papplewick, Linby, Daybrook, Porchester, Redhill, Killisick, Warren Hill & Bestwood village are being held back by the Conservative government's decision not to award Gedling a single penny from the billions of pounds it has allocated from the aforementioned funds.

This Council implores the Conservative government to provide Gedling a fair share of funding when allocating the Levelling Up Fund Round 3, in order to ensure Gedling's communities are given the same opportunities

and benefits our nearest neighbouring communities in Nottinghamshire have been.

This Council also implores the Conservative government to take action in the local government finance settlement to significantly uplift Gedling Borough's revenue funding and ensure Gedling is no longer the fifth worst affected council in the country in terms of Core Spending Power (government's official measure of local government funding) compared to 2015/16.

This Council commits to making representations to Government and the Secretary of State for Levelling Up, Housing and Communities on these issues.

Proposer: Cllr John Clarke
Seconder: Cllr Michael Payne

The meeting finished at 8.39 pm

Signed by Chair:
Date:

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MINUTES CABINET

Thursday 9 November 2023

Councillor John Clarke (Chair)

Councillor Michael Payne	Councillor Viv McCrossen
Councillor David Ellis	Councillor Marje Paling
Councillor Kathryn Fox	Councillor Lynda Pearson
Councillor Jenny Hollingsworth	Councillor Henry Wheeler

Officers in Attendance: M Hill, C McCleary and F Whyley

39 APOLOGIES FOR ABSENCE

None received.

40 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 5 OCTOBER 2023

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

41 DECLARATION OF INTERESTS

None received.

42 FORWARD PLAN

Consideration was given to a report of the Democratic Services Manager, which had been circulated prior to the meeting, detailing the Executive's draft Forward Plan for the next six month period.

RESOLVED:

To note the report.

43 PRUDENTIAL CODE INDICATOR MONITORING 2023/24 AND QUARTERLY TREASURY ACTIVITY REPORT FOR Q2

The Head of Finance and ICT & Deputy S151 Officer introduced the report, which had been circulated in advance of the meeting, informing Members of the performance monitoring of the 2023/24 Prudential Code Indicators, and advising Members of the quarterly treasury activity as required by the Treasury Management Strategy.

RESOLVED:

To note the report, together with the Treasury Activity Report 2023/24 for Quarter 2 at Appendix 1 to the report, and the Prudential and Treasury Indicator Monitoring 2023/24 for Quarter 2, at Appendix 2 to the report.

44 BUDGET MONITORING (Q2) AND VIREMENT REPORT

The Head of Finance and ICT & Deputy S151 Officer introduced the report, which had been circulated in advance of the meeting, updating Members on the forecast outturn for Revenue and Capital Budgets for 2023/24 and requesting approval for the changes to the budget as set out in the report.

RESOLVED to:

- 1) Approve the General Fund Budget virements set out in Appendix 1 to the report;
- 2) Note the use of reserves and funds during quarter two as detailed in Appendix 2 to the report; and
- 3) Approve the changes to the capital programme included in paragraph 2.3 of the report.

45 GEDLING PLAN QUARTER 2 REPORT- 2023/24

The Chief Executive introduced the report, which had been circulated in advance of the meeting, to inform Members in summary of the position against Improvement Actions and Performance Indicators in the 2023-27 Gedling Plan at the end of 2023/24 quarter 2.

RESOLVED:

To note the progress against the Improvement Actions and Performance Indicators in the 2023-27 Gedling Plan for the end of 2023/24 quarter 2.

46 FIVE YEAR HOUSING LAND SUPPLY ASSESSMENT 2023

The Planning Policy Manager introduced the report, which had been circulated in advance of the meeting, updating members on the latest five year housing land supply assessment.

RESOLVED:

To note the Gedling Borough Five Year Housing Land Supply Assessment 2023.

47 ARNOLD MARKET PLACE: FIRST FLOOR ENTERPRISE CENTRE AND MARKET

The Head of Regeneration and Welfare introduced the report, which had been circulated in advance of the meeting, updating members on the plans for the fit out and letting of the first floor of the Arnold Town Centre (AMP) development including a refresh of the Business Case.

RESOLVED to:

- 1) Approve the revision to the original Arnold Market Place (AMP) Business Case Appendix 1 that includes:
 - a) The proposal for an Enterprise Centre on the first floor of the AMP compromising of a number of lettable spaces to support start up and SME businesses;
 - b) The proposal to consult on the permanent location of the Arnold Market;
 - c) The revision of the financial assumptions related to market provision; and

- 2) Approve the establishment of an AMP Enterprise Centre budget from the UKSPF Town Centre Improvement budget in the Capital Programme, as detailed in the Exempt Financial Position Appendix 2 to the report.

48 STRATEGIC REVIEW - COMMUNITY FACILITIES

The Head of Communities and Leisure introduced the report, which had been circulated in advance of the meeting, seeking approval from members to adopt the Vision and Outcomes from the Strategic Outcomes Planning Model review and to adopt the Playing Pitch and Outdoor Sport Strategy.

RESOLVED to:

- 1) Adopt the Strategic Outcomes Planning Model Strategy Stage 1; and

- 2) Adopt the Playing Pitch and Outdoor Sport Strategy.

49 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 3.35 pm

Signed by Chair:

Date:

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MINUTES OVERVIEW AND SCRUTINY COMMITTEE

Monday 13 November 2023

Councillor Catherine Pope (Chair)

Councillor Roy Allan	Councillor Paul Feeney
Councillor David Brocklebank	Councillor Ron McCrossen
Councillor Lorraine Brown	Councillor Julie Najuk
Councillor Andrew Dunkin	Councillor Grahame Pope
Councillor Rachael Ellis	Councillor Martin Smith
Councillor Roxanne Ellis	Councillor Sam Smith

Officers in Attendance: M Hill, R Hutchinson and E McGinlay

Guests in Attendance: Councillor Payne

18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Welsh and Whiting, Councillors Feeney and Najuk attended as substitute.

19 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 4 SEPTEMBER 2023.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

20 DECLARATION OF INTERESTS.

None.

21 PARTNERSHIP REVIEW - EMERGENCY PLANNING AND BUSINESS CONTINUITY - HEALTH AND SAFETY.

The Chair welcomed Rebecca Hutchinson, Health, Safety and Emergency Planning Manager, to the committee as part of the Council's partnership review programme.

Rebecca gave an overview of the key areas of the work in Emergency Planning and Business Continuity, highlights of which were as follows:

Gedling Borough Council (GBC) forms part of the Nottinghamshire Local Resilience Forum which was created to establish and maintain effective

multi-agency arrangements to respond to major incidents and emergencies, minimise the impact of those incidents on the public, property, environment of Nottingham/Nottinghamshire and to satisfy the requirements of the Civil Contingencies Act 2004.

It was noted that various emergency plans are in place within GBC to come into effect should circumstances require them. These plans cover extreme Cold Weather, Hot Weather, Floods as well as the GBC Emergency Plan.

A Business Continuity Plan had been put in place to ensure the ongoing flow of business operations. This enables the council to function should there be a loss of premises, key staff, key suppliers and/or resources, utilities or fuel.

GBC have held two workshops in conjunction with Nottinghamshire County Council (NCC), which helped define a draft Business Continuity Management Strategy. Team level plans were drafted with the aim to embed the business continuity management process by testing, maintaining and reviewing the strategy going forward.

The Council offers Business Continuity advice for small businesses, information on this can be found on the GBC website, highlighting other sources of advice.

The Chair gave Members the opportunity to ask questions.

Members queried how plans are reviewed and monitored following the use of an emergency plan.

Rebecca confirmed that an incident management team would monitor the effectiveness of the emergency plans, seeking to make improvements where possible. It was noted that a Strategic Resilience Group meets on a quarterly basis to review the lessons learned following an emergency.

RESOLVED:

The Chair thanked Rebecca Hutchinson for the information provided.

22 PROGRAMME OF PORTFOLIO HOLDER ATTENDANCE.

Members welcomed Councillor Michael Payne, Portfolio Holder for Corporate Resources and Performance to the meeting to examine his portfolio. Councillor Payne gave an update to members on some key happenings within his portfolio.

No questions were received from Members in advance of the meeting, so Councillor Payne delivered an update on the various areas of responsibility within his portfolio. He gave the following updates:

Tina Adams had been appointed at the new Head of Finance and I.T and was also fulfilling the responsibilities of a Section 151 Officer for the time being. Posts in the finance department such as the Principal Business Partner had also been filled along with some agency cover for other roles, as required.

The accounts for 2021/22 were still awaiting audit assessment on the impact of the fraud case so sign off could not be completed. This was expected to be resolved in January 2024. The final accounts for 2022/23 were also ready but cannot establish an opening position on the accounts at the beginning of 2022 until the 2021/22 year is signed off.

The budget processes were ongoing and decisions on efficiencies were expected to take place with the Senior Leadership Team and the Cabinet before offering opposition parties the opportunity to put forward an alternate budget and scrutinise the budget process in February.

A procurement exercise for the internal audit was expected to commence in April 2024 which is a shared service with Bolsover Council. The Procurement Act received royal ascent and work had been ongoing to update the procurement strategy and contract procedure rules in line with legislation which comes into effect in October 2024.

A group of officers have come together, dubbed “The Transformers” to work closely with Change Network, consultants who have been contracted to help make a new IT/digital strategy for the Council.

A new Customer Services Strategy had been approved which includes a web chat feature on the Council’s website, offering residents additional avenues to communicate with the council.

The Chair gave members the opportunity to ask questions.

Members queried the performance indicators, asking how the targets were set and whether they were benchmarked against other Councils of similar sizes.

Councillor Payne confirmed that some targets were benchmarked against neighbouring authorities, and some were set internally depending on what the Portfolio Holders, in consultation with the Directors, agree is appropriate.

Members queried why the VAT refund by HMRC went into the general fund rather than being ring-fenced for a specific department such as Leisure.

Councillor Payne explained that due to pressures on the Revenue budget, it was not felt appropriate to ring-fence the refund for a specific department.

RESOLVED:

The Chair thanked Councillor Payne for the information provided.

23 CORPORATE RISK MANAGEMENT SCORECARD QUARTER 1 23/24

The Chief Executive introduced a report, which had been circulated in advance of the meeting, updating members on the current level of assurance that can be provided against each corporate risk and to allow the committee to ask questions of the report.

Members queried whether the Council still offered work experience opportunities to young people and queried whether apprenticeships continue to be advertised.

The Chief Executive confirmed that work experience placements were still ongoing and noted that both work experience opportunities and apprenticeships form part of the council's workforce strategy.

Members queried the performance of staff following the roll out of remote working, allowing staff to work from home.

The Chief Executive confirmed that no negative results had been seen and assured members that service service area managers monitored workforce output through various channels to ensure that they continue to deliver against the expectations of their service area.

RESOLVED:

To note the information.

24 GEDLING PLAN - Q1 PERFORMANCE

The Chief Executive introduced a report, which had been circulated in advance of the meeting, informing members in summary of the position against improvement actions and performance indicators in the 2023-27 Gedling plan at the end of quarter 1 of 2023/24.

Members queried whether the council has had any consideration towards alternate provisions or initiatives to provide the public with better means of recycling packaging that is not accepted in their recycling bins under the current contractor.

The Chief Executive confirmed that a strategic waste group is in place to consider such options and welcomed suggestions from members and officers to make improvements for the public.

RESOLVED:

To note the report.

25 SCRUTINY WORK PROGRAMME

The Democratic Services Manager introduced a report, which had been circulated in advance of the meeting, providing an update on the scrutiny work programme.

The Democratic Services Manager informed members that the Strategic Local Plan update had been moved to the January meeting and the Welcome and Warm Spaces update had been moved to the meeting in March.

Members asked whether a list of external partners could be provided to allow members to consider which partners they would like to invite to the committee going forward.

RESOLVED:

To note the report.

26 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 7.11 pm

Signed by Chair:
Date:

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MINUTES JOINT CONSULTATIVE AND SAFETY COMMITTEE

Tuesday 14 November 2023

Present: Councillor Jim Creamer Councillor Alex Scroggie
 Councillor Paul Hughes Councillor Jane Walker
 Councillor Catherine Pope

Unison: Alison Hunt Craig Thomson (GMB)

Absent: Councillor Michelle Welsh and Councillor Russell Whiting

Officers in D Archer and B Hopewell
Attendance:

19 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Welsh and whiting.

In the absence of Councillor Welsh, Vice-Chair Councillor Creamer chaired the meeting.

20 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 29 AUGUST.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

21 DECLARATION OF INTERESTS.

None.

22 SICKNESS ABSENCE

The Head of HR, Performance and Service Planning introduced a report, which had been circulated in advance of the meeting, informing Members of the current levels of sickness absence in the organisation and to examine trends.

RESOLVED:

To note the report.

23 MINOR ESTABLISHMENT CHANGES

The Head of HR, Performance and Service Planning introduced a report, which had been circulated in advance of the meeting, highlighting any minor changes to the establishment proposed by the Senior Leadership Team for implementation outside the formal full JCSC process but following consultation with trade unions.

RESOLVED:

To note the report.

24 CURRENT STAFFING ISSUES

The Head of HR, Performance and Service Planning introduced a report, which had been circulated in advance of the meeting, highlighting to the committee any issues of particular interest that relate to the Council's workforce.

RESOLVED:

To note the report.

25 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 5.45 pm

Signed by Chair:
Date:

MINUTES PLANNING COMMITTEE

Wednesday 29 November 2023

Councillor Roy Allan (Chair)

In Attendance: Councillor Paul Wilkinson Councillor Catherine Pope
Councillor Michael Adams Councillor Grahame Pope
Councillor Sandra Barnes Councillor Sam Smith
Councillor Stuart Bestwick Councillor Ruth Strong
Councillor David Ellis Councillor Jane Walker
Councillor Rachael Ellis Councillor Henry Wheeler
Councillor Andrew Ellwood Councillor Russell Whiting
Councillor Marje Paling

Absent: Councillor Helen Greensmith, Councillor Ron McCrossen and
Councillor Lynda Pearson

Officers in Attendance: M Avery, N Bryan, C Goodall, C Miles, N Osei and L Sturgess

46 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Greensmith, Ron McCrossen and Pearson. Councillors Adams, Rachael Ellis and Paling attended as substitutes.

47 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 18 OCTOBER 2023

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

48 DECLARATION OF INTERESTS

The Chair declared a collective non-pecuniary interest on behalf of all members of the committee in item 6, application 2023/0501 on the agenda as Gedling Borough Council was the applicant.

Councillor David Ellis declared a non-pecuniary interest in item 6, application 2023/0501 on the agenda and stated that he would not take part in the discussion.

Councillor Sam Smith declared a non-pecuniary interest in item 4, application 2023/0468 on the agenda as he was a member of Nottinghamshire County Council who were the applicant and that as of the 1st of December, he would be the Cabinet Member for Education in SEND.

Councillor Adams declared a non-pecuniary interest in item 4, application 2023/0468 on the agenda as he was a member of Nottinghamshire County Council.

49 APPLICATION NO. 2023/0435 - LAND NORTH OF MAGENTA WAY, STOKE BARDOLPH

Due to public interest, the Chair brought item 5 forward on the agenda.

Erection of a drive thru restaurant, with associated access, car parking, drainage, and landscaping.

Michael Heffernan and Tracy Hill who were local residents, spoke in objection to the application.

Richard Croft of Henry Developments, the applicant, spoke in support of the application.

The Principal Planning Officer informed members that since the publication of the agenda, four letters of objection had been received, but the matters raised within those representations had already been considered within the committee report.

He asked members to note that the Stoke Bardolph Parish Meeting group were not consulted on the application initially as there was some ambiguity as to whether the application fell within the parish boundary and whether they formed a parish council. He added that the meeting group had since been consulted and had submitted comments following the publication of the report, which he went on to summarise as follows:

There would be a significant increase in traffic when compared to the existing permission for the public house which would have an adverse impact on the local highway network; the cumulative impact of the development needed to be considered alongside Victoria Retail Park as traffic already backed up to Magenta Way at peak times; a travel plan was unlikely to reduce the number of vehicles because the development was relying on drive through customers rather than eat in diners; that the development would have an adverse impact on air quality due to an increase in motor vehicles; the development would have an adverse impact on health; the development would harm the amenity through anti-social behaviour; the development would create a high level of fly-tipping and littering and there would be no assurances about the

management of the littering; that they objected to the application and suggested that planning permission should be refused.

He then went on to introduce the report.

Councillor Bestwick joined the meeting at 6:31pm.

Following debate, Councillor Adams, seconded by Councillor Sam Smith, proposed an amendment to condition 13 requiring litter picking to be specifically included within 100 metres of the application site, which would read as follows:

Condition 13

Before the first occupation of the building hereby permitted, a waste management plan shall be submitted to and approved in writing by the Local Planning Authority and shall also include measures for litter picking within a 100m radius of the application site boundary and bin locations and to limit litter entering beyond the application site. Once approved, all operations within the site relating to waste shall only commence in accordance with the waste management plan.

The amendment was carried and it was therefore

RESOLVED:

To Grant Planning permission subject to Conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

Site Layout Scale: 1:250@A1 Ref: 18036-SGP-05-XX-DR-A-131000 Rev E Received 25th August 2023

Site Location Plan Scale: 1:1000@A1 Ref: 18036-SGP-05-XX-DR-A-131001 Rev B Received 20th July 2023

Ground Floor and Roof Plans Scale: 1:50@A1 Ref: 18036-SGP-05-ZZ-DR-A-131100 Rev - Received 25th May 2023

Proposed Elevations Scale: 1:100@A1 Ref: 18036-SGP-05-XX-DR-A-131300 Rev A Received 25th May 2023

Drainage Layout Scale: 1:200@A1 Ref: TEAL-BSP-ZZ-XX-DR-C-0240 P01 Received 25th May 2023

Proposed Levels Scale: 1:200@A1 Ref: TEAL-BSP-ZZ-XX-DR-C-0212 Received 25th May 2023

Lighting Layout Scale: 1:500@A2 Ref: LL1593-001 Revision A Received 25th May 2023

Proposed Soft Landscaping Scale: 1:200@A1 Ref: P22-3166_EN_0001_A_0001 Received 25th May 2023
Risk Assessment - ref 18-0062 V1; Dated 27th April 2023; BSP consulting.
Air Quality Assessment by Redmore Environmental ref. 6678r1 dated April 2023
Lighting Design Report Ref: LL1593/001 (dated 23.05.223)
Environmental Noise Report by Sharps Redmore Consultants Ref: 2321855 dated 03.05.2023
Site Investigation Report -by BSP Consulting Ref: 18-0062 V1.4

- 3 The use hereby approved shall not commence until the parking, turning and servicing areas are provided in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.
- 4 The use hereby approved shall not commence until such time as details of the the cycle shelter as shown on the Site Layout Plan (Dwg No 18036 SGP05XXDRA-13100 Rev E) have been submitted to and approved in writing by the local Planning Authority. It shall be erected and be available for use prior to occupation and shall thereafter be retained for the life of the development.
- 5 Prior to occupation of any building(s) a Verification Report that demonstrates the effectiveness of the remediation carried out (under the submitted BSP Remediation Proposals dated 27 April 2023) must be submitted and approved in writing by the Local Planning Authority.
- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 7 The development shall be carried out in accordance with the submitted flood risk assessment (ref 18-0062 V1; Dated 27th April 2023; BSP consulting) and proposed levels layout drawing (ref TEAL-BSP-ZZ-XX-DR-C-0212 P01; dated 23/03/2023; bsp consulting) and the following mitigation measures they detail: Finished floor levels shall be set no lower than 20.96 metres above

Ordnance Datum (AOD) . These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 8 Prior to commencement of the development a Construction Emission Management Plan (CEMP) based on the findings of the Air Quality Assessment (Redmore Environmental ref. 6678r1 dated April 2023) shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.
- 9 Prior to the date of first occupation the development shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. A minimum of two active charge points and, cable routes installed to at least one-fifth of the total number of parking spaces. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of site users. They shall be thereafter maintained in the location as approved for the lifetime of the development.
- 10 The development hereby approved shall be undertaken in accordance with the submitted surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and specifically the Drainage Strategy as detailed on the Proposed Drainage Layout plan (Dwg Ref: TEAL-BSP-ZZ-XX-DR-C-0240-P01).
- 11 Prior to the commencement of development hereby approved details of a Local Labour Agreement in relation to the construction phase of the development, and job creation once operational, shall be submitted to and approved in writing by the Local Planning Authority. The local labour agreement shall be implemented in accordance with the approved details thereafter.
- 12 The use hereby approved shall not commence until such time as the specification and mitigation measures of all external lighting installations set out in the submitted Lighting Design Report Ref: LL1593/001 (dated 23.05.223) are in place and are operational.
- 13 Before the first occupation of the building hereby permitted, a waste management plan shall be submitted to and approved in writing by the Local Planning Authority and shall also include measures for litter picking within a 100m radius of the application site boundary and bin locations and to limit litter entering beyond the application site. Once approved, all operations within the site

relating to waste shall only commence in accordance with the waste management plan.

- 14 The approved landscaping as detailed on the Soft Landscape Proposals drawing (Ref: P22-3166-EN_0001_A_0001) shall be carried out in the first planting season following the first occupation of the development. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree, shrub or seeded area of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Local Planning Authority.
- 15 Notwithstanding the landscape management details outlined on the Soft Landscape Proposals drawing (Ref: P22-3166-EN_0001_A_0001) future maintenance of the landscaped areas defined on this plan shall be for a period of 36 months following practical completion and not 12 months as stated.
- 16 No building shall be erected until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 17 Notwithstanding submitted details, prior to the use commencing, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter comply with the updated Travel Plan as approved.

Reasons

- 1 To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
- 2 To define the permission and for the avoidance of doubt.
- 3 In the interest of highway safety and to comply with policy LPD61.
- 4 To encourage sustainable travel and comply with guidance within the NPPF.
- 5 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Local Plan.

- 6 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Local Plan.
- 7 To reduce the risk of flooding to the proposed development and future occupants.
- 8 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 9 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 10 To reduce the risk of flooding to the proposed development and future occupants.
- 11 To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area and to accord with Policy LPD 48.
- 12 To prevent light spill and to protect the amenity of neighbouring occupiers.
- 13 To ensure that refuse will be appropriately stored and collected from the site in the interest of protecting the amenity of the site area and to protect amenity through general litter, odour and potential vermin/pest nuisance.
- 14 To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy LDP19 - Landscape Character and Visual Impact.
- 15 To ensure a satisfactory form of development and appropriate landscaping of the site.
- 16 To ensure that the character of the area is respected and to comply with policies ASC10 and LPD26.
- 17 To ensure that the site is accessible by means other than the private motor vehicle and to comply with guidance within the NPPF.

Reasons for Decision

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2023). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

Notes to Applicant

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015) and The Electric Vehicles (Smart Charge Points) Regulations 2021.

Following a request from Councillor Adams, the Chair allowed the committee a comfort break which commenced at 6.54pm.

The meeting resumed at 6.59pm.

50 APPLICATION NO. 2023/0468 - LAND AT CHASE FARM (FORMER GEDLING COLLIERY), ADJACENT TO ARNOLD LANE AND LAND OFF LAMBLEY LANE, GEDLING

Modification of the Fourth Schedule of the Section 106 Agreement at Chase Farm (2015/1376) in respect of the Primary School Contribution and Primary School Site.

Mike Sharpe and Stephen Pointer of Nottinghamshire County Council, the applicant, spoke in support of the application.

The Principal Planning Officer introduced the report.

RESOLVED that:

Subject to the agreement of Nottinghamshire County Council, the Owner and the Developer, to enter into a deed of variation to discharge the obligation for the owner to provide the primary school site, and to modify the terms of the Primary School Contribution to enable it to be re-allocated to permit expenditure on expanding secondary school capacity within the vicinity of the development and towards the pedestrian crossing on Arnold Lane.

51 APPLICATION NO. 2023/0501 - 47 MAIN STREET, BURTON JOYCE

Install a 10m cabinet style galvanised column together with a 2m antennae extension and a concrete base for a CCTV camera.

The Principal Planning Officer informed members that since the publication of the report we had received one letter of objection from a local resident expressing concern that the camera will impact on the privacy of local residents and that the address on the application form was incorrect.

He clarified to members that the purpose of the camera was to view the public realm in terms of deterring crime and anti-social behaviour and that the address on the application form was in reference to the building nearest to the CCTV column on Main Street as opposed to the building that it would be sited on.

He then went on to introduce the report.

RESOLVED:

To Grant Planning Permission subject to the following conditions:

Conditions

- 1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
- 2 This permission shall be carried out in accordance with the details set out in the application form, Updated site Location Plan (received on 07 November); drawing numbered TC.10.400.01, WEC CCTV Pole and Camera specification drawing (received 26.10.203).

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.

Reasons for Decision

The proposed development is consistent with Gedling Borough planning policies. The proposal represents an acceptable form of development which seeks to reduce crime, the detection of crime and the fear of crime. The proposal is not considered to have an unacceptable impact on the visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of the occupiers of neighbouring properties. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Section 8 and 12), Policy 10 of the GBCAS (2014), Policy 32 of the LPD and NP7 of the BJNP.

Notes to Applicant

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

52 UPDATE REGARDING THE REVIEW OF THE PLANNING CODE OF PRACTICE FOR COUNCILLORS IN DEALING WITH PLANNING APPLICATIONS AND THE PLANNING COMMITTEE PROTOCOL

The Chair introduced a report by the Head of Development and Place, seeking updated approval to establish a working group of 7 Members to support the review of the Council's Planning Code of Practice for Councillors in Dealing with Planning Applications and the Planning Committee Protocol.

RESOLVED:

1. To establish a cross-party working group of up to 7 Members, drawn from the Planning Committee, to facilitate a review of the Council's Planning Code of Practice for Councillors in Dealing with Planning Applications and the Planning Committee Protocol.
2. That the Chairman of the Planning Committee will determine the membership and provide the details to the Head of Development and Place.

53 FIVE YEAR HOUSING LAND SUPPLY ASSESSMENT 2023

To note the latest five-year housing land supply assessment.

RESOLVED:

To note the Gedling Borough Five Year Housing Land Supply Assessment 2023 published in November 2023, attached as Appendix 1.

54 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

55 ACTION SHEETS - PLANNING DELEGATION PANEL

RESOLVED:

To note the information.

56 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 7.52 pm

Signed by Chair:
Date:

MINUTES APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE

Wednesday 6 December 2023

Councillor John Clarke (Chair)

Councillor Paul Hughes

Councillor Marje Paling

Councillor Jenny Hollingsworth

Councillor Viv McCrossen

Absent: Councillor Michael Payne and Councillor Michael Adams

Officers in Attendance: D Archer, C McCleary and A Snodin

21 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Payne and Adams.

22 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 4 OCTOBER 2023

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

23 DECLARATION OF INTERESTS

None.

24 PAY POLICY STATEMENT- 2024-25

The Head of HR, Performance and Service Planning presented a report, which had been circulated prior to the meeting, seeking approval for the proposed pay policy statement to be referred to Council for adoption and subsequent publication on the Council's website.

RESOLVED to:

- 1) Approve the proposed Pay Policy Statement and method of implementation; and
- 2) Refer the general content of the new Pay Policy Statement to Council for approval and for subsequent publication on the Council's website.

25 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT

None.

26 EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(a)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing report on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12a of the Local Government Act 1972.

27 WORKFORCE STRATEGY - COMMENCEMENT OF CONSULTATION

The Head of HR, Performance and Service Planning presented a report, which had been circulated prior to the meeting, seeking authority to begin consultation with trade unions on a proposed Workforce Strategy and progress the adoption of the strategy through relevant committees.

RESOLVED:

To support the draft Workforce Strategy and commence consultation and implementation.

28 ANNUAL PERFORMANCE REPORT- CHIEF EXECUTIVE

The Head of HR, Performance and Service Planning introduced a report, which was circulated in advance of the meeting, to start the process for the annual performance review of the Chief Executive.

RESOLVED to:

- 1) Agree the appropriate action relating to pay progression for the Chief Executive; and
- 2) Authorise the Leader and other members of the committee (determined by the committee) to deliver feedback to the Chief Executive, in accordance with the pay policy shown at Appendix 1, and to implement any actions arising from the content of the feedback.

The meeting finished at 11:30am

Signed by Chair:

Date:

MINUTES STANDARDS COMMITTEE

Thursday 7 December 2023

Councillor Paul Feeney (Chair)

Councillor David Brocklebank	Councillor Clive Towsey-
Councillor Stuart Bestwick	Hinton
Councillor Andrew Ellwood	Councillor Russell Whiting

Absent: Councillor Boyd Elliott and Councillor Des Gibbons

Officers in Attendance: F Whyley and E McGinlay

16 APOLOGIES FOR ABSENCE

Apologies for absence were received by Cllrs Elliott and Gibbons.

17 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 21 SEPTEMBER 2023

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record subject to the change to note Cllr Elliott as absent from the last meeting.

18 DECLARATION OF INTERESTS

None.

19 CODE OF CONDUCT UPDATE

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, to seek approval to recommend to Council the adoption of the new Members Code of Conduct.

RESOLVED:

To recommend to Council the adoption of the new Members Code of Conduct.

20 UPDATED GIFTS AND HOSPITALITY GUIDANCE

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, to update Members in relation to the review of the Gift and Hospitality code of Practice for Officers and Members and to seek approval of the revised Code in so far as it relates to Members.

RESOLVED:

To approve the updated Gifts and Hospitality Code of practice for members and officers.

21 CODE OF CONDUCT COMPLAINTS UPDATE

The Monitoring Officer introduced a report, which had been circulated in advance of the meeting, informing members of complaints received between 21 September and 7 December 2023.

It was noted that no new complaints had been received in the period and the remaining complaint from last period was referred for formal investigation, which is currently ongoing.

RESOLVED:

That the report be noted.

22 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 6.17 pm

Signed by Chair:
Date:

MINUTES AUDIT COMMITTEE

Tuesday 12 December 2023

Councillor Kyle Robinson-Payne (Chair)

Councillor Sandra Barnes
Councillor Jim Creamer
Councillor Paul Hughes

Councillor Alison Hunt
Councillor Ruth Strong

Absent: Councillor Helen Greensmith

Officers in Attendance: T Adams, C Goodall and F Whyley

Guests in Attendance: M Armstrong (Internal Auditor - BDO), G Dulay
(Internal Audit Partner - BDO)

23 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Greensmith.

24 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 9 SEPTEMBER 2023

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

25 DECLARATION OF INTERESTS.

None.

26 INTERNAL AUDIT PROGRESS REPORT

The Internal Auditor introduced a report, which had been circulated in advance of the meeting summarising the outcome of internal audit activity completed by the BDO Internal Audit Team for the period October to December 2023.

RESOLVED:

- 1) To note the progress of the delivery against the 2023/24 Internal Audit Plan, including the Executive Summary for the following audit reports: Project and Programme Management, Health and Safety and Safeguarding.
- 2) To note the Safeguarding Internal Audit Report.

27 INTERNAL AUDIT FOLLOW UP REPORT

The Internal Audit Partner introduced a report, which had been circulated in advance of the meeting, summarising the outcome of internal audit activity completed by the BDO Internal Audit Team for the period October to December 2023.

RESOLVED:

- 1) To note the progress of the delivery against the 2023/24 Internal Audit Plan, including the Executive Summary for the following audit reports: Project and Programme Management, Health and Safety and Safeguarding.
- 2) To note the Safeguarding Internal Audit Report.

28 CORPORATE RISK MANAGEMENT SCORECARD QUARTER 2 2023/24

The Interim Corporate Director and the Head of Finance and IT introduced a report, updating members of the Audit Committee on the current level of assurance that can be provided against each corporate risk.

RESOLVED:

To note the progress of actions identified within the Corporate Risk Register.

29 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 6.48 pm.

Signed by Chair:
Date:

MINUTES CABINET

Thursday 14 December 2023

Councillor John Clarke (Chair)

Councillor David Ellis	Councillor Marje Paling
Councillor Kathryn Fox	Councillor Lynda Pearson
Councillor Jenny Hollingsworth	Councillor Henry Wheeler
Councillor Viv McCrossen	

Absent: Councillor Michael Payne

Officers in Attendance: C McCleary, F Whyley and T Adams

50 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Payne.

51 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 9 NOVEMBER 2023

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

52 DECLARATION OF INTERESTS

None.

53 FORWARD PLAN

Consideration was given to a report of the Democratic Services Manager, which had been circulated prior to the meeting, detailing the Executive's draft Forward Plan for the next six month period.

RESOLVED:

To note the report.

54 ANNUAL RIPA AUDIT UPDATE

The Principal Legal Officer introduced a report, which had been circulated in advance of the meeting, updating Members on the Council's use of powers under RIPA from 1 April 2022 to 31 March 2023 in line with the Council's RIPA policy and on the three yearly inspection

conducted by the Investigatory Powers Commissioner's Office in June 2023.

RESOLVED:

To note the report

55 AUTHORITY MONITORING REPORT APRIL 2022-MARCH 2023

The Planning Policy Manager introduced a report, which had been circulated in advance of the meeting, informing members of the Council's Authority Monitoring Report for April 2022 – March 2023.

RESOLVED:

To note the report.

56 INFRASTRUCTURE FUNDING STATEMENT 2022/23

The Community Infrastructure Levy and Section 106 Monitoring Officer introduced a report, which had been circulated in advance of the meeting, presenting the Infrastructure Funding Statement 2022/23.

RESOLVED to:

- 1) Note the report; and
- 2) Agree to the publication of the Infrastructure Funding Statement for 2022/23 as detailed at Appendix A of the report.

57 SUSTAINABLE URBAN DRAINAGE SYSTEMS

The Head of Development and Place introduced a report, which had been circulated in advance of the meeting, seeking consideration of whether there is a necessity to prepare a Supplementary Planning Document (SPD) on the topic of Sustainable urban Drainage systems (SuDS) specifically requiring the provision of construction phase drainage.

RESOLVED:

- 1) To note the report which confirms that issues relating to SuDS are addressed by existing and emerging policies/guidance and pre-commencement conditions are an effective solution to effectively manage construction phase drainage; and
- 2) To agree that it is not necessary to produce an SPD specifically on SuDS to ensure adequate drainage is installed first on any new housing development site.

**58 SELECTIVE LICENSING CONSULTATION, NETHERFIELD
SCHEME REVIEW AND PROPOSAL PHASE 1A**

The Head of Environment introduced a report, which had been circulated in advance of the meeting, seeking approval to issue the Netherfield Selective Licensing Scheme Review and Proposal Phase 1a to declare a selective licensing designation within the private rented sector for a 12 week public consultation.

RESOLVED:

- 1) To note the review of the selective licensing scheme in Netherfield and the Proposal Phase 1a to declare a selective licensing designation within the private rented sector at appendix 1 to the report;
- 2) To approve the selective licensing scheme review in Netherfield and Proposal 1a to declare a selective licensing designation within the private rented sector contained at appendix 1 to be issued for a 12 week public consultation; and
- 3) To note the proposed fees and resource requirements outlined in financial implications section of this report, subject to the result of the public consultation.

59 SAFER STREETS 4

The Head of Environment introduced a report, which had been circulated in advance of the meeting, updating members on the delivery of the Safer Streets 4 round of funding.

RESOLVED:

To note the update and analysis of the outcomes and successes delivered.

60 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 3.10 pm

Signed by Chair:
Date:

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MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 9 January 2024

Councillor Alison Hunt (Chair)

Present: Councillor Marje Paling Councillor Sue Pickering
Councillor Boyd Elliott Councillor Alex Scroggie
Councillor Rachael Ellis Councillor Martin Smith
Councillor Des Gibbons Councillor Clive Towsey-Hinton
Councillor Julie Najuk Councillor Paul Wilkinson

Absent:

Officers in Attendance: J Brough, L Chaplin, B Hopewell, A Hutchinson, K Nealon and R Towlson

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

None.

2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 31 OCTOBER.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

3 DECLARATION OF INTERESTS.

None.

4 NATIONAL REGISTER OF TAXI LICENCE REFUSALS, REVOCATIONS AND SUSPENSIONS (NR3S)

Consideration was given to a report of the Head of Environment, which had been circulated in advance of the meeting, informing Members of the legal position regarding the use of the NR3S register (the 'Register'), pursuant to the Taxis and Private Hire Vehicle (Safeguarding and Road Safety) Act 2022. The report also sought approval to input into the Register retrospective, qualifying decisions made by the Council after consideration of the NAFN (National Anti-Fraud Network) best practice advice.

RESOLVED to:

- 1) Note the legal position regarding the use of NR3S register;

- 2) Authorise officers to write to all licence holders current and historic where decisions have been made regarding their Hackney Carriage/Private Hire Drivers licences that merit inclusion on the register;
- 3) Consider any responses to the letters, in consultation between the Head of Environment and Chair of Environment and Licensing Committee, to decide if it is fair and appropriate in each individual case to include that data on the register;
- 4) Following the 28 day response period to the above letters, authorise officers to arrange the bulk upload of historic data for the previous 5 years to the register in accordance with the procedural advice from NAFN; and
- 5) Amend the Hackney Carriage/Private Hire Driver Licence Conditions to state that if the licence holder is informed that they have been included in the NAFN register, been subject to disciplinary proceedings, been suspended or revoked by another Authority with which they hold a licence then they must notify the Council, in writing, within 48 hours, preferably by email.

5 AMENDMENTS TO EQUALITY ACT 2010 FOLLOWING THE INTRODUCTION OF THE TAXI & PRIVATE HIRE VEHICLES (DISABLED PERSONS) ACT 2022

The Chair moved to defer this item to the next available committee to allow officers time to consider representations made by a member of the trade and amalgamating the policy with the Gedling Borough Council's Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Operators.

RESOLVED:

To defer the item to the next available committee.

6 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

7 EXCLUSION OF THE PRESS AND PUBLIC.

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

8

CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - MTAK

Consideration was given to a report of the Head of Environment, which had been circulated in advance of the meeting, regarding a change of circumstances following information received about the holder of a Joint Hackney Carriage/ Private Hire Driver's Licence.

MTAK attended the meeting and addressed the Committee.

In making the decision the Committee applied the Council's approved Policy and Guidelines.

RESOLVED:

To revoke the Hackney Carriage/Private Hire Driver's Licence held by MTAK, giving MTAK 21 days to surrender the licence.

MTAK was advised of the reasons for the decision and of the right to appeal against the decision of the Committee.

The meeting finished at 7.20 pm

Signed by Chair:
Date:

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Decisions made under delegated authority

Business (click to view decision)	Summary	Ref	Date	Portfolio	Was decision made under urgency provisions?
Flood recovery framework scheme – Storm Henk	Approval to implement flood recovery schemes administered by the department for Levelling Up, Housing and Communities (DLUHC) and the Department for Business and Trade (DBT) within the Borough of Gedling	D1479	10/01/2024	Portfolio Holder for Corporate Resources and Performance	No
Interim Planning Policy Statement Biodiversity Net gain	Approval of the draft Interim Planning Policy Statement on Biodiversity Net Gain for the purposes of public consultation.	D1475	02/01/2024	Portfolio Holder for Sustainable Growth and Economy	No
Calculation of the Council Tax Base for 2024/25	Approval of the council tax base for the financial year 2024/25.	D1473	14/12/2023	Portfolio Holder for Corporate Resources and Performance	No
Christmas and New Year Opening for Leisure Facilities 2023/24	Approval of for opening hours for the Council's leisure facilities over the Christmas and New Year holiday period 2023/24.	D1469	03/12/2023	Portfolio Holder for Lifestyles, Health and Wellbeing	No
Introduction of charges for the provision of pest control services provided by Gedling Borough Council	Approval of Fees and Charges for the Public Protection Pest Control Service for the internal and domestic treatment of Rats, Mice, Bedbugs and Cockroaches	D1462	03/12/2023	Portfolio Holder for Public Protection	No
Business Recovery Grant - Storm Babet	Approval to implement the Business Recovery Grant Scheme – Storm Babet 2023	D1470	22/11/2023	Portfolio Holder for Corporate Resources and	No

	(BRG)			Performance	
National Non-Domestic Rates-Discretionary Relief Application-Home-Start Nottingham	Approval for discretionary charitable relief under section 47 of the Local Government Finance Act 1988.	D1454	15/11/2023	Portfolio Holder for Corporate Resources and Performance	No
Property Flood Resilience Repair Scheme - Storm Babet	Approval to implement flood resilience repair schemes within the borough.	D1464	10/11/2023	Leader of the Council	No

Report to: Appointments and Conditions of Service Committee

Subject: Localism Act: Pay Policy Statement

Date: 6 December 2023

Author: Head of HR, Performance and Service Planning

1. Purpose of the report

The purpose of the report is to ask the Appointments and Conditions of Service Committee to approve the proposed Pay Policy Statement and method of implementation, and also to recommend its referral to, and adoption by Council for subsequent publication on the Council's website.

Recommendation

The Appointments and Conditions of Service Committee is **recommended** to:

- a) Approve the proposed Pay Policy Statement and method of implementation and
- b) Refer the general content of the new Pay Policy Statement to Council for approval and subsequent publication on the Council's website.

2. Background

The purpose of the Statement is to increase accountability in relation to payments made to senior members of local authority staff by enabling public scrutiny.

Section 38 of the Localism Act 2011 requires local authorities to publish a Pay Policy Statement by 31 March each year for the following financial year. Other regulations also require the Council to openly publish certain information and of particular relevance to the Pay Policy Statement is the statutory Local Government Transparency Code 2015. This report presents a proposal for the Gedling Borough Council Pay Policy Statement 2024-25.

A Pay Policy Statement must set out the authority's policies relating to the:

- remuneration of its Chief Officers
- remuneration of its lowest-paid employees
- relationship between the remuneration of its Chief Officers and the remuneration of its employees who are not Chief Officers.

The Statement must include the definition of lowest-paid employees adopted by the authority and the reasons for adopting that definition.

The Statement must include the authority's policies relating to the:

- level and elements of remuneration for each Chief Officer
- remuneration of Chief Officers on recruitment
- increases and additions to remuneration for each Chief Officer
- use of performance-related pay for Chief Officers
- use of bonuses for Chief Officers
- approach to the payment of Chief Officers on their ceasing to hold office under or to be employed by the authority
- publication of and access to information relating to remuneration of Chief Officers.

Locally the Statement is also used to publish Gender Pay Gap information required under the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 and information relating to time spent on support of recognised trade unions as required by the Trade Union (Facility Time Publication Requirements) Regulations 2017.

The Pay Policy Statement includes policy statements relating to Special Severance Payments. The Government published Statutory Guidance on the making and disclosure of Special Severance Payments by local authorities in England in May 2022. This guidance is issued under section 26 of the Local Government Act 1999, the purpose of which is to:

- set out the Government's view that Special Severance Payments do not usually represent value for money and should only be considered in exceptional circumstances;
- set out the criteria employers should consider in the exceptional circumstances in which it may be appropriate to make a Special Severance Payment;
- give examples of the exceptional circumstances in which Special Severance Payments may be appropriate; and
- clarify the disclosure and reporting requirements for Special Severance Payments.

Under the guidance Special Severance Payments are defined, see Appendix ix of the Pay Policy Statement for the full guidance.

In ensuring adherence to the guidance, the Council is required to demonstrate the economic rationale behind Special Severance Payments, including consideration of:

- whether there is any feasible possibility of exiting the individual at a lower cost. Only where there is no such possibility should a Special Severance Payment be considered;
- how the exit payment will be perceived by the public and whether it is in line with the duty to manage taxpayers' money appropriately;
- what alternative use could be made of that expenditure. All Special Severance Payments necessarily reduce the funds that would otherwise be available to deliver important public services;
- the setting of any potential precedent (e.g. where a Special Severance Payment is made to certain employees and not others); and
- evidence for additionality i.e. that those offered Special Severance Payments would not have been willing, under any circumstances, to leave with their statutory and contractual benefits alone.

The Government expects that Special Severance Payments should be approved according to the following process:

- payments of £100,000 and above must be approved by a vote of full Council, as set out in the Localism Act 2011;
- payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment;
- payments below £20,000 must be approved according to the local authority's scheme of delegation. It is expected that local authorities should publish their policy and process for approving these payments; and
- where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest, it is expected that the payment should be approved by a Panel including at least two Independent Persons.

The Pay Policy Statement (Appendix 1) reflects these requirements and the statutory guidance is appended to the Pay Policy Statement as the local policy in respect of Special Severance Payments.

Locally, the Pay Policy Statement includes other information relating to the policies on employment terms and conditions for all Chief Officers including those relating to pay progression.

The Statement must be approved by a resolution of the authority before the 31 March immediately before the financial year to which it relates but may also be amended by resolution during the year; it must be published on the authority's website as soon as possible after approval. Publishing the Pay Policy Statement in the format recommended in Appendix 2 also meets the additional requirements under the statutory elements of the Local Government Transparency Code 2015 in particular relating to information about trade union facilities (time allowed for union duties), senior salaries and the pay multiple. The earlier 2014 Regulations also require that data under the Code is published on the first occasion before 3 February 2015 and annually thereafter. In order to comply with the publication requirement, it is intended that the Pay Policy Statement will be published on the Council's website straight after the Council resolution.

The term 'Chief Officer' referred to above includes:

- The Head of Paid Service designated under section 4(1) of the Local Government and Housing Act 1989 (the Chief Executive)
- The Monitoring Officer designated under section 5(1) of that Act
- A statutory Chief Officer mentioned in section 2(6) of that Act (the Director of Corporate Resources & Section 151 Officer)
- A non-statutory Chief Officer mentioned in section 2(7) of that Act (the Corporate Director of Environment, Communities and Leisure by virtue of reporting directly to the Head of Paid Service);
- A deputy Chief Officer mentioned in section 2(8) of that Act (all Heads of Service by virtue of reporting directly to statutory and non-statutory Chief Officers).

Of the above listed posts only the Chief Executive, Directors and Heads of Service on Pay Band 4 are paid a salary above £70,000 per annum which is the value of the Senior Civil Service minimum pay band recommended under the Code of Practice for Data Transparency at which information on roles and remuneration of senior officers is published.

The full statement shows that the Borough Council's local ratio of highest:lowest pay rates is 5.44:1 - this compares favourably with the ratio of 20:1 originally suggested as a reasonable maximum figure in the original Hutton review into fair pay, and the many examples found in the private sector where multiples way in excess of this are not uncommon.

Local authorities were already required to publish, under the Accounts and Audit (England) Regulations 2011 (Statutory Instrument 2011/817), both the number of employees whose remuneration in that year was at least £50,000 and details of remuneration and job title of certain senior employees whose salary is at least £50,000.

For each "Chief Officer" as defined above, the Pay Policy Statement must include the following information:

- the Chief Officer's salary,
- any bonuses payable,
- any charges, fees or allowances payable,
- any benefits in kind to which the Chief Officer is entitled,
- any increase or enhancement to the Chief Officer's pension entitlement, and
- any amounts payable to the Chief Officer on the Chief Officer ceasing to hold office under or be employed by the authority.

From 2017, any organisation that has 250 or more employees must publish and report specific figures about their gender pay gap.

The gender pay gap is the difference between the average earnings of men and women, expressed relative to men's earnings.

The data to be collected, relevant at 31 March 2017 and each year thereafter is the:

- Mean gender pay gap
- Median gender pay gap
- Mean gender pay gap in bonus pay
- Median gender pay gap in bonus pay
- Percentage of males and females in each of the four pay quartiles.

Employers must both publish their gender pay gap data and a written statement on their public-facing website and report their data to government online using the gender pay gap reporting service. The Council has done this for this year's Gender Pay Gap data. Further to this, this year's data and the narrative endorsed by Senior Leadership Team as shown in the Pay Policy Statement will be published as part of this Pay Policy Statement following adoption of the Statement by Council.

Appendix 1 shows the proposal for the full Pay Policy Statement for Gedling Borough Council for the year 2024-25.

During any year, changes to policy approved by Committee and minor amendments to levels of earnings resulting from annual nationally-determined pay awards may be made to the published policy during the year without further referral back to Council. Otherwise, each year a Pay Policy Statement will be brought back to Council for formal approval and adoption.

Summary data

Below is a summary of the key data contained in this year's Pay Policy Statement.

The data for Gedling is current at 30 November each year. This year the national pay award was settled on 1 November and was backdated to 1 April. The award for NJC employees, in terms of pay, was an addition of £1,925 to each pay point in the scale (pro rata for part-time employees) up to SCP 43 and a 3.88% award for SCP 44 and above.

This means that for our lowest paid employees there has been a pay award of 8.9% applied.

A comparison against last year's pay data is shown. The effects of the national pay award being a fixed figure (£1,925) improves the ratios of low pay against high and average pay but making more of a material difference were local pay changes. Chief Officers settled their national pay award claim at 3.5%. The change to our lowest rate of pay (now being SCP 5 in Band 3 rather than SCP 3 in Band 2) means a pay increase for our lowest paid employees and also improves its ratio relationship with high pay (it reduces the gap). The increase in pay grade for a substantial number of skilled employees in our PASC and Waste Teams has meant that median pay has increased by about 20% and its ratio to high pay has also improved (the gap has reduced).

	Data correct at 30 November. Includes 2023/24 national pay award	Last year's pay data
Ratio of highest to lowest pay	5.44:1	5.93:1
Ratio of highest to average (mean) pay	4.24:1	4.40:1
Ratio of highest to median pay	4.67:1	5.42:1
Average (mean) pay (equivalent full time salary)	£30,154	£28,079
Median pay (equivalent full time salary)	£27,334	£22,777
Highest paid worker	127,771 (top scale point)	123,450 (top scale point)
Lowest paid worker (FTE salary- not training or transferred post). Lowest pay point now set at SCP 5 in Band 3.	£23,500	£20,812

4. Proposal

The Pay Policy Statement is a factual statement of information relating to the council. It is therefore proposed to ask the committee to firstly approve the proposed Pay Policy Statement for 2024/25 including its method of implementation and secondly to recommend the referral of the Pay Policy Statement to Council for adoption and for subsequent publication on the Council's website.

5. Alternative Options

The publication of a Pay Policy Statement is required in law and the method by which it is published is specified. The alternative would be to not publish a statement although this would contravene legislation.

6. Legal Implications

The proposed Pay Policy Statement has been drafted to meet the requirements of the Localism Act 2011, the Local Government Transparency Code 2014, the requirements of the Accounts and Audit (England) Regulations 2011, the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017, the Trade Union (Facility Time Publication Requirements) Regulations 2017 statutory and other best practice guidance offered by the Local Government Association and the Association of Local Authority Chief Executives.

The Localism Act in itself does not necessarily require the Authority to publish actual salary band amounts, however, other regulations and best practice do lead us to this position, particularly for Chief Officers. In the spirit of openness and transparency the proposed Pay Policy Statement encapsulates the principles derived from these myriad sources.

In order to meet the deadlines required by the Localism Act and the Transparency Code, the data used in this annual statement is current at 30 November in each year.

Subject to the views of this committee and the adoption at Council, the Pay Policy Statement will be published on the Council's website immediately after resolution, and annually thereafter and included in the Council's Publications Scheme. It will be published as a Microsoft Word document which is a "machine-readable" format as required by the Local Government Transparency Code 2014.

Although not yet a legal requirement to adopt the statutory guidance on severance payments, the Council will be assessed against that voluntary standard when making decisions about payments made to officers, workers or contractors when they cease to provide service for or to the Council. It is expected that local authorities would comply with the statutory guidance even if no local policy is adopted. For that reason the adoption of properly considered local policy helps to defend any future challenge to special severance payments made if there is concern about the appropriateness of those payments.

The guidance on Special Severance Payments forms part of the best value regime for local authorities in England. The best value duty, as set out in section 3 of the Local Government Act 1999 ("the 1999 Act"), provides that "A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness."

7. Financial Implications

The Pay Policy Statement only reports information about the council. It does not in itself commit the organisation to any spend and as such there is no financial impact.

The introduction of local Severance Payment Policy will ensure that financial decisions taken by the Council will be properly considered, accounted for and reported. This will be an additional control measure to secure financial probity.

8. Equalities Implications

Although in itself the Pay Policy Statement does not have any equalities impact there are a number of items that are reported that do have a bearing on equality reporting within the council, for example the annual reporting of the council's Gender Pay Gap.

Following a consultation exercise the council updated its equality policies relating both to employment and to service provision and subsequently, this year a defined action plan has now been implemented to improve the equality, diversity and inclusion of the Council both as an employer and as a service provider. Actions will be embedded into service planning over the coming years.

The principles of equality and equal pay are embedded in the Pay Strategy that forms part of the Pay Policy Statement.

The Special Severance Payment Policy also ensures that financial decisions about payments to people leaving the organisation will be based on a transparent framework with clear definition about how payments are to be authorised and reported.

9. Carbon Reduction/Environmental Sustainability Implications

No environmental sustainability implications are identified.

10. Appendices

Appendix 1: Pay Policy Statement 2023/24

11. Background Papers

There are no additional background papers

Statutory Officer approval

Approved by:	Chief Financial Officer
Date:	15 November 2023
Approved by:	Monitoring Officer
Date:	15 November 2023

Gedling Borough Council; Pay Policy Statement 2024-25

1. Introduction

Section 38 of the Localism Act 2011 requires local authorities to publish a Pay Policy Statement by 31 March each year. The purpose of the Statement is to increase accountability in relation to payments made to senior members of local authority staff by enabling public scrutiny.

The Pay Policy Statement has been drafted not only to meet the requirements of the Localism Act, but also is designed to reflect the principles of the Code of Recommended Practice for Local Authorities on Data Transparency (updated in 2015), the Accounts and Audit (England) Regulations 2011 and aspects of good practice highlighted by the Local Government Association and the Association of Local Authority Chief Executives. Furthermore, the Statement also has regard to the guidance made available in February 2013 by the Department for Communities and Local Government in respect to “openness and accountability” as described in section 40 of the Localism Act.

The Statement is also used to publish Gender Pay Gap information required under the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 and information relating to time spent on support of recognised trade unions as required by the Trade Union (Facility Time Publication Requirements) Regulations 2017.

2. Pay Policy Statement; Executive Summary

Details necessary for publication are explored fully in this Pay Policy Statement in sections three and four. The Executive Summary does not reflect all information required or recommended in the legislation and guidance described in the introduction above; however, it is designed to show key information in a simple, digestible format. Unless otherwise stated, data in these tables is current at 30 November 2023.

General Council pay data

Lowest rate of pay (Exc Training Grade)	£23,500 p.a. full time rate
Median rate of pay	£27,334 p.a. full time rate
Mean rate of pay	£30,154 p.a. full time rate
Highest rate of pay	£127,771 p.a. full time rate
Expression (as a multiple) of highest rate of pay against:	
Lowest pay:	5.44 times greater
Median pay:	4.67 times greater
Mean pay:	4.24 times greater

Job-related information for Chief Officers

Job Title of Senior posts ¹	Substantive post-Salary Band p.a. (pay pts in scale) 2021/22 pay award still pending	Enhancement to basic pay or Addition to basic pay (not related to main job)	For Senior Posts : Number of staff reports & total budget ²
Chief Executive	£123,279 - £125,525 - £127,771 Progression is performance-related	Yes- Election fees	86 staff (438 total) Total budget (23/24) £2,931,600
Directors i) Director of Corporate Resources & Section 151 Officer ii) Corporate Director (Environment, Communities & Leisure)	£83,787 - £86,119 - £89,631 Progression is performance-related for all posts	No	i) 89 staff Total budget (23/24) £25,657,900 ii) 263 staff Total budget (23/24) £14,668,800
Head of Service - Band 4 +5%; • Governance & Customer Svs (includes Monitoring Officer role)	£75,888 - £78,194 - £80,504	No	
Heads of Service - Band 4; • Finance and ICT • Regeneration and Welfare • Development and Place • Environment • Communities and Leisure	£72,275 - £74,470 - £76,672	No	
Head of Service – Band 3; • HR, Performance and Service Planning (pro rata for 22.5 hours)	£63,491 - £65,692 - £67,882	No	

¹ As defined in Recommended Code of Practice for Data Transparency

² Total current gross expenditure budget (2023/24); includes employee costs.

3. Setting the scene

3.1 Pay Strategy

The Council's Pay Strategy is shown at Appendix iA. This document encapsulates both strategic principles and operational practices; it gives direction and intent and guidance for the practical application of these principles.

3.2 Gender Pay Gap

From 2017, any organisation that has 250 or more employees must publish and report specific figures about their gender pay gap.

The gender pay gap is the difference between the average earnings of men and women, expressed relative to men's earnings.

The data to be collected, relevant at 31 March 2017 and at that "snapshot date" each year thereafter is the:

- Mean gender pay gap
- Median gender pay gap
- Mean gender pay gap in bonus pay
- Median gender pay gap in bonus pay
- Percentage of males and females in each of the four pay quartiles.

As required in law, both our gender pay gap data and a written statement to add context to the data are available on our public-facing website

<http://www.gedling.gov.uk/council/aboutus/financeandaccounts/opendata/genderpaygapdata/> and on the government website <https://gender-pay-gap.service.gov.uk/>

This year's data and the narrative endorsed by Senior Leadership Team for Gedling Borough Council are shown at Appendix iB.

3.2 Other relevant information

The following additional paragraphs and statements outline the Council's general position in respect to employment, pay and conditions of service and are pertinent to the requirements of the Localism Act:

- 3.2.1. As at November 2023, Gedling Borough Council employed 438 people (336.56 full time equivalents).
- 3.2.2. Of our posts, ten are governed by the national conditions of service relating to the Joint Negotiating Committees (JNC) for Chief Executives and Chief Officers, these being the Chief Executive, two Directors and seven (6.6 FTE) Heads of Service. All other employees work within the national conditions of service covered by the National Joint Council (NJC) for Local Government Employees.
- 3.2.3. These national conditions of service are added to, and amended by, local terms and conditions detailed in the Employee Handbook and further modified at an individual level by Statements of Employment (contracts) applying to particular employees or posts.

- 3.2.4. For the purposes of the Localism Act, report must be made on the pay policies relating specifically to “Chief Officers”. In the Act, included in the definition of what is a “Chief Officer” are any posts, statutory or not statutory, that report direct to the Chief Executive, or to a post that reports immediately to the Chief Officer. The purpose is to ensure that “Deputy Chief Officer” posts are included in the pay policy. Locally, for Gedling Borough Council this means that the Chief Executive, Directors and Heads of Service are covered in the Pay Policy Statement.
- 3.2.5. Policies relating to the setting of pay are determined by committee. Currently such decisions fall under the remit of the Appointments and Conditions of Service Committee (ACSC). Historically, all major decisions relating to pay policies have been the subject of consultation with the recognised unions representing employees of the Council, either direct with the unions, or more usually through discussion at the Joint Consultative and Safety Committee (JCSC) which is the recognised forum for formal consultation between employee representatives and the employer.
- 3.2.6. The Council has embraced the principles of Single Status (a term designed by national employers’ groups and trade unions to describe the equal treatment, in respect to terms and conditions, of all employees) since 2001. Gedling was one of the first local authorities in the region to formally implement the national NJC Job Evaluation Scheme. A pay policy was written at this time to reflect how NJC pay was to be applied within this scheme and this is shown at Appendix i. The NJC Job Evaluation Scheme continues to be used and pay grades are established using this tool for all NJC posts. Job assessment is carried out jointly by both management and union representatives.
- 3.2.7. The grading of JNC Head of Service posts is undertaken by Senior Leadership Team and is based on a locally-determined scoring matrix. This matrix and the scoring system used to determine grades are shown at Appendix ii. Pay grades for Directors and the Chief Executive are determined by Committee (ACSC).
- 3.2.8. The filling of, or promotion to all posts, be they governed by NJC or JNC conditions of service are dealt with under the same defined protocols. The general protocol for the filling of vacancies is shown at Appendix iii with a description of how this protocol is applied in a practical context shown at Appendix iv.
- 3.2.9. Other than in cases where there is a need to prevent redundancy through possible redeployment of existing employees, or where efficiencies or improved working can potentially be realised, all permanent vacancies are advertised externally and all appointments are made on merit as required by the Local Government and Housing Act 1989. There is an additional recognised protocol (appendix v) that allows temporary vacancies for periods of less than one year to be filled internally.
- 3.2.10. Appointments to non-statutory Director and Chief Officer posts are made by the Appointments and Conditions of Service Committee, subject to no objections being raised by Cabinet. Appointment of the Chief Executive or Statutory Officers will be made by the Appointments and Conditions of Service Committee, subject to no objections being raised by Council. Appointment to all other NJC posts is made by officers delegated to act on behalf of the Chief Executive. The Council’s Constitution governs this process.

- 3.2.11. Dismissal of Statutory Officers (Head of Paid Service, Monitoring Officer and Chief Financial (Section 151) Officer) is made through the Appointments and Conditions of Service Committee which will first consider the case and make an initial determination that will be subsequently referred to an Independent Panel charged with making a recommendation to Council at which a decision will be taken to approve or reject the dismissal. Dismissal of Directors that are not Statutory Officers and other chief officers including Heads of Service will not be referred to an Independent Panel or to Council; the decision will be within the remit of the Appointments and Conditions of Service Committee. Dismissal from all other posts is made by the Chief Executive or to officers delegated to act on behalf of the Chief Executive. The Council's Constitution sets out the process for dismissal of Statutory Officers and other Chief Officers. Where they exist, model procedures contained within national Chief Officers' or Chief Executives' terms and conditions will be used as guidance.
- 3.2.12. In respect to appointment to any post, where the grade of a post comprises a range of pay points, the general practice is that appointment is made to the bottom pay point other than in cases where the successful candidate can demonstrate that their experience or skill set is of relevant and exceptional nature. In such cases, for officers working under NJC conditions, a Head of Service may agree to commencement at a higher pay point. For a JNC post, the decision about pay on appointment will rest with the appointing officer or committee as appropriate.
- 3.2.13. For Directors governed by JNC conditions, pay at appointment and subsequent advancement through the pay grade is determined by the Chief Executive following consultation with the Appointments and Conditions of Service Committee as detailed in Appendix vi-a. The same general principles governing application of pay points apply both to external appointment and internal promotion.
- 3.2.14. A similar scheme linking pay to performance exists for the Chief Executive. This is shown at Appendix vi-b
- 3.2.15. The Council has an established training grade which mirrors the national pay rates for apprentices. The policy relating to the application of this arrangement was adopted in September 2016. Although potentially applicable to a training post of any type, the grade is designed to be applied specifically to entry-level apprentices employed directly by the Council.
- 3.2.16. As a general principle and where business need allows, the Council supports the sharing of posts (job share) between two or more people. Appointments will be made on merit. Appointment for any job share partner will be made within the confines of the pay grade, determined through job evaluation and within the principles as described above in relation to the determination of starting salary.
- 3.2.17. In 2013 supplementary guidance was offered by the Department for Communities and Local Government under section 40 of the Localism Act 2011 about decisions relating to appointments and dismissal from senior posts where the costs of such decisions are likely to be high. The Secretary of State considers that a salary of £100,000 is the right level for the threshold of such decisions.

In the year 2023/24 the only post at this pay level is that of Chief Executive. This post is defined as "senior" for the purpose of this guidance and consequently

decisions relating to appointment and dismissal will be determined by full Council following recommendation made by the Appointments and Conditions of Service Committee. This arrangement is incorporated within the Council's Constitution.

3.2.18. Already published elsewhere in this Pay Policy Statement are the Council's key documents relating to severance policies and discretionary compensation for employees, including senior officers in the event of redundancy. Specifically, the Council does also have a Special Severance Pay Policy that determines how such payments will be made, the authority needed to make the payments, and how these are reported. The policy is shown at Appendix ix.

3.2.19. Access to the full set of local pension discretions required under Regulation 60(5) of the LGPS 2013 are shown on the Council's website under the "How we work" section at [https://www.gedling.gov.uk/media/gedlingboroughcouncil/documents/council/aboutus/policies/Pension%20Discretions%20Policy%20\(July%202019\).pdf](https://www.gedling.gov.uk/media/gedlingboroughcouncil/documents/council/aboutus/policies/Pension%20Discretions%20Policy%20(July%202019).pdf)

These discretions were approved as formal policy of the Council by the Appointments and Conditions of Service Committee in March 2015 and updated by the committee in 2019. In accordance with legal requirement the policy statements have been drafted to balance financial, business and employee needs and public interest as well as taking into account the general principle that no policy statement can unduly fetter the employer's ability to make decisions.

3.2.20. From 1 April 2017 all overtime (voluntary), stand-by and call out payments are enhanced by 7.69% to reflect the need to recognise an average of these payments for a four week holiday period each year (the period for which "normal pay" needs to be maintained). Any contractual overtime will be recognised as normal pay for the purpose of all holidays taken.

3.2.21. As required by the Transparency Code, structure diagrams of the Council showing all posts, including vacant posts, and pay bands are maintained on the Council's website together with contact details for Chief Officers.

3.2.22. The 2015 Transparency Code required information about trade union facility time to be published and this requirement has subsequently been extended by the Trade Union (Facility Time Publication Requirements) Regulations 2017. This is the amount of time that is allowed by the organisation for the representatives of the recognised trade unions to participate in approved union activities. For this Council the information is as follows:

3.2.22.1. There are 10 staff that are recognised as representatives (the Executive).

This equates to 9.22 full time equivalents (FTEs).

3.2.22.2. There are no union representatives who devote at least 50% of their time to union duties. The estimated proportion of time spent on trade union facility time is:

Proportion of time	Number of union Reps
0% (less than 1%)	0
1- 50%	10
51-99%	0
100%	0

3.2.22.3. It is estimated that the total salary cost of union representatives undertaking union duties and activities over a year is £11,028. The percentage of all pay spent on facility time is 0.12% and 6.11% of all union time is taken up on trade union activities. This is the data reported on the government's website.

3.3. This Pay Policy Statement is published on the Council's website.

4. Other specific reportable issues as defined in the Localism Act

4.1 Chief Officer pay

4.1.1 Basic pay

Pay scales for all Chief Officers are shown in the Executive Summary table. These are current up to 30 November 2023.

4.1.2 The setting of basic pay grades and pay rates

There are a number of existing decisions and policies that determine Chief Officers' overall pay policy.

The Chief Executive's pay scale, and the pay scales for Directors are determined locally by the Appointments and Conditions of Service Committee following formal consultation with recognised unions through the Joint Consultative and Safety Committee. The pay scale for the Chief Executive was last reviewed in early 2018 as part of the recruitment process for a new Chief Executive. In 2016 the pay rate for Directors was also confirmed. When setting these pay scales the committee took into account the need to balance affordability with fair pay for the work whilst also recognising pay levels for similar posts within the local market and pay differentials within the organisation. More recently a new senior management structure has been applied from 2021 in which the grades of newly-created Heads of Service were reassessed.

The ACSC approved a performance-related pay scheme that applies all Directors and another for the Chief Executive. These are shown at Appendix vi-a and b respectively. These schemes also confirm that appointment is generally at the bottom point of the pay scale and that progression through the scale is through satisfactory performance only.

The pay principles applying to the Head of Services as JNC officers were determined by ACSC after consultation through the JCSC process. The basis of these grades, how they relate to the pay of Directors and the matrix used by SLT to place these jobs into the appropriate grade are shown at Appendix ii.

As part of the implementation of the NJC national Job Evaluation Scheme in 2001, a pay policy was adopted by committee in 2001 (Appendix i). Basic job grades are still determined using this scheme and the basic principles set out therein. With the implementation of the job evaluation scheme came the setting of a "pay line" that equates each job's evaluation points to a job grade. The pay policy for the Council's NJC staff defines how national spinal column points are associated to local job grades and is shown in Appendix i (and also as part of the Pay Strategy at Appendix iA).

Each year the 30 November is used as the reference period for pay information. Most NJC (most of our workforce) employees this year (2023/24)) received an award of an additional £1,925 on their annual full-time salary (pro rata for part time). Chief Executives and Chief Officers received an award of 3.5%. This increase means that our lowest paid employees received an award of almost around 8.9% whereas higher paid NJC employees received around 3.88%. By making an award to NJC employees based on a flat payment rather than as a percentage of pay means that pay differentials between high and low pay are reduced and this is reflected in this Pay Policy Statement. The consequence is also that Local Government pay continues to start at a figure in excess of the National Living Wage.

From 1 April 2019 the national pay spinal column points were renumbered and the new points including the associated rates of pay were applied into our local pay scales. From 2023 spinal column point 1 has been removed from the national pay spine.

4.1.3 Enhancements to Chief Officers' basic pay

Following the review of local pay in 2016 pay grades have largely been simplified and are now designed to reflect a fair market rate for the job. Consequently previous policies that allowed additional enhanced payments to be applied either to Chief Officer or other NJC employees have now been removed other than for the Heads of Service undertaking statutory roles (Monitoring Officer and Section 151 Officer) where plussages of between 5% and 10% are applied.

4.1.4 Additional payments made to Chief Officers

The only additional payment made to Chief Officers relates to election expenses. The only post formally designated within legislation and to which expenses are paid is that of Chief Executive which is nominated as the Returning Officer. The role of Deputy Returning Officer may be applied to any other post and payment may not be made simply because of this designation.

Payments to the Returning Officer are governed as follows:

For national and European elections, fees are prescribed by the Electoral Commission.

For local elections, fees are determined within a local framework used by other district councils within the County. This framework is applied consistently and is known as "The County Scale". This is reviewed periodically by lead electoral officers within the boroughs.

4.2 Salary protection

The Council's Pay Protection Policy was reviewed during 2019. A full description of the policy is shown at Appendix vii. This Pay Protection Policy applies to all employees of the Council, including Chief Officers as defined in the Localism Act. In essence, should a case of pay protection arise, for example due to redeployment or down-grading of a post, protection between an employee's salary at that time and the value of their new substantive post will apply in the following way:

- 100% for one year
- 50% for year two
- .

Salary protection would not occur in cases where a post holder was down-graded to work of lower pay following disciplinary action.

4.3 Lowest-pay and the relationship with highest pay

4.3.1. Definition; “lowest pay”

The definition of “lowest pay” for the purpose of this Pay Policy Statement is, “The lowest spinal column point in the national pay spine that is used within the local pay and grading structure of the Council for non-training posts. As at November 2023 this is Spinal Column Point 5 within Band 3”.

The Council’s current Pay Strategy is shown at Appendix iA and the general Pay Policy is shown at Appendix i. This policy reflects the decision to adopt the national pay spine to form the basis of our grading structure. National spinal column points were renumbered with effect from April 2019 and the revised points were incorporated into the Council’s local grading system.

4.3.2. Definition; “highest pay”

The definition of “highest pay” for the purpose of this Pay Policy Statement is, “The highest local spinal column point that forms part of the Chief Executive’s pay band”.

4.3.3 Relationship between highest and lowest pay

When expressed as a multiplier of pay, the Chief Executive’s salary is:

- 5.44 times greater than the lowest pay rate of the Council
- 4.24 times greater than the mean pay rate of the Council
- 4.67 times greater than the median pay rate of the Council

Although the Localism Act requires Authorities to publish the data, the original Hutton Review of fair pay in the public sector rejected calls for a fixed limit on pay multiples. However, to give guidance on what might be considered to be a reasonable pay multiple of highest pay against lowest pay, a ratio of 20:1 was suggested as part of the consultation during the review. Clearly the council operates on ratios at a much lower level.

The pay ratio of highest to lowest pay in the private sector is variable depending on the size and nature of the business although in 2021, using accreditation status from the Living Wage Foundation to estimate the pay of low earners, the High Pay Centre calculates the median CEO to lowest-paid worker ratio to be 117:1. In the voluntary and public sectors then high to low pay ratios are traditionally much lower.

The ratios within the Council’s pay structures are very much in line with other local councils of similar size and are certainly within the ranges outlined as being reasonable in the Hutton Review.

This relationship will be reported annually for comparison purposes.

The rates of for lowest, mean, median and highest pay are included in the Executive Summary table.

4.4 Payments made to Chief Officers on ceasing office

4.4.1 Conduct and Capability Policies

The Council's policies are stated in the employee handbook and where appropriate, also governed by the Council Constitution.

Changes and variation to these policies are made following consultation with recognised unions and formal adoption by the Appointments and Conditions of Service Committee. For each of these policies, the scope of application is defined as follows, "The procedure applies in general terms to all employees of the Authority covered by the terms of the National Joint Council for Local Government Services. This includes full and part-time employees and temporary employees. Employees covered by the Joint Negotiating Committees for Chief Officers and Chief Executives and posts nominated as the Council's Monitoring and Section 151 Officers will have particular provisions applied to them under the Council's Standing Orders relating to staff [as detailed in the Council Constitution and available through the Gedling Borough Council web site]. In these cases, this Disciplinary and Capability Procedures will be applied as closely as possible subject to such modification as may be required pursuant to those Standing Orders."

Subject to the above definition of application, for conduct and capability dismissals all employees will receive only statutory payments due which may, depending on circumstance include notice pay (other than in cases of gross misconduct) and outstanding untaken leave entitlement.

4.4.2 Ill health retirement

All employees who are members of the local government pension scheme (LGPS) shall have applied to them a pension defined within the LGPS Regulations. Obligations under law requiring the payment of an appropriate notice period or outstanding unpaid holidays are honoured. No additional discretionary payments will be made. Authority to dismiss on grounds of ill health and authority for release of pension as determined within statute is delegated to the Chief Executive.

4.4.3 Termination of employment; Redundancy, efficiency and general pension discretions

The Council's Appeals and Retirements Committee has authority to make payment within the approved Early Retirement and Redundancy Policy (Appendix viii). The scheme of compensatory payment is clearly identified in this policy and is based on the table of compensation defined within the Employment Rights Act 1996. Under this local policy, for redundancy, payment including both statutory and discretionary payments is limited to a maximum of 30 weeks' pay and nine weeks' pay for dismissal for reason of 'efficiency of service'.

The policies relating to redundancy and 'efficiency of service' are formally adopted by the Council and are drafted within the legislative framework of the Local Government (Early Termination of Employment)(Discretionary Payments) (England and Wales) Regulations 2006. Specifically, the policies reflect the need to define "a week's pay" and to detail the Council's severance payments. For removal of doubt, the Council currently defines "a week's pay" for the purpose of calculation of compensatory redundancy payments as "actual pay" rather than the statutory maximum figure.

Access to the full set of local pension discretions required under Regulation 60(5) of the LGPS 2013 are shown on the Council's website under the "How we work" section at [https://www.gedling.gov.uk/media/gedlingboroughcouncil/documents/council/aboutus/policies/Pension%20Discretions%20Policy%20\(July%202019\).pdf](https://www.gedling.gov.uk/media/gedlingboroughcouncil/documents/council/aboutus/policies/Pension%20Discretions%20Policy%20(July%202019).pdf)

These discretions were approved as formal policy of the Council by the Appointments and Conditions of Service Committee in March 2015 and subsequently updated in July 2019 and detail the full range of policy decisions made that relate to payment of, or limitation to payment of pension benefits applicable to any employee.

The Council's Flexible Retirement Policy is shown at Appendix viii a.

All employees, including Chief Officers are covered by these general policy arrangements. Sections 3.2.10-11 above, detail the special arrangements applying to "senior posts" both in respect to appointment and dismissal.

The policy relating to Special Severance Payments is detailed at Appendix ix of the Pay Policy Statement.

5. Review and publication

This Pay Policy Statement will be reviewed annually and reported to Council for approval.

The Statement will be made available to the public on the Council's website and will be included in the Council's Publications' Scheme in a format that complies with regulations governing transparency.

Appendices

Pay Strategy

Purpose

This strategy identifies the principles by which pay is governed in the organisation and specifies how these principles are embedded in practice.

Pay

Strategic Principles

- We will pay sufficiently well to attract and retain talent in line with our ambitions, priorities and workforce strategy.
- When setting pay we will be sensitive to, and respectful of the need to balance fair pay with public interest.
- We recognise our social responsibility to support in appropriate ways, a commitment to paying our lowest-paid employees fairly.
- We are committed to developing employment opportunities for local residents. Training posts with training pay grades will be supported by the Council.
- We will keep pay under regular review and take action to maintain the ambitions stated in our pay principles.

Operational Practices

- Job grades for staff governed by conditions of the National Joint Council on Pay and Conditions of Service (NJC) are established locally but are based on national spinal column points.
- Job grades for the Chief Executive and Chief Officers are established locally using local pay points. General terms and conditions are governed by the appropriate national bodies, the Joint Negotiating Committees (JNC).
- Pay is linked to performance for NJC employees (Document 1), Senior Leadership Team (Document 2) and Heads of Service (Document 3).
- Pay awards made under national pay bargaining are applied to all employees covered by the NJC and JNC conditions of service.
- Market supplements will be applied to basic pay in order to attract first class candidates into our workforce. Such supplements will be applied in the exceptional circumstances described in Document 4.
- Honoraria payments will be used for short periods of time, normally up to one year, to appropriately recognise and reward employees who are required by the Council to perform duties and responsibilities beyond those normally expected in their substantive post for a period exceeding four weeks. The level of payment will be determined by the relevant Head of Service and the Head of Service responsible for the human resources function.

Equality

Strategic Principles

- Pay equality within the workforce will be maintained by ensuring that jobs are objectively graded through a job evaluation mechanism appropriate to NJC employees and to Heads of Service.
- Pay grades will be designed in line with best practice to ensure that pay is non-discriminatory particularly in respect to gender.
- The Equal Pay Policy Statement sets out the general principles of pay and equality

Operational Practices

- A “Gender Pay Gap” review of pay will be undertaken annually within Government guidelines. Findings of this review, including any recommendations for action will be reported to Senior Leadership Team and to the Joint Consultative and Safety Committee.
- The NJC job evaluation scheme is used as a framework to determine job scores used as a basis for local pay.
- A locally-determined job evaluation scheme will be applied to Head of Service posts covered by JNC terms for Chief Offices.
- Job evaluation of new and changed NJC posts will be undertaken by management and union representatives.
- Job evaluation of new and changed JNC Head of Service posts will be undertaken by Senior Leadership Team.

Benefits and reward

Strategic principles

- We recognise that pay is only one element of reward. Recruitment, retention, engagement and happiness of employees are influenced by a wider package of measures. We will continually review terms, conditions, benefits and ways of working that will make Gedling Borough Council an employer of choice.
- We recognise that good physical and mental health of our employees is essential if employees are to attend work regularly and to give of their best.

Operational practices

- We provide practical support to improve the wellbeing of employees. This is achieved through practical measures such as the “Employee Assistance Programme” available to all employees and designed to support employees through problems relating to mental health and financial and relationship difficulties.

- Adoption of flexible and agile working practices whenever practical to enable employees to deliver first rate service in ways that help them to balance personal and work commitments.
- Access to an employee benefits package, “Gedling Lifestyle” that helps to maximise employees’ earnings.
- Membership of “Our Gedling”, providing access for all employees to a range of events and activities designed to enhance personal wellbeing and health and to support a sense of community and engagement with work colleagues.
- Through active engagement with the workforce, employees’ perception of happiness in the workplace is measured and reported. Issues of common concern are identified and actions developed to improve both employee wellbeing and workplace efficiency.

Pay protection

Strategic principles

- When possible and appropriate, employees will be redeployed within the organisation if they cannot continue to work in their current job.

Operational practices

- Employees redeployed to a lower paid job following service reorganisation will receive pay protection. The nature of this protection will be defined through local policy.

Redundancy

Strategic principles

- Where possible the Council aims to redeploy employees rather than to declare redundancy.
- When this is not possible the Council will apply redundancy payments that recognise the need to balance support for the employee against the need to exercise appropriate restraint in the use of public money.

Operational practices

- The Early Retirement and Redundancy Policy, and the Protocol for Enabling Employee Security documents are used to assist the transition of employees between posts in appropriate circumstances.
- Employees returning to work with the Council following redundancy from either our own organisation or a similar public sector organisation will have applied to them any financial penalty required either by legislation or through national terms and conditions.

Pensions

Strategic principles

- Employees of the Council are eligible to participate in the local government pension scheme (LGPS).
- As required by LGPS Regulations, the Council will maintain a set of local policy decisions relating to discretions available to employers under the scheme.
- Discretions, formulated through appropriate committee of the Council, will recognise the need to balance support for the employee against the need to exercise appropriate restraint in the use of public money.

Operational practices

- The Council will maintain and publish a set of local pension discretions required by LGPS Regulations.

Legislation

Strategic principles

- The Council will ensure that pay and remuneration is treated correctly within relevant legislation.

Operational practices

- Tax and other statutory deductions including national insurance contributions will be made within legislation and under guidance of government agencies for employees, workers and contractors.

Policy statement to link pay to performance; NJC employees

- Usually employees appointed to a new post will start at the bottom incremental point of the grade for the post. Where it can be demonstrated through the selection process that the appointee has relevant experience or qualifications, the Head of Service may elect to appoint at a higher incremental point.
- Employees will progress to the next incremental point on their grade on 1 April of each year except where the employee has been in post less than six months. When an employee has been in post for less than six months at 1 April, they will progress to the next incremental point six months after appointment and thereafter on 1 April each year. This reflects national NJC conditions of service.
- Employees will normally progress automatically through the incremental scale as described above. In the exceptional circumstances that an employee is not meeting standards of performance or behaviour required then the Head of Service, after consultation with a senior HR officer, may withhold an increment. Any such action will be supported by an adverse probation report, extension of probationary service or other formal performance review mechanism.
- The reasons for withholding an increment will be explained to the employee and guidance given about areas for improvement such that incremental progression can continue when standards are met.
- Where an employee is dissatisfied with the reasons for withholding an annual increment, they may appeal in writing to the Chief Executive or other nominated JNC senior officer who will review the decision of the Head of Service. This appeal is final.

Contractual terms to link pay to performance; Chief Executive and Directors

Chief Executive; Pay and Performance Policy

- The ACSC will determine to which point within the scale the appointment will be made taking into account appropriate experience and skill set.
- A formal performance and pay review will be conducted annually prior to the anniversary of appointment.
- The performance and pay review will be conducted by the ACSC.
- Should the ACSC determine that performance meets or exceeds the expected standards then annual progression of pay will be applied until the top pay point of the scale is reached. Once the top pay point is reached pay will remain at this level whilst performance continues to meet or exceed expected standards.
- Should the ACSC determine that performance is unsatisfactory then consideration will be given to applying the following process relating to pay:
 - if the post holder is at the bottom or middle point of the pay scale at the time of the review then there will be no progression to the next pay point until a future review by the ACSC confirms satisfactory performance. This review will normally take place a year later although the ACSC may choose to conduct an interim review at an earlier date if this is appropriate.
 - if the post holder is at the top point of the pay scale at the time of the review then from the anniversary of the appointment date pay will be reduced to the middle point of the pay scale and held at that point until satisfactory performance is confirmed through a future review which will be undertaken as described above.

Director; Pay and Performance Policy

- Appointment to any post of Director will normally be made at the bottom scale point of a three-point pay scale.
- A formal performance review will be conducted by the Chief Executive to determine suitability to progress to the mid-point of the grade after one year's service in post and following consultation with the Appointments and Conditions of Service Committee.
- Should the Chief Executive determine that performance is unsatisfactory, pay will remain at the bottom point of the pay grade
- Payment of the top pay point of the grade to be determined annually by formal performance review conducted by the Chief Executive and following consultation with the Appointments and Conditions of Service Committee. Subject to satisfactory performance, payment of the top pay point will be made through annual progression of service in post and, again subject to satisfactory performance, will remain there thereafter. Should the Chief Executive determine that performance is unsatisfactory, pay will remain at, or be reduced to, the mid-point of the pay grade.
- The detail of the performance review scheme is determined by the Chief Executive.

Contractual terms to link pay to performance; Head of Service

Heads of Service Pay and Performance Policy

- Head of Service posts are based on a three-point pay scale related to the maximum pay of directors.
- Under normal circumstances, at the start of employment as a Head of Service, pay will be based on the bottom pay point of the grade.
- Progression to the next pay point will follow the general rules applying to NJC officers in respect to timing of awards.
- Directors that line-manage Heads of Service are responsible for setting clear standards of expectation relating to performance or behaviour. Any shortfall against these expectations will be identified to the Head of Service by a director, normally at the time that the director becomes aware of the issue. Often, improvement will be sought through the introduction of appropriate support or training without further measures being employed. If however the matter is sufficiently serious or an improvement identified as necessary is not initially forthcoming within a timescale required by the director then that director may choose to freeze the Head of Service on their current pay point (prevent progression to the next pay point when it would otherwise have been made) or to reduce their pay by one or more pay points.
- One month's notice will be given of the intention to reduce pay.
- Should pay be reduced, this change will be applied for a minimum of six months. The length of reduction will be determined by the director. At the end of the period defined by the director, during which time progress against an improvement plan will be monitored, should improvement be satisfactory then pay will be returned to the previous.
- If pay is frozen then progress against an improvement plan will be monitored. If performance or behaviour does improve sufficiently then from the point at which this determined by the director then progression will be made to the next pay point. If further progression within the grade is possible then the top pay point will be paid one year from the date that the pay had been "un-frozen".
- The above measures may be applied outside a formal capability procedure. If, however, the measures are applied to a Head of Service and the measures are applied for a year or more, it is likely that the matter will be dealt with under a formal capability procedure.

- The broad terms and process of the Capability Procedure defined in the Employee Handbook will be used to deal with any serious or persistent problems of capability and the use of this formal procedure may be applied either in conjunction with or separate to the measures relating to pay freezing or reduction.
- A final right of appeal exists to a director's decision to freeze or reduce pay, or to the length of time for which this pay detriment is applied. This appeal should be addressed to, and will be dealt with by the Chief Executive or an officer nominated by the Chief Executive.

Market Supplements

- The pay and grading structure has been set to reflect the relative values of jobs within this organisation and at pay levels which reflect the general local employment pay levels. This has been achieved through the national job evaluation scheme for NJC officers and a local job evaluation scheme for Heads of Service. However, there may be occasions where it is necessary to enhance the pay levels of specific groups of employees where it is proven that it is difficult to attract and retain employees because of external pay levels. Where such situations are identified, additional market factor supplements may be agreed.
- Payment of market factor supplements will be made taking into account the following factors:
 - Evidence of high levels of turnover in the particular staff group
 - Evidence of difficulties in recruiting to posts ie by low response rates to advertisements or inability to attract suitable candidates
 - Comparison with like jobs in other local authorities and more widely in the sector
- All current employees within the group affected will receive the payment.
- Clear criteria for receiving the payment will be determined such as the possession of specific qualifications and length of experience as examples.
- The supplement will be a number of increments applied to the normal spinal column points associated with the substantive grade. The number of increments awarded will be informed by the evidence supporting the payment of the market factor supplement.
- Payment will be made for a specific time period (normally up to 3 years as a maximum initially). The application of a supplement is not open-ended and the timing of a formal review will be identified when the arrangement is proposed.
- At the point of review, the supplement may be extended or removed. Where it is determined that a supplement is to be withdrawn, employees in receipt of these will be given 12 months' notice of withdrawal. At the end of that time they will revert to the substantive salary for their post.
- Senior Leadership Team will determine whether a supplement should be applied to specific posts, the number of additional pay points to be awarded and over what length of time, and will determine the action to be taken as the result of any review.

Gender Pay Gap Data

Gender Pay Gap as at 31 March 2023

	2023	2022	2021	2020	2019	2018	2017
Mean gender pay gap;	2.9%	3.79%	4.67%	2.53%	1.31%	5.13%	2.99%
Median gender pay gap;	4.8%	-1.51%*	0.00%	0.00%	0.00%	0.00%	1.92%
Proportion of men with bonus**	0.8%	1.17%	1.79%	1.37%	1.05%	0.00%	0.00%
Proportion of women with bonus**	0.4%	0.37%	0.68%	0.69%	0.66%	0.97%	0.96%
Mean bonus** gender pay gap	32.1%	18.8%	1.72%	1.67%	1.72%	n/a	n/a
Median bonus** gender pay gap	-47.0%*	1.84%	1.84%	1.65%	1.82%	n/a	n/a
Percentage of males and females in each of the four pay quartiles:							
Upper quartile:							
men	50.0%	49.62%	50.69%	49.66%	49.66%	49.34%	47.68%
women	50.0%	50.38%	49.31%	50.34%	50.34%	50.66%	52.32%
Upper mid-quartile:							
men	53.0%	44.62%	46.53%	44.83%	47.30%	48.68%	54.90%
women	47.0%	55.38%	53.47%	55.17%	52.70%	51.32%	45.10%
Lower mid-quartile:							
men	41.4%	50.00%	47.92%	56.85%	48.30%	45.75%	45.10%
women	58.6%	50.00%	52.08%	43.15%	51.70%	54.25%	54.90%
Lower quartile:							
men	47.8%	51.13%	49.31%	49.32%	49.32%	44.74%	48.37%
women	52.2%	48.76%	50.69%	50.68%	50.68%	55.26%	51.63%

* A minus figure indicates that the median pay for women is higher than it is for men

** For the purpose of reporting, market supplement payments are included as "bonus payments"

Narrative

In summary, the gender pay gap remains low and is easily within the parameters that might be expected for similar public sector organisations.

The quartile distribution is well-balanced in the upper quartile although staffing changes over the year has led to a reversal in profile in the upper mid-quartile with the proportion of men now being slightly higher than women for the first time in five years.

Women are now also represented as a greater proportion in both of the lower quartiles.

The overall median pay gap is now at its greatest since the start of data production. More men earn at or above the median than women. This may be due in a large part due to the recent structural reviews in Environmental Services in which a large number of posts, mainly in posts predominantly held by men, have been reviewed in terms of content and consequently grade (pay).

The fact that the overall mean gender pay gap remains low suggests that when taken as a whole, the average (mean) pay for female employees is similar to that of pay for male employees. The proportion of women in better-paid jobs does then seem to be healthy.

Although the data contained within the analysis is not a matter of concern, the organisation will continue to be aware of the need to aspire to a gender-neutral state in terms of both mean and median pay differential.

Although the mean percentage gender pay gap for bonus payments (market supplement payments) does strongly favour men, the median bonus gender pay gap strongly favours women. The percentages though are fairly meaningless due to the very small sample size; (three employees; one woman, two men). This small sample has skewed the statistics. Should market premia be used more due to the financial pressures that may be present due to the very competitive labour market then the equality impact of such “bonus” payments will need to be considered.

The organisation considers itself to be caring and recognises the complex needs of its employees through the practical application of supportive working practices. Practical measures to support such statements include the adoption of flexible working arrangements implemented through its employment policies. Other policies have also been introduced to support women in the workplace such as the “Menopause in the Workplace Policy”. The Equality Policy (Employment) was also reviewed in early 2021 and the Fostering-friendly Policy was introduced towards the end of 2022. This year the Council’s Equality, Diversity and Inclusion corporate training programme has been launched with the full roll-out due in 2023-24.

Although the organisation does not yet have a neutral mean gender pay gap, the gap continues to remain low relative to many other businesses. This positive position reflects the organisation that we aspire to be; a fair place to work and one in which supportive employment policies go hand-in-hand with an established and transparent job evaluation scheme. A risk to the ability to further improve the mean gender pay gap is that the organisation is relatively small and the change in occupation of a few of the Council’s most senior posts could have a material effect on the outturn. A watching brief will be maintained each year and should the outturn worsen to a point of concern then an appropriate action plan will be identified.

Pay Policy – Single Status Employees

1. Purpose of Policy

To establish the principles and arrangements for pay for all employees in the Authority linked to the job evaluation of all posts.

2. Objectives

- To ensure all pay arrangements reflect equal pay for work of equal value.
- To establish clear and consistent approaches to pay.
- To reflect how employees develop in skills and knowledge within a job.
- To provide a basis for establishing the grading system in relation to job evaluation.

3. Pay Points

The pay points for all employees covered by the single status agreement will be nationally agreed pay points. In the final grading structure it is possible that not all of the points will be utilised. If necessary local points will be developed within the single status pay and grading structure in order to meet organisational need. The Council's lowest pay point for non-training posts is SCP5 in Band 3.

4 Pay Award

The nationally agreed pay award determined at 1 April each year will be applied to the spinal column points used in the grading structure, including any locally set points.

5 Incremental Progression

- a. All jobs will be allocated to a scale consisting of a number of incremental points not exceeding 5. The scales will not overlap and depending on the final grading structure may not be continuous with the national spinal column points.
- b. In most cases employees appointed to a new post will start at the bottom incremental point of the grade for the post. Where it can be demonstrated through the selection process that an individual candidate has relevant experience or qualifications, appointment at a higher incremental point may be justified. This should be agreed by the Corporate Director following consultation with personnel to ensure consistency both within Departments and across the Authority.
- c. Employees will progress to the next incremental point on their grade on 1 April of each year except where the employee has been in post less than 6 months. Where an employee has been in post less than 6 months at 1 April, they will progress to the next incremental point 6 months after appointment and thereafter on 1 April each year.
- d. Employees will progress automatically through the incremental scale in accordance with paragraph c. In the exceptional circumstances that an employee is not meeting output and quality standards expected for a post the Corporate Director, after consultation with the Head of Service for HR may withhold an increment. Any such action will be supported by an adverse probation report, extension of probationary service or other formal performance review mechanism.

- e. The reasons for withholding an increment will be explained to the employee and guidance given about areas for improvement such that incremental progression can continue when standards are met.
- f. Where an individual employee is dissatisfied with the reasons for withholding an annual increment, they may appeal in writing to the Head of Paid Service, who will review the decision of the Corporate Director.

6. Market Factor Supplements

- a. The pay and grading structure has been set to reflect the relative values of jobs within this organisation and at pay levels which reflect the general local employment pay levels. However, there may be occasions where it is necessary to enhance the pay levels of specific groups of employees where it is proven that it is difficult to attract and retain employees because of external pay levels. Where such situations are identified, additional market factor supplements may be agreed.
- b. Payment of market factor supplements will be made taking into account the following factors:
 - Evidence of high levels of turnover in the particular staff group
 - Evidence of difficulties in recruiting to posts ie by low response rates to advertisements or inability to attract suitable candidates
 - Comparison with like jobs in other local authorities and more widely in the sector
 - All current employees within the group affected will receive the payment
 - Clear criteria for receiving the payment must be determined ie possession of specific qualifications and length of experience etc.
 - Payment will be made for a specific time period (normally up to a maximum of three years initially). Where it is determined that the supplements can no longer be justified, employees in receipt of these will be given 12 months' notice of withdrawal. At the end of that time they will revert to the substantive salary for their post.
- c. The amount to be awarded will be determined by the evidence gathered to support the need for a market factor supplement that would indicate the appropriate salary levels. The supplement will be a number of increments above the top of the grade, paid on a monthly basis.
- d. Senior Leadership Team will determine to which posts a market factor payment will be made and to the value of this payment.

7. Temporary Additional Responsibilities

In some situations employees may carry out a different role from their substantive job. Where such situations occur, the employee will receive the appropriate rate for carrying out these duties for the period they do so. For all other occasions they will be remunerated at the rate for the job undertaken.

8. Revised grading structure (updated for April 2016 following implementation of local pay changes and April 2019 to reflect changes to national spinal column point numbering). SCP 5 in Band 3 is the lowest pay point (excluding training posts)

Evaluated points for job		New grade	National Spinal Column Points in grade Revised April 2019	
From	To		From	To
200	270	Band 1	1	1
271	310	Band 2	2	3
311	350	Band 3	4	5
351	395	Band 4	6	8
396	440	Band 5	11	14
441	475	Band 6	16	20
476	515	Band 7	22	24
516	540	Band 8	26	28
541	580	Band 9	29	31
581	620	Band 10	33	35
621	650	Band 11	36	38
651	695	Band 12	39	41
696	735	Band 13	42	50
736	800	Band 14	54	56

Band 1 is available as a training grade. Band 3 (SCP5) is the minimum rate of pay for job evaluated posts.

Head of Service- assessment model

The assessment grid places each Head of Service post into one of three levels against five factors.

	High (level 1)	Higher (level 2)	Highest (level 3)
General impact	Decision-making is not often likely to be potentially contentious. Decisions made are important to the operational aspects of service delivery but are mainly likely to have short-term or limited internal or external impact. Limited or infrequent requirement to create or review substantial policies or processes.	There is a frequent need to take decisions that will potentially have substantial and long-term impact on the service area that have financial, operational or consequence.	There is a frequent need to take decisions that will potentially have substantial and long-term impact on the organisation (not just the service) that have financial, operational or I consequence.
Customer & organisational impact	There is a requirement to contribute to corporate policies or procedures in respect of the service area only.	There is some requirement to contribute to corporate policies or procedures. The job has significant political/reputational impact	There is a strong focus on the contribution to corporate policies or procedures. The job has major political/reputational impact
Complexity	The delivery of the service is largely operational and routine. There is a need to work with other services or agencies but the work is largely routine or transactional in nature. Policy/strategy work is generally for the service area only.	The delivery of the service is generally operational and routine although some aspects of the service need to frequently deliver solutions to problems or case management issues that are not straightforward and can have multiple outcomes.	The delivery of most aspects of the service is not easily determined by established guidance, procedures and process. The service is likely to have an emphasis on case management, problem solving, partnering (internal or external) or project working. Strategy work is complex and impacts on a substantial range of council services.
Market	Determined by market analytics (comparator jobs, Hay data etc.) as being a post that may be comparatively easy to fill. The service area may be limited in breadth. The local market would readily provide a number of good quality applicants for any vacancy advertised.	Reasonable prospect of some (perhaps few only) acceptable quality of applicants for any vacancy advertised.	A post that due to market conditions may be relatively difficult to recruit into. This may be due to the mix of skills required or the high value that the local market places on particular professional qualifications or experience.
Resources	There is scope for influence on the organisation's employees, finance, assets in respect of the service area only.	There is some scope for influence on the organisation's employees, finance, assets.	There is considerable scope for influence on the organisation's employees, finance, assets across the Council.

General Principles

Head of Service posts have been placed into one of four pay bands based on the above conventions and the scoring model shown below. The following general guidelines are also proposed:

- Each factor is scored in accordance with the table below and total scores determine the pay band to be applied to each Head of Service post.
- The determination of placing will be undertaken by SLT.
- Appeal against placing will be to the Chief Executive in consultation with an HR officer and a union representative. The Chief Executive may agree that the banding of a post is reconsidered by SLT.
- An Equality Impact Assessment will be maintained to ensure that grading is not gender-biased. This will be reviewed periodically.
- The assessment of job scores may be reviewed periodically at the request of an employee or SLT particularly if a job changes or there is evidence that the market may treat the job differently to its initial assessment.
- Pay Bands are based on the following scoring matrix:

Pay Band	% of Directors maximum pay	Evaluated points total
Band 1	55-60%	5-7
Band 2	60-65%	8-10
Band 3	70-75%	11-13
Band 4	80-85%	14-15

Heads of Service; linkage of pay to performance

- Head of Service posts are based on a three-point pay scale related to the maximum pay of directors.
- Under normal circumstances, at the start of employment as a Head of Service, pay will be based on the bottom pay point of the grade.
- Progression to the next pay point will follow the general rules applying to NJC officers in respect to timing of awards.
- Directors that line-manage Heads of Service are responsible for setting clear standards of expectation relating to performance or behaviour. Any shortfall against these expectations will be identified to the Head of Service by a director, normally at the time that the director becomes aware of the issue. Often, improvement will be sought through the introduction of appropriate support or training without further measures being employed. If however the matter is sufficiently serious or an improvement identified as necessary is not initially forthcoming within a timescale required by the director then that director may choose to freeze the Head of Service on their current pay point (prevent progression to the next pay point when it would otherwise have been made) or to reduce their pay by one or more pay points.
- One month's notice will be given of the intention to reduce pay.

- Should pay be reduced, this change will be applied for a minimum of six months. The length of reduction will be determined by the director. At the end of the period defined by the director, during which time progress against an improvement plan will be monitored, should improvement be satisfactory then pay will be returned to the previous pay point.
- If pay is frozen then progress against an improvement plan will be monitored. If performance or behaviour does improve sufficiently then from the point at which this determined by the director then progression will be made to the next pay point. If further progression within the grade is possible then the top pay point will be paid one year from the date that the pay had been “un-frozen”.
- The above measures may be applied outside a formal capability procedure. If, however, the measures are applied to a Head of Service and the measures are applied for a year or more, it is likely that the matter will be dealt with under a formal capability procedure.
- The broad terms and process of the Capability Procedure defined in the Employee Handbook will be used to deal with any serious or persistent problems of capability and the use of this formal procedure may be applied either in conjunction with or separate to the measures relating to pay freezing or reduction.
- A final right of appeal exists to a director’s decision to freeze or reduce pay, or to the length of time for which this pay detriment is applied. This appeal should be addressed to, and will be dealt with by the Chief Executive or an officer nominated by the Chief Executive.

Enabling employment security - Protocol for managing changes in posts throughout the Council

Updated December 2016

1. Background

As with most public sector organisations, the Council will be required to make budgetary savings for the foreseeable future. It is expected that these savings will not be able to be met by efficiencies alone and that some services may have to be significantly reduced or to cease.

This has implications for our workforce and as a good employer with a track record of working to avoid compulsory redundancy this protocol is intended to provide a supportive mechanism for managing change.

2. Aim

The aim of this protocol is to :

- give as much employment security as possible to existing employees
- utilise the existing skills and knowledge of employees for the overall benefit of the Council
- avoid redundancies as far as possible
- operate a fair process for retaining employees, where workload is changing
- offer personal development opportunities on a fair basis

3. Vacancy Management

In cases when employees are at potential risk of redundancy, the following protocol is observed:

- Confirmation by Senior Leadership Team that a vacant post can be filled.
- Consider, in liaison with HR, whether there are redeployees/ secondees identified across the Council for whom this post is suitable, or with some adjustment to the requirements it would be suitable. If so then redeployees/ secondees will be placed in the post. (see section 4.1 below).
- If there are no suitable candidates from posts at risk, then the post will initially be advertised internally. Managers will take a flexible approach to the requirements in the person specification such that existing employees can more easily be considered for the post. This may mean that the grade is reduced and/or there is a training period required before the individual can be placed on the full grade.

- Internally advertised posts might be on a permanent or temporary basis (where for example it is dependent on funding). Existing employees who take a temporary post will not lose their employment rights and at the end of the temporary appointment the aim will be for them to revert to either their existing job or an equivalent.
- Posts that are not filled internally will be advertised externally; however they will be on a temporary (less than) 12 month basis unless the Chief Executive determines that there are exceptional circumstances that justify the offer of a permanent position.
- New employees will be employed for a temporary period of less than 12 months. At the end of the temporary contract the post should be filled with an existing permanent employee or frozen. Extensions of employment for a new employee in any job, beyond 12 months will not be permitted, without the approval of the Chief Executive.

4. Identification of Posts ‘at risk’

To facilitate the filling of vacancies by existing employees it is necessary to be clear where there are likely to be reduced services and/or efficiencies which ultimately will mean a reduced number of posts.

Where it has been identified that a reduction in posts is required, this should be detailed by Directors in terms of the numbers and types of posts. Essentially this is a potential redundancy situation. However, the aim of this protocol is to avoid redundancies. Such situations need to be managed with care and avoiding unnecessary concern.

Once identified, there will be consultation with the affected employees and Trade Unions on the proposed reductions, allowing the employees affected to propose alternatives, for example reduced hours working, career breaks etc. Since these proposals will be driven by financial constraints, it is unlikely that suggestions of additional work to be carried out, unless income generating will be suitable solutions.

At the conclusion of the consultation on the changes, the appropriate formal decisions will be made to put the changes into effect. The impact on the individual employee will be managed using the appropriate policies of the Council.

4.1 Same or Lower Graded Redeployments

The people occupying posts that have been identified as at risk will be placed into posts which might be suitable to their skills and knowledge. Where possible, alternative redeployments may be offered. These posts will not be advertised across the organisation. These posts may not be within the professional area of the affected post-holders, but it will be considered that their existing skills and knowledge can be applied to these posts. The posts offered may be on a lower grade than the post-holders currently occupy. The Council’s protection policy will apply.

Where there are a number of people identified in an at risk group, all will be expected to give serious consideration to undertaking the redeployment. If the available post cannot be filled through voluntary application, then an assessment process will be undertaken to identify the most suitable person. (This is likely to be similar to the approved protocol for selection into posts following structural review).

If for any reason it is not appropriate to assess employees 'at risk' for redeployment, then a selection for redundancy exercise will be undertaken using criteria determined in consultation with the Trade Unions, and the Council's redundancy and redeployment policy will be followed. This will lead to identification of redeployment opportunities and employees are required within the context of national employment law, to consider all reasonable offers of redeployment.

5. Secondments

In some situations the full definition of a redundancy situation may not apply – as described above. An opportunity may present itself within a team for a short term reduction in staffing requirements and therefore a requirement to place employees into temporary arrangements. Equally there may be vacancies within the organisation that are critical to fill and it is desirable that this is done internally, but not necessarily on a permanent basis.

It is also possible that vacant posts could be filled internally on a temporary basis by employees moving from lower priority service areas giving rise to savings. Such situations will be dealt with by a secondment arrangement.

Secondments agreed in this way will only be temporary arrangements, the employee who undertakes the secondment post will be entitled to return to their substantive post either at the end of a fixed term arrangement or when the need for the post becomes sustainable again, or another post becomes vacant for which they wish to be considered for redeployment.

If during the period of secondment, the individual's substantive post is identified for deletion, the individual will be treated as a redeployee, and the protocol described in Section 4 above will apply.

Before a post is released for secondment/redeployment, there will be a review of the requirements of the post, to enable successful appointment from employees who might otherwise have not met the minimum criteria. This may lead to a review of the post grade to ensure that the substantive grade of the post fully reflects the duties being carried out. If this situation arises, the grading of the post will be reviewed through the job evaluation scheme in consultation with the Trade Unions.

The protocol in such situations is as follows:

5.1 Same or lower Grade Secondments Identified

The protocol for placing people into same or lower graded secondments will be as above for posts at risk.

6. Higher Graded Secondment or Redeployment Identified

Where a secondment or redeployment post is identified at a higher grade than people requiring redeployment then there will be an internal advertisement for the post. This will enable all employees to be considered for this post – and may result in the person(s) at risk not being successful. However it will release another post within the organisation that may then be available for the secondee/redeployee.

If the higher graded post is within the contained professional area where there is an identified reduction then the applicants can be restricted to the group of employees 'at risk'. Appointment to the post will be on merit.

Redeployment at a higher grade may be a temporary or permanent arrangement depending on the circumstances. If the arrangement is temporary, at the end the individual is placed back into being 'at risk' and this protocol will continue to apply.

If no suitable secondee/redeployee is identified, then the process for vacancy management Section 3 above will be followed.

7. Equality and Diversity Implications

Using this protocol for dealing with the medium term difficulties can bring potential for conflict with the Council's commitment to equality and diversity. In terms of recruitment and employment, the Council has previously advertised all jobs either externally or internally for all employees. This protocol is a departure from this. In terms of the workforce profile, it will not help in ensuring that the employees of the Council are representative of the population. Currently our minority ethnic make-up is below that of the area, and by retaining recruitment internally, there are limited opportunities to address this.

However, for maintaining the morale and commitment of existing employees to achieve high performance in difficult times, it is necessary to balance these conflicting demands. Appointment to any vacancies, particularly where there is an increase in grade will be on merit, and if no internal candidates can meet the criteria, appointments will not be made. All employees within a group 'at risk' or faced with other change will be treated fairly and given equal chance for any secondments or redeployments.

8. Training and Development

Using this protocol should offer protection to existing employees, and will retain within the organisation valuable skills and expertise. However, it has to be recognised that whether there is a secondment or a redeployment arrangement it is possible that posts might be filled by employees without relevant training or knowledge.

In such situations there is a commitment to provide this training to enable the employee to deliver the requirements of the post within a relatively short time (12 - 18 months). The grade of the post might be adjusted during this training time to reflect this and to ensure equity with comparable post holders.

If an employee at risk expresses a desire to fully retrain to a different professional area, and this requires considerable investment in qualifications etc; this will be considered. However this can only be agreed to if there is an ongoing demand for that skill, and if there is significant cost to the training (eg a degree) this can be met from existing budgets. The usual requirements of the PETs scheme will apply.

(P&R Committee September 2010; minor wording update December 2016)

Further guidance for managing changes in posts throughout the council

Further to the general protocol adopted by the Council to support organisational change, for most structural change further guidance is offered that places the terms of the protocol into a practical context. The text below describes the normal process that will be adopted to bring about structural change.

When proposals might lead to potential redundancies, in order to mitigate against compulsory redundancy situations the Council will use its general protocol (Appendix iii) to help ensure that, where possible, current employees are not displaced. In particular, new posts created in the proposals will be ring-fenced for competition from potentially displaced employees in the first instance. Should there be any displaced employees remaining following such a redeployment exercise, any remaining vacancies will then be advertised on an open, internal-only basis in order to try to create other suitable vacancies that might be suitable for redeployment. Throughout these processes, however, there is no guarantee of appointment as applicants will need to demonstrate the necessary skills and competency through the application and selection process.

At the “internal-only” stage, should there be no other internal applicants other than the “at risk” candidates, then these employees would not be re-interviewed at this stage without competition and such vacancies would be put out for external advertisement. Internal candidates, including those potentially at risk would then again be eligible to apply for these vacancies.

If there are employees that remain unplaced at the conclusion of this exercise, or if there are no posts suitable for redeployment through the above process at the time when an occupied post is deleted from the establishment, then the issue of redundancy notices may be necessary at that point, or earlier in if the council deems it appropriate and necessary in order to achieve business objectives.

Procedure for filling temporary vacancies

In order to recognise the current business climate as one of change and to help respond to the issues identified in the workforce development plan such as the need for succession planning, the Council will adopt the recruitment practice as follows:

Temporary Recruitment

- For all temporary posts of up to one year, where there is a likely prospect (determined jointly by the operational Head of Service and Head of Service for HR) that the temporary vacancy could be filled with a suitably qualified and experienced, high-calibre internal candidate, then the post will be advertised openly but internally in the first instance.

Normally, a full recruitment process will apply. However, there may be occasions where “expressions of interest” are invited through advertisement; the purpose of this is to speed up the process where the vacancy is particularly specialist and only a small number of people may be suitably qualified. In effect, it is a quick method of testing the internal market. Where this method is used and there is only one interested person, it will be sufficient to assess their suitability through a “targeted- question” interview; an application form may be unnecessary. If more than one person expresses an interest, all people will be required to complete an application form and a full selection process will be followed.

- Traineeships of up to a year are excluded from this arrangement to only advertise internally; all such vacancies will be advertised externally.
- Where a post becomes permanent after being occupied for a temporary period of any length, the vacancy will be advertised externally (unless employment rights have been accrued in which case it may be necessary to place the post holder into the permanent post without further process).
- Normally, where a short-term vacancy is identified, it will be filled by the above methods. In certain circumstances, particularly those where a reduced (partial) set of tasks or responsibilities need to be picked up within a team, the vacancy is specific and technical in nature, or the need to fill is exceptionally urgent, then an honorarium arrangement may be appropriate.

Honoraria

- A Head of Service may seek, in conjunction with the Head of Service for HR, to apply an honorarium in the following circumstances:
- A vacancy exists in the existing team and it is decided jointly by the Head of Service and Head of Service for HR that the vacancy should be filled on a short-term basis, but that there is not a need to fill the post at its full grade; the range of duties and level of responsibilities are reduced. OR
- In the short-term, additional duties and responsibilities are required of one or more post holders to recognise particular business needs even though there is no specific vacancy at a more senior level.
- When a “Principal Officer” (those posts graded at pay band 10 and above)

formally covers some or all of the duties of a more senior post for a period of more than four weeks it may be appropriate to apply an honorarium arrangement as for other posts.

- Honoraria payments will not normally go on beyond one year.
- The level of payment will normally be set at a fixed spinal column point or salary figure to represent the additional duties and responsibilities to be carried out by the employee.
- The level of payment will be agreed between the Head of Service and Head of Service for HR. This may be done by establishing a “felt-fair” spinal column point between the employee’s current pay point and the level of duties and responsibilities expected. Where it is difficult or contentious to identify a point in this way, job evaluation may be used to identify an appropriate pay band and then a point to be applied within this band will be agreed by the Head of Service and Head of Service for HR.
- Selection for honoraria may take place in a number of ways:
Where particular, specific skills are required and it is reasonable to expect that only one post holder will meet the criteria at a particular work base (for example, Civic Centre, specified Leisure Centre), the Head of Service may, following consultation with, and agreement by, Head of Service for HR, identify a particular individual to whom they wish to offer an honorarium.
- Where a number of people within a team might be expected to be able to work up to a higher level, but people outside the team would not be expected to have the current skill-set required, the Head of Service would be expected, with appropriate assistance from Personnel Services to identify if there would be interest from a number of people to act up into a more senior role. If this were the case, the Head of Service would need either to offer the opportunity to all interested parties on some fair rota basis or decide on a single candidate following some formal assessment process similar to a recruitment exercise, such as a targeted interview (although this would not necessarily require application form). This exercise might be site-specific if there was a business or operational need to not alter or change staffing arrangements between work sites (for example; opportunity to act up to a duty manager role at a leisure centre may only be offered to employees currently working at that site).
- In cases where there is potential for a particular vacant role to be filled by employees from other teams, locations or services within the Council, unless there was a specific urgent need to find someone to carry out a particular role for a short length of time in which case either of the two above scenarios might apply, then the process to identify suitable candidates would mirror the steps for temporary employment above, including appropriate advertisement (in effect, it would be a recruitment exercise rather than an honorarium arrangement).
- Where a decision is taken to fill a post on a permanent basis that has been occupied at part or full duties by someone on an honorarium basis, the vacancy will be advertised externally.

Pay policy governing Directors' pay;

Appointment to any post of Director will normally be made at the bottom scale point of a three-point pay scale.

A formal performance review will be conducted by the Chief Executive to determine suitability to progress to the mid-point of the grade after one year's service in post and following consultation with the Appointments and Conditions of Service Committee.

Should the Chief Executive determine that performance is unsatisfactory, pay will remain at the bottom point of the pay grade

Payment of the top pay point of the grade to be determined annually by formal performance review conducted by the Chief Executive and following consultation with the Appointments and Conditions of Service Committee. Subject to satisfactory performance, payment of the top pay point will be made through annual progression of service in post and, again subject to satisfactory performance, will remain there thereafter. Should the Chief Executive determine that performance is unsatisfactory, pay will remain at, or be reduced to, the mid-point of the pay grade.

The detail of the performance review scheme is determined by the Chief Executive.

Pay and performance policy governing the Chief Executive's pay

1. General principles

Appointment to the post of Chief Executive will be within the local pay scale determined by the Appointments and Conditions of Service Committee (ACSC). The pay scale of the Chief Executive stands alone and is not linked to pay rates of other posts within the Council.

The ACSC will determine to which point within the scale the appointment will be made taking into account appropriate experience and skill set.

2. Progression and payment within scale

A formal performance and pay review will be conducted annually prior to the anniversary of appointment.

The performance and pay review will be conducted by the ACSC.

Should the ACSC determine that performance meets or exceeds the expected standards then annual progression of pay will be applied until the top pay point of the scale is reached. Once the top pay point is reached pay will remain at this level whilst performance continues to meet or exceed expected standards.

Should the ACSC determine that performance is unsatisfactory then consideration will be given to applying the following process relating to pay:

- if the post holder is at the bottom or middle point of the pay scale at the time of the review then there will be no progression to the next pay point until a future review by the ACSC confirms satisfactory performance. This review will normally take place a year later although the ACSC may choose to conduct an interim review at an earlier date if this is appropriate.
- if the post holder is at the top point of the pay scale at the time of the review then from the anniversary of the appointment date pay will be reduced to the middle point of the pay scale and held at that point until satisfactory performance is confirmed through a future review which will be undertaken as described above.

3. Assessment of performance and feedback

3.1 Assessment by ACSC

The annual performance assessment will be undertaken each year by the ACSC. There will be no officer input in the assessment discussion.

The assessment will be made by the committee against a number of criteria and the Chief Executive's performance against each criterion will be assessed as being below expectation/ meeting expectation/ exceeding expectation.

As a majority committee view, if performance against each criterion is assessed as meeting or exceeding expectation then pay progression (or maintenance of the top pay point in the scale) will be applied from the anniversary date of appointment for another year. If performance against any of the criteria is assessed by the ACSC as being below expectation then consideration will be given to the freezing of pay at the current pay point or reduced from the top pay point and frozen at the middle pay point as described above.

If the ACSC determines that performance is below that which is expected then other improvement measures may be applied including formal capability procedures that would mirror in appropriate ways, the general process applied to NJC staff and as described in the Employee Handbook. Before applying such process the ACSC will take appropriate advice from the Monitoring Officer (or Deputy) and the Head of Service responsible for HR.

The ACSC will consider the Chief Executive's performance against this list of criteria:

- The leadership and management of the Council to achieve high standards of service and performance.
- To provide the necessary support to enable Elected Members to effectively carry out their role.
- To ensure effective and timely communication and advice is offered to Group Leaders on key matters.
- To effectively manage the interface between Elected Members and Senior Officers.
- The development and maintenance of effective partnerships for the benefit of borough residents.
- To guide and bring forward policy development to ensure the delivery of the Council's vision and priorities.
- To support Elected Members to engender an appropriate workplace culture that is reflected across the organisation.
- The provision of sound electoral process and practice.
- How effectively the Council's services have been delivered within budget and as described within the Gedling Plan.

These criteria will be assessed by the ACSC as a whole and a majority view reached. In addition to the assessment of these criteria, the committee will also identify expectations for the delivery of key objectives or tasks during the following year to which it wishes to draw particular attention, together with any development needs that are perceived for the Chief Executive. A simple form (appendix A) will be used to summarise the committee's majority view. This will be used as the basis on which feedback will be given and the form will be stored on the Chief Executive's personal file. The assessment criteria are drawn from the post's job description; these criteria may be altered by the ACSC to reflect changes to the job requirements of the post should they change over time.

3.2 Feedback to the Chief Executive

The views of the ACSC will be fed back in person to the Chief Executive by the Leader, Deputy Leader and the Opposition Leader.

This feedback will confirm:

- The criteria against which performance is meeting or exceeding expectation with examples given of observed behaviours, actions or outcomes where possible and appropriate.
- The criteria against which performance is below that which is expected. The “performance gap” will be specified and detail of future expectations will be made clear. If more of a formal capability procedure is to be applied, this will be made clear following appropriate officer advice.
- The pay point to be applied from the anniversary of appointment for the following year (or until an interim review if this is to be sooner).
- Expectations for delivery by the Chief Executive of key objectives or tasks over the coming year to which the ACSC wishes to draw particular attention; these may be existing or newly identified.
- Through discussion with the Chief Executive what, if any, development needs exist and how might these be effectively addressed. Further personal or professional development may be identified by Elected Members or by the Chief Executive even if performance is already high. As appropriate, a development plan will be agreed in principle.

4. General principles

The meeting at which feedback is given will be discursive in nature with opportunity for the Chief Executive to identify their own examples of good performance and achievement and to fully explore areas for improvement suggested by the ACSC to ensure that there is full understanding of expectations.

The meeting of the ACSC to discuss performance, and the feedback meeting with the Chief Executive will both be treated as confidential.

There is no further right of internal appeal by the Chief Executive against any decision taken by the ACSC in respect to the Chief Executive’s performance or pay.

Performance and Pay Assessment of Chief Executive
Appointments and Conditions of Service Committee Summary Assessment
Date:

Criteria	Assessed as (tick one):			Additional and supporting comments
	Below expectation	Meeting expectation	Exceeding expectation	
The leadership and management of the Council to achieve high standards of service and performance.				
To provide the necessary support to enable Elected Members to effectively carry out their role.				
To ensure effective and timely communication and advice is offered to Group Leaders on key matters.				
To effectively manage the interface between Elected Members and Senior Officers.				
The development and maintenance of effective partnerships for the benefit of borough residents.				
To guide and bring forward policy development to ensure the delivery of the Council's vision and priorities.				
To support Elected Members to engender an appropriate workplace culture that is reflected across the organisation.				
The provision of sound electoral process and practice.				
How effectively the Council's services have been delivered within budget and as described within the Gedling Plan.				

Expectations for delivery of key objectives or tasks to be delivered during the coming year to which the ACSC wishes to draw particular attention.	
Potential personal development needs identified by the ACSC for discussion with the Chief Executive	

Chief Executive's Pay:

In accordance with the approved local pay and performance policy for the Chief Executive, the Appointment and Conditions of Service Committee authorises the Chief Executive's pay to be either:

Moved to the next point within the pay scale or maintained at the top pay point

Or

Frozen at the current pay point (or reduced from the top pay point to the middle point)

This decision will be reviewed either in:

One year

Or

At an earlier date which is:

Signed by the Chair of the Appointments and Condition of Service Committee:

This record will be retained on the Chief Executive's personal file.

Pay Protection Policy

The general policy of the Council is that pay protection is applied over a two year period at a protected rate of 100% in the first 12 months and 50% in the second 12 months from the date of commencing a post at a lower grade.

EARLY RETIREMENT AND REDUNDANCY POLICY

Applying from 1 September 2019

1. Objectives

To identify the process by which the organisation manages early retirement, flexible retirement and redundancy.

To identify how the organisation aims to mitigate redundancy.

To identify local discretions that are applied to cases of early retirement including dismissals due to reason of redundancy or efficiency of the service.

To protect the ongoing viability of the pension fund through control of pension enhancements and early release of pension benefits.

2. Discretions

In accordance with the legal requirement under Regulation 60(5) of the Local Government Pension Scheme 2013 a range of local discretion policy statements have been adopted by the Council. These discretions are published on the Council's website.

Relevant to this policy is the discretion applied through the Local Government (Early Termination of Employment) (Discretionary Compensation) (England And Wales) Regulations 2006 (Regulation 5) under which statutory redundancy payments are calculated using an actual week's pay.

A fixed discretionary payment will be made for all dismissals due to the reason of redundancy or efficiency of the service. For redundancy dismissals this will be a compensatory payment equivalent to 30% of the value of the statutory redundancy payment (calculated using actual week's pay); this to be paid in addition to any required statutory redundancy payment. For dismissals due to efficiency of the service a compensatory payment will be made equivalent to 30% of the value of a notional redundancy payment calculated using actual week's pay as if the reason for dismissal was redundancy; there is no provision for any statutory payment and no other compensatory payment will be made.

For these reasons of dismissal (redundancy or efficiency), should the employee be age 55 or above and a member of the Local Government Pension Scheme then pension will be released at the point of dismissal.

3. Redeployment (mitigating redundancy)

3.1 Prior to dismissal due to reasons of redundancy, efficiency of the service, capability or ill-health, appropriate opportunities for suitable redeployment will be explored. Where these exist employees at risk will be considered for placement into other posts through the processes identified in existing Council protocols.

3.2 Although the process for redeployment is governed by the processes identified in the Council protocols, in general terms support to employees potentially under threat will be offered. Such support might include:

- To make reasonable adjustments to duties and workplace to accommodate the employee's needs
- To offer reasonable training and development where appropriate to enable the employee to undertake the duties of the redeployment within a reasonable length of time
- To offer general support for skills development including trial interviews, C.V. writing and training in application form completion
- To offer trial periods of 4 weeks in a potentially suitable alternative post as required in the Employment Protection (Consolidation) Act and to extend this if it will assist in securing a redeployment
- To notify and consult with the Trade Unions as required by legislation.

3.3 Where suitable alternative employment exists in the view of the Council, employees are expected to engage with the redeployment process. Failure to do so may affect the reason for dismissal (the Council may take the view that there is no redundancy to declare if suitable redeployment opportunities are rejected) and this may mean that redundancy payment is not made and that pension is not released.

Employees at risk are expected:

- To give meaningful consideration of redeployment opportunities made available to them
- To undertake required training and development in order to undertake the duties of a suitable post
- To make every effort to mitigate the requirement for redeployment by actively seeking alternative employment
- To undertake trial periods with a positive approach to ensuring the redeployment will be successful

3.4 Protection

In any redeployment situation where an employee is redeployed to a lower-graded

post or where a post grade is reduced then the provisions of the Council's Pay Protection Policy will apply. Consideration will be given to assistance with excess travelling expenses should there be a change of base. Reimbursement will be made in accordance with local policy. An allowance may also be considered for excess travelling time incurred by a move of base. Both excess travelling expenses and additional travelling time will be applied in accordance with local policy that exists at the date of the start of the new post.

The Council's Pay Protection Policy is shown at Appendix 18 and the Disturbance Allowance Scheme at Appendix 19.

3.5 Procedure

The report proposing structural changes will be brought to Senior Leadership Team to seek support.

If supported, this report will be used as the basis of consultation with employees directly affected by the proposals and trade unions. Unless agreed otherwise or a longer period of time is required by law, a period of at least 30 days will be given for consultation.

Should proposals be contentious in nature or if the proposals have a substantial effect in the ways that services might be delivered then the period of consultation will normally close at a meeting of the Joint Consultative and Safety Committee (JCSC). For proposals that are not contentious in nature then consultation may take place without formal consideration by the JCSC with the proposal only being reported later as an information item.

Normally the implementation of structural change will be made by the Head of Paid Service. On occasions where the proposals are, in the opinion of the Head of Paid Service, significant in nature (whole service change, politically sensitive or whole council / senior management restructure) or require additional budget then the decision for implementation will be taken by the Appointments and Conditions of Service Committee or Full Council as the Head of Paid Service considers appropriate.

Employee consultation will allow for individual or group meetings with the manager proposing the structural change. An HR Officer will be present at such meetings at the request of either party.

More general emotional support for affected employees will be offered through the Council's Employee Assistance Programme or another similar service.

4. Policies and Procedures

4.1. Capability due to ill-health (and ill-health retirement)

This arises when an employee is no longer able to carry out the duties of their post, or comparable due to ill health and in the Council's opinion as the employer, there is no opportunity to redeploy to another suitable post within the organisation. This dismissal is for the reason of capability due to ill-health. Advice will normally be obtained from

an Occupational Health Consultant to support the decision to dismiss for this reason.

For employees who are members of the Local Government Pension Scheme (LGPS) who are proposed for dismissal due to reason of capability due to ill-health then advice will be taken to determine if release of an ill-health retirement pension is possible and at what “tier” within the scheme. Release of a pension under these circumstances will only be authorised by the Council where this decision is supported by advice from an independent Occupational Health Consultant as identified in the LGPS.

The payments made under the tiers of the LGPS are defined in Regulation. There is no scope for additional discretionary payment for any capability dismissals (including ill-health retirements) to be made other than through the Council’s Industrial Injury Policy. Decisions to dismiss due to reason of capability rest with the Chief Executive or managers delegated to act on their behalf including Directors and Heads of Service.

4.2 Flexible Retirement

The Local Government Pension Scheme Regulations (LGPS) allows members aged 55 or over, with their employer’s consent, to take their pension following a reduction in grade or hours and opt to receive the immediate payment of their pension benefits whilst still working. The Council has published its discretion decisions relating to flexible retirement. In essence, a request for flexible retirement made by an employee will be supported if it suits the business need and a financial business case can be supported. For employees aged between 55 and 59 there will always be a cost to the council for flexible retirement (and for some employees aged 60 or over on a case-by-case basis) and this cost will need to be accounted for in any decision made.

The local Flexible Retirement Policy is shown at Appendix A.

Where an employee makes a request to retire flexibly, they must first gain support for the reduction in working hours or pay grade from their Head of Service. If there is no pension strain cost then the decision will rest with the Head of Service. An employee taking early retirement will normally receive a reduced pension and in this case there should be no pension strain cost to be met by the employer. In any case where the early release of pension would result in a pension strain cost to the authority, approval for the release of pension will be subject to permission from the Council through the Appeals and Early Retirement Committee.

4.3 Redundancy

4.3.1 Definition

This is defined within the Employment Rights Act as a dismissal which is attributable wholly or mainly to the fact that:

- the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed; or

- the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

For the purposes of the interpretation of local policy, there is no differentiation between voluntary or compulsory redundancy except where relevant to the facts of the situation.

4.3.2 General Procedure

Where a potential redundancy situation arises there will be consultation with the Trade Unions and affected employees as required by the Trade Union and Labour Relations (Consolidation) Act. The periods of time set aside for consultation will meet with legislative requirement as a minimum. Through local convention, for proposals that affect fewer than 20 employees, where possible a consultation period of at least 30 days will also be applied.

The reasons for proposing a redundancy and the business case to support the proposal will be clearly stated and made available during consultation.

Efforts will be taken to avoid redundancies, whether voluntary or compulsory through the following steps:

Release any temporary employees with less than two years' service to provide vacancies for employees at risk

Identify other existing vacancies of a similar work type either for deletion to make the necessary saving or for redeployment for employees at risk

When appropriate in the view of the organisation, search for volunteers for redundancy where their release would provide redeployment for an employee at risk

Freeze of relevant vacancies to ensure redeployment opportunities are maximised

Personal counselling and retraining offered to employees at risk to maximise opportunities for redeployment

If it is likely that a process of selection for redundancy is necessary then a fair and equitable set of criteria will be established. These will be different depending on the circumstances of the redundancy situation and will be subject to consultation with employees and trade Unions.

4.3.3 Discretionary payments relevant to redundancy

Decisions made under local discretions relevant to pension payment are detailed in the Council's full set of local discretions that are published on our website. The relevant discretions to redundancy payment are made under the Local Government (Early Termination of Employment)(Discretionary Compensation) (England and Wales) Regulations 2006. Appendix B sets out how redundancy payments will be made and reflects these discretions.

In summary;

- The Council has determined that redundancy payments will be calculated on

actual week's pay.

- A fixed additional local payment will be made for all dismissals due to the reason of redundancy. For redundancy dismissals this will be a compensatory payment equivalent to 30% of the value of the statutory redundancy payment (calculated using actual week's pay); this to be paid in addition to any required statutory redundancy payment.

4.4 Efficiency of the Service

The LGPS recognises as a reason for release of pension, dismissals due to "efficiency of the service"; it is a form of early retirement. In essence a dismissal of this type will arise due to concerns expressed by the employer about the general business efficiency on the part of the employee and may relate to a single or combination of factors.

Subject to an employee being at least age 55 with appropriate service length then early retirement and release of pension may be granted in cases where there is demonstrable business benefit to the Council (this may be financial or related to improvement in performance or quality of service delivery) arising from the decision.

The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 do allow for compensatory payments to be made and the Council has exercised its discretion as follows:

- A fixed local payment will be made for all dismissals due to the reason of efficiency of the service. For dismissals due to efficiency of the service a compensatory payment will be made equivalent to 30% of the value of a notional redundancy payment calculated using actual week's pay as if the reason for dismissal was redundancy; there is no provision for any statutory payment and no other compensatory payment will be made.

This is detailed in Appendix B.

5. Financial Implications

Employing departments are required to identify how the costs of redundancy or early retirement (other than ill-health) will be met as part of any proposals for organisational change.

5.1 For ill health retirements, this will not be necessary. Such dismissals will be based on personal circumstances of the employee and not on the organisational need. Costs of ill-health retirement will be met through shared corporate costs that are applied by the Pension Administering Authority (Nottinghamshire County Council) following a triennial actuarial revaluation of pension scheme costs.

5.2 For early retirement cases proposed on grounds of efficiency of the service the Head of Service will need to identify how any pension strain costs arising from a decision can be met together with the costs arising from local discretionary payments. Subject to budgetary provision existing, authority to dismiss for this reason where there are no pension strain costs lies with the relevant Head of Service. Where pension strain costs will be payable by the Council then authority to implement the decision will

rest with Senior Leadership Team. It may not be necessary for savings to be fully identified in order for authority to be given; an overall business case will be considered and benefits to the Council assessed by Senior Leadership Team.

5.3 For proposed redundancy (including early retirement cases) the Head of Service will need to identify how any redundancy (statutory and local costs) and pension strain costs arising from a decision can be met. Statutory and local redundancy payments will be made. As redundancy will arise from structural change then a fully costed proposal will be considered by Senior Leadership Team.

5.4 In cases where early release of pension is requested through flexible retirement, a decision will be made taking into account both the financial business case and issues of service improvement. The process for decision-making is detailed in section 4.2.

FLEXIBLE RETIREMENT POLICY

1. The Scheme

Employees aged 55 or over are able to draw their pension benefits whilst continuing in employment on reduced hours or on a reduced grade with the consent of the Council. This is known as 'flexible retirement'.

Employees whose request for flexible retirement is supported may continue to pay into the Local Government Pension Scheme to build up further benefits in the Scheme up to the age of 75.

Employees age 55 or over with long service will not normally incur a cost for the Council if they retire on a flexible basis as there will be no strain cost (usually the pension to be drawn is reduced at the employee's cost, not the council's). In these cases the granting of a request for flexible retirement will be taken by the relevant Head of Service and will be based on the operational effectiveness of the proposed arrangement. In effect, in these cases the arrangement is merely an agreed contractual change (reduction in hours or grade) and the claiming of the pension is a matter for the employee not the Council as employer. The Council through its published suite of discretions available under the Local Government Pension Scheme Regulations has determined that decisions where a pension strain cost would be payable by the Council would need to be referred to the Appeals and Retirements Committee and would be dependent on a costed business case.

When a request for flexible retirement is received, managers must consult with Personnel Services before any decision is communicated to the employee. Personnel Services will advise on process and obtain confirmation from the Pension Administering Authority (Nottinghamshire County Council) of any potential strain costs.

Where an employee voluntarily reduces their hours with pension, a trial period is not possible and therefore the change will form a permanent variation to their contract of employment.

An alternative option to reduction in hours with pension is reduction in grade with pension. If an employee wishes to draw their pension linked to a reduction in their grade this will be subject to an appropriate review to consider the business case for agreeing to the arrangement in the same way as if the request had been made for a reduction in hours. There is no automatic right to be transferred into a lower-graded post, or for the duties within an existing post to be reduced or diminished, and an employee wishing to take this option will normally be expected to apply for the post in the normal manner and demonstrate competency through an 'on merit' process.

2. Appeal

Cases that need to be referred to the Appeals and Retirements Committee

2.1 A right of appeal exists against any recommendation made to the Appeals and Retirements Committee.

2.2 Prior to a report being made to the Appeals and Retirements Committee, the person who is the subject of the report will be notified of the recommendation to be made. If they do not agree with this recommendation, they will be allowed to submit a written appeal against this. The written appeal will be considered by the Appeals and Retirements Committee as part of its decision in regard to the report submitted. Where the committee may wish to ask the appellant for additional information, they may request that the appellant attends the meeting. Also, if the appellant wishes to make a personal statement of case, they may attend the committee meeting to do this. In either circumstance, the appellant will not be allowed to be present whilst the decision is discussed. If the appellant does attend the meeting, a union representative or work colleague may accompany them. The decision of the Appeals and Retirements Committee is final.

Cases that are determined by a Head of Service (cases where there is no pension strain or cost to the council)

2.3 If an employee's request for flexible retirement is refused by a Head of Service the employee may choose to appeal this decision through the Grievance Procedure of the Council.

REDUNDANCY AND EARLY RETIREMENT POLICY

1. Dismissal or Early Retirement on Grounds of Redundancy

1.1 Employees with two or more years' continuous local government service, including service covered by the Redundancy Payments Modification Order (RPMO) who are dismissed by reason of redundancy will receive the statutory redundancy compensation payment as defined within the Employment Rights Act 1996).

Discretions applied under the Local Government (Early Termination Of Employment) (Discretionary Compensation) (England And Wales) Regulations 2006 by the Council in its published suite of discretions confirms that the redundancy pay calculation will be based on an actual week's pay. In addition under these local discretions the council has determined that a fixed payment will be made for all dismissals due to the reason of redundancy. For redundancy dismissals this will be a compensatory payment equivalent to 30% of the value of the statutory redundancy payment (calculated using actual week's pay); this to be paid in addition to any required statutory redundancy payment.

1.2 The service that will be taken into account when calculating entitlement to a redundancy payment under this policy will be continuous service with an organisation covered by the RPMO.

2. Early Retirement on Grounds of Efficiency of the Service

2.1 An employee aged 55 or over with sufficient qualifying service who is granted early retirement through a dismissal due to efficiency of the service will have their occupational (Local Government Pension Scheme) payment released as allowed with the LGPS Regulations.

2.2 Discretions applied under the Local Government (Early Termination Of Employment) (Discretionary Compensation) (England And Wales) Regulations 2006 by the Council in its published suite of discretions confirms that a fixed discretionary payment will be made for all dismissals due to the reason of efficiency of the service. For dismissals due to efficiency of the service a compensatory payment will be made equivalent to 30% of the value of a notional redundancy payment calculated using actual week's pay as if the reason for dismissal was redundancy; there is no provision for any statutory payment and no other compensatory payment will be made.

3. Appeal

There is a right of appeal against any dismissal from the Council including dismissals relating to "early retirement". Any such appeal would be heard by the Appeals and Retirements Committee.

4. Relationship with other compromise payments

This policy determines the compensatory payments to be made for redundancy and efficiency of the service.

Compensatory payments made under this policy stand separately to any compensatory payments made through Settlement Agreements. Payments made under a Settlement Agreement will be authorised by the relevant officer dependent upon the nature of and reason for the settlement payment.

Special Severance Payments Policy

1. Introduction

1.1 Most public sector workers enjoy statutory and contractual redundancy or severance terms that are significantly better than the minimum statutory redundancy entitlement and are often higher than the value of redundancy or severance payments made in the private sector. The government is of the view that paying additional, discretionary sums on top of these entitlements (“special severance payments”) do not usually provide good value for money or offer fairness to the taxpayers who fund them and so, should only be considered in exceptional cases.

1.2 This guidance forms part of the best value regime for local authorities in England. The best value duty, as set out in [section 3 of the Local Government Act 1999](#) (“the 1999 Act”), provides that “A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. The best value duty is relevant to local authority duties to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services (including adult social care and children’s services) and secure value for money in spending decisions. This will include decisions to make Special Severance Payments.

1.3 Authorities subject to the best value duty (termed “best value authorities”) are defined in section 1 of the 1999 Act. [A list of these bodies can be found at the end of this guidance.](#)

1.4 This guidance also sets out the government’s position on the use of Special Severance Payments made by local authorities and is adopted as Gedling Borough Council’s local guidance for Special Severance Payments.

1.5 This guidance is issued under section 26 of the 1999 Act, the purpose of which is to:

- set out the government’s view that Special Severance Payments do not usually represent value for money and should only be considered in exceptional circumstances
- set out the criteria employers should consider in the exceptional circumstances in which it may be appropriate to make a Special Severance Payment
- give examples of the exceptional circumstances in which Special Severance Payments may be appropriate
- clarify the disclosure and reporting requirements for Special Severance Payments

1.6 Severance payments can be an important mechanism to allow employers to reform and react to new circumstances in the workplace, but employers have a responsibility to ensure that Special Severance Payments are only made when there is a clear, evidenced justification for doing so. They should also ensure that all

relevant internal policies and procedures have been followed and all alternative actions have been fully explored and documented.

1.7 In the exceptional circumstances where it is decided that a Special Severance Payment should be paid, it is the responsibility of individual employers to ensure their Special Severance Payments arrangements are fair, proportionate, lawful and provide value for money for the taxpayer.

2. What is a special severance payment?

2.1 In the context of this guidance, Special Severance Payments are payments made to employees, officeholders, workers, contractors, and others outside of statutory, contractual or other requirements when leaving employment in public service. Employers may sometimes consider making such a payment in situations where the individual concerned resigns, is dismissed, or agrees a termination of contract. Which types of payments are Special Severance Payments will vary according to an employee's particular circumstances, and therefore the examples below are illustrative only.

2.2 It is established case-law^{[footnote 1](#)} that such payments, where in accordance with legislation, may only be made where there is a convincing case that they are in the interests of taxpayers. Local authorities may not be generous at the expense of taxpayers and must genuinely consider payments to be in the public interest. In taking decisions elected members must make all proper enquiries and consider all available material that can help in coming to a decision.

2.3 The following types of payments are likely to constitute Special Severance Payments:

- a) any payments reached under a settlement agreement between the employer and employee to discontinue legal proceedings without admission of fault
- b) the value of any employee benefits or allowances which are allowed to continue beyond the employee's agreed exit date
- c) write-offs of any outstanding loans
- d) any honorarium payments
- e) any hardship payments
- f) any payments to employees for retraining related to their termination of employment

2.4 The following types of payments may constitute Special Severance Payments, depending on the terms of the individual's contract, relevant statutory provisions, any non-statutory applicable schemes and other relevant terms and conditions:

- a) pay or compensation in lieu of notice where the amount of the payment is not greater than the salary due in the period of notice set out in the employee's contract
- b) pension strain payments arising from employer discretions to enhance standard pension benefits (for example under Regulation 30(5) where the employer has

waived the reduction under Regulation 30(8) or because of the award of additional pension under Regulation 31)

2.5 The following do not constitute Special Severance Payments:

- a) statutory redundancy payments
- b) contractual redundancy payments, whether applicable to voluntary or compulsory redundancy, and whether agreed by collective agreement or otherwise
- c) severance payments made in accordance with that local authority's policy adopted pursuant to Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006
- d) a strain cost paid to the relevant LGPS administering authority under LGPS Regulation 68(2) which results from a LGPS member's retirement benefits becoming immediately payable without reduction under Regulation 30(7), or under Regulation 30(6) where the employer has waived the reduction under Regulation 30(8)
- e) payment for untaken annual leave
- f) payments ordered by a court or tribunal or agreed as part of a judicial or non-judicial mediation
- g) payments made as part of the ACAS Early Conciliation process
- h) payments made to compensate for injury or death of the worker
- i) payments made in consequence of the award of ill-health retirement benefits under Regulation 35 of the LGPS Regulations

3. Considerations for local authorities on potential Special Severance Payments

3.1 This chapter provides guidance on relevant considerations for English local authorities in relation to making Special Severance Payments.

3.2 Local authorities must comply with the duty of Best Value explained in the introduction. In considering whether it is appropriate to make a Special Severance Payment, the government expects local authorities to consider whether such a payment would be a proper use of public money. Local authorities should also monitor and review their policies on the award of special severance payments to ensure that they are also consistent with their Public Sector Equality Duty under the Equality Act 2010.

Economy

3.3 Local authorities should be able to demonstrate their economic rationale behind proposed Special Severance Payments including consideration of:

- Whether there is any feasible possibility of exiting the individual at a lower cost. Only where there is no such possibility should a Special Severance Payment be considered

- How the exit payment will be perceived by the public and whether it is in line with the duty to manage taxpayers' money appropriately
- What alternative use could be made of that expenditure. All Special Severance Payments necessarily reduce the funds that would otherwise be available to deliver important public services
- The setting of any potential precedent (e.g. where a Special Severance Payment is made to certain employees and not others)
- Evidence for additionality i.e. that those offered Special Severance Payments would not have been willing, under any circumstances, to leave with their statutory and contractual benefits alone

Efficiency and effectiveness

3.4 In considering the impact of Special Severance Payments on efficiency and effectiveness, local authorities should:

- Seek legal advice on the prospects of successfully defending an Employment Tribunal claim (or claim to any other court or tribunal with jurisdiction), if an employee were to take a legal route to appeal any grounds of their employment being terminated. The chance of success and the costs likely to be incurred should be noted and weighed up against the costs of making a Special Severance Payment
- Ensure that these payments are not used to avoid management action, disciplinary processes, unwelcome publicity or avoidance of embarrassment
- Consider aligning with private sector practice, where payments are typically less generous. This is important given the added duty in the public sector to prudently manage taxpayers' money
- Manage conflicts of interest to ensure that individuals who are the subject of complaints play absolutely no role in deciding whether those complaints should be settled by making an award to the complainant from public funds

4. Exceptional circumstances in which it may be appropriate to consider making Special Severance Payments

4.1 There may be exceptional circumstances where the existing statutory or contractual entitlements, or both, are insufficient to facilitate an exit or to offer sufficient compensation for loss of employment or office. This can apply to office holders as well as staff. These circumstances, which we expect to be exceptional and provide value for money, may be taken into account by local authorities in deciding whether or not to make a Special Severance Payment.

4.2 Authorities may consider a Special Severance Payment in order to set aside what would otherwise be a reduction in entitlement caused by a break in continuity of service (e.g. where a member of staff has taken a break in service to accompany their spouse on military service overseas). Authorities may also consider that a Special Severance Payment is appropriate in circumstances where, to help recruitment and retention, it has resolved to recognise for severance payment

calculation purposes past service with another non-Modification Order employer (such as service with the NHS prior to the transfer of public health functions to local government)^{[footnote 21](#)}.

4.3 Authorities may also consider a Special Severance Payment in order to settle disputes, where it can be properly demonstrated that other routes have been thoroughly explored and excluded. After receiving appropriate professional advice, it may then possibly be concluded that a special severance payment is the most suitable option and prudent use of public money.

4.4 Those approving a Special Severance Payment related to a settlement agreement should be provided with appropriate evidence that attempts were made to resolve disputes before they escalated to a legal claim. They should also bear in mind that even if the cost of defeating an apparently frivolous or vexatious claims will exceed the likely cost of that settlement to the employer, it may still be desirable to take the case to formal proceedings. This is because successfully defending such cases will discourage future frivolous or vexatious claims and demonstrate that the local authority does not reward such claims.

5. Accountability and disclosure

Accountability

5.1 The government expects that any Special Severance payments should be approved according to the following process:

- payments of £100,000 and above must be approved by a vote of full council, as set out in the Localism Act 2011
- payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment
- payments below £20,000 must be approved according to the local authority's scheme of delegation. It is expected that local authorities should publish their policy and process for approving these payments

5.2 Where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest it is expected that the payment should be approved by a panel including at least two independent persons. A system of legal duties also requires elected members to spend public money with regularity and propriety. Under section 151 of the Local Government Act 1972, "every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers (the section 151 officer or Chief Finance Officer) has responsibility for the administration of those affairs". The section 151 officer has an important role in holding local authorities to account and has duties to alert elected members and the auditor in the case of unlawful expenditure.

5.3 This role is complemented and reinforced by authorities' duty under section 5 of the Local Government and Housing Act 1989 to appoint a Monitoring Officer, who must report to the local authority when any proposal, decision or omission is likely to lead to contravention of any enactment, rule of law or statutory code.

5.4 As part of their duties, an authority's s151 Officer, and where appropriate, the Monitoring Officer, should take a close interest in and be able to justify any special severance payments that are made by that authority and in particular any payments made that are not consistent with the content of this guidance.

Disclosure

5.5 Clear and transparent reporting on exit payments is essential to make available better data on the number and level of exit payments made in local government. The availability of data on exit payments in the public domain by local authorities enables local accountability as well as effective management of public money and public confidence. In 2015, the Local Government Transparency Code was issued to increase democratic accountability through open access to information^[footnote 3]. This sets a requirement for local authorities to publish, under the Account and Audit Regulations 2015:

- the number of employees whose remuneration in that year was at least £50,000 in brackets of £5,000
- details of remuneration and job title of certain senior employees whose salary is at least £50,000, and
- employees whose salaries are £150,000 or more must also be identified by name

In addition to this requirement, local authorities must publish, for all employees whose salary exceeds £50,000, a list of responsibilities (for example, the services and functions they are responsible for, budget held and number of staff) and details of bonuses and benefits-in-kind.

5.6 DLUHC has initiated a new annual collection of data on exit payments (initially collecting data from 2014 – 2021) and the results will be published into official statistics and made available on the gov.uk website, subject to any necessary anonymisation or redaction to comply with data protection law. This data will help others to assess the number and level of exit payments made in local government.

5.7 Section 38 of the Localism Act 2011 requires the local authority to produce and publish a pay policy statement, which must include the authority's policies on termination payments. Further guidance on the requirements of the Localism Act 2011 has been issued^[footnote 4].

5.8 In addition, Regulation 60 of the Local Government Pension Scheme Regulations 2013 requires local authorities to prepare a statement of its policy in relation to the exercise of the discretion to enhance pension benefits under Regulations 16(2)(e) and 16(4)(d) (funding of additional pension), Regulation 30(6)

(flexible retirement), Regulation 30(8) (waiving of actuarial reduction); and Regulation 31 (award of additional pension).

5.9 Regulation 10 of the Accounts and Audit Regulations 2015 require authorities to publish an annual statement of accounts, governance statement and narrative statement. As well as following existing guidance^[footnote 5] on reporting exit payments, local authorities should also disclose in their annual accounts all severance payments, pension fund strain costs and other special severance payments made in consequence of termination of employment or loss of office (but excluding payments on death or ill-health retirement). Apart from where otherwise required by law, reporting may be anonymised to comply with data protection requirements.

List of bodies this guidance applies to

- An English local authority, including:
 - a county council in England, a district council or a London borough council
 - the Council of the Isles of Scilly
 - the Common Council of the City of London in its capacity as a local authority
 - the Greater London Authority so far as it exercises its functions through the Mayor
- A National Park authority for a National Park in England
- The Broads Authority
- The Common Council of the City of London in its capacity as a police authority
- A fire and rescue authority constituted by a scheme under [section 2 of the Fire and Rescue Services Act 2004](#) or a scheme to which section 4 of that Act applies, and a metropolitan county fire and rescue authority in England
- The London Fire Commissioner
- An authority established under [section 10 of the Local Government Act 1985 \(waste disposal authorities\)](#)
- An Integrated Transport Authority for an integrated transport area in England
- An economic prosperity board established under [section 88 of the Local Democracy, Economic Development and Construction Act 2009](#)
- A combined authority established under [section 103 of that Act](#)
- A sub-national transport body established under [section 102E of the Local Transport Act 2008](#)
- Transport for London

Footnotes

1. In Re Hurle-Hobbs's Decision (1944) 1 All E.R. 249. [↩](#)
2. Under the Employment Rights Act 1996 employees need two years' service with their current or an "associated employer" to qualify for a redundancy payment. The purpose of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999, as amended, is to provide a statutory list of 'associated employers' for the purposes of redundancy payments.

The list set out in the Order includes all local authorities as well as various other, but not all, other local public service providers. [↵](#)

3. [Local government transparency code 2015](#). [↵](#)
4. [Openness and accountability in local pay: guidance under section 40 of the Localism Act 2011](#). [↵](#)
5. CIPFA, Code of Practice on Local Authority Accounting in the United Kingdom 2020/21. [↵](#)



Report to Council

Subject: Council Tax Reduction Scheme

Date: 24 January 2024

Author: Housing and Welfare Manager

Purpose

This report seeks approval for the current Council Tax Reduction Scheme (CTRS) to continue without revision in 2024/25.

Recommendation(s)

THAT:

- The Council Tax Reduction Scheme (CTRS) 2024/25, to apply from 1 April 2024, be approved and adopted by full Council, and

That there are no changes to the CTRS for working age people as described in Section 2 of this report, except for the annual uprating and amendments of allowances and premiums in line with Housing Benefit levels; and

That there are no changes to CTRS for pension age people except for those contained within the annual Council Tax Reduction Schemes (Amendment) (England) Regulations.

1 Background

1.1 Members will recall that from 1 April 2013, the Council Tax Benefit Scheme was replaced by a localised support scheme for Council Tax known as the Council Tax Reduction Scheme (CTRS). All billing authorities (district and unitary authorities) were required to devise their own scheme for working age claimants. Pensioners are protected by Government legislation and continue to receive discount equivalent to that received under the Council Tax Benefit Scheme i.e. up to 100%.

1.2 On 19 December 2012, following a full consultation exercise, Gedling Borough Council adopted a Council Tax Reduction Scheme very similar to the previous national Council Tax Benefits scheme, enabling a maximum

award entitlement of up to 100% discount but with the following main differences for working age claimants:

- a) No entitlement to CTRS for claimants whose savings were greater than £6,000.
 - b) Removal of the Second Adult Rebate Scheme.
 - c) A flat rate non-dependant deduction of £7.50 for each adult member of the household.
 - d) Automatic backdating of CTRS for a maximum of 3 months; and
 - e) Entitlement to the extended payments “back to work” incentive for the long term unemployed, increased from four weeks to twelve weeks.
- 1.3 On 22 January 2014, Council resolved to adopt a CTRS that included provision to allow for the annual uprating of allowances and premiums without this being classed as a material change to the scheme.
- 1.4 Since 22 January 2014 the Council has continued with its CTRS without material change, and this is the scheme currently in use by the Council.
- 1.5 Paragraph 5 of Schedule 1A to the Local Government Finance Act 1992 requires the Council to consider whether the CTRS is to be revised or replaced for each financial year. The Act required that where the scheme is to be revised or replaced, the Council has to have made a decision no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect.
- 1.6 The Council Tax Reduction Scheme (Amendment) England S.I. 2017 No. 1305 amended the date of 31 January to 11 March to allow for a longer period of consideration and consultation if required.

Funding Arrangements

- 1.7 At the outset of the CTRS scheme in 2013/14 Central Government provided non-ring-fenced grant funding to Gedling via the Revenue Support Grant mechanism. Revenue Support Grant was reduced year on year and was fully removed from the 2019/20 financial settlement.
- 1.8 Since 2013/14, the resulting shortfall in funding of the CTRS has had to be met by a combination of:
- Raising more income through further changes to Council Tax empty property discounts/premiums.
 - Additional income through the Business Rates Retention Scheme.
 - Raising income or reducing expenditure through other service area efficiencies.

- 1.9 The other option for meeting any shortfall in funding is to reduce the total spend on the CTRS i.e. change from a 100% scheme.
- 1.10 The 2023/24 scheme was agreed by full Council in January 2023 based on an expenditure forecast of £7.55m. This is now expected to be around £7.65m at the year-end (March 2024). An additional £200K in hardship awards are also projected to have been awarded for 2023/24.

The costs of CTRS are proportionately shared by the Council and the major preceptors.

- 1.11 The economic outlook for 2024/25 remains weak with GDP growth projected to be minimal as high price inflation continues. Council tax increases are also expected to be applied by the major preceptors in 2024/25 and therefore CTRS expenditure is expected to increase above 2023/24 levels.

Hardship Funding

- 1.12 During 2020/21 the Government recognised some of the financial challenges being faced by working families as a result of Covid-19 and provided Council Tax Hardship funding of £873,000 which the Council used to reduce 2020/21 Council Tax liabilities for working families in receipt of CTRS by up to £450.
- 1.13 There was sufficient Council Tax Hardship funding remaining in 2021/22 to enable the Council to provide all recipients of working age council tax reduction scheme (CTRS) support during the financial year 2021/22 with a reduction in their annual council tax bill of up to £50.
- 1.14 For 2022/23 The Council agreed to award a contribution of up to £30 in Council Tax Hardship to further reduce Council Tax liabilities. The allocation was not Government funded and therefore all expenditure was subsidised from the Councils own financial reserves. The awards were distributed to both working and pensioner age client's groups whereas the 2020/21 and 2021/22 awards were only made to the working age sector.
- 1.15 During 2023/24 the Government recognised the ongoing financial challenges being faced and provided Council Tax Hardship funding of £172,624 which the Council is using to reduce 2023/24 Council Tax liabilities for households in receipt of CTRS by up to £75.00.

2 Proposal

- 2.1 An objective review of the CTRS for the 2024/25 financial year has been completed and has considered alternative options for amending the current CTRS against the backdrop of the financial challenges continuing to be faced by working families.

- 2.2 Of the £7.65m estimated 2023/24 cost of the CTRS, £3.15m is awarded to those customers of a pensionable age with £4.50m awarded to the working age client group.

Any reductions to the Council's CTRS expenditure are only available in respect of our Working Age claimants as pensioners are 100% protected.

- 2.3 The total number of working age claimants is in the region of 4,349 households on low incomes, of which 1,649 are classed as Vulnerable groups. "Vulnerable Groups" are households where the claimant or their partner is in receipt of Disability Living Allowance or Personal Independence Payments, or the household includes a disabled child.

Review of the options

- 2.4 There is a fine balance between the cost of the scheme, the available funding, and the ability of people on low incomes being able to afford to pay their council tax. As the current CTRS offers a maximum award of 100% any alternative option is based upon reducing the level of financial support to low income working age claimants which may then deliver a saving for the Council.

- 2.5 The individual option that would generate the highest saving for the Council and which would be simple to administer, would be to reduce the current maximum entitlement from 100% to, for example, 90% or 80% therefore requiring all working age households to pay a minimum of at least 10% or 20% of their annual council tax bill. For example, each household in a Band A property in a non-parished area, who currently has a zero Council Tax charge, would be required to pay £302.38 pa if the maximum award is reduced to 80%. The total annual savings that would be generated and shared proportionately by the Council and major preceptors would be in the region of:

- Reducing the maximum award to 90% would make a saving of £512,515 (GBC saving of 8.09% amounts to £41,462).
- Reducing the maximum award to 80% would make a saving of £1,011,451 (GBC saving 8.09% amounts to £81,826).

- 2.6 Whilst these savings in total are significant, this would require low-income households to start paying Council Tax that have not done so before, and this will require an increase in administration resources to manage the additional collection and recovery workload, particularly as Council Tax arrears would be expected to increase. This could negate any anticipated savings for Gedling, because Gedling will pay the full costs of the additional

officers whilst only keeping our share (8.09%) of any additional amount collected.

- 2.7 Many Councils that have implemented this option, including some in Nottinghamshire, have previously reported that their Council Tax in-year collection rate decreased and that this was entirely due to their scheme change so it is probable that the savings detailed above would be lower, particularly in the early years of the introduction of such a change. Nationally, studies have shown that if the Council was minded to change the scheme, the best results in terms of maintaining cash collection levels would be to incrementally change the scheme e.g. a 10% reduction in year one and then reducing the scheme year on year.
- 2.8 Nationally and locally, households reliant on financial support such as the CTRS are considered some of the most financially vulnerable residents. For Gedling, this has been evidenced by the increase in claimant reliance on the Council's Discretionary Housing Payments scheme and the Housing Needs Repossession Prevention Support scheme. Consequently, these households would have even greater difficulty than other households in being able to afford increases in their expenditure, and it would therefore be more likely that their Council Tax would remain unpaid. It would also be more difficult to collect, and households may be subject to court action and associated Magistrates Court and Enforcement Agency fees.
- 2.9 The Department for Levelling UP, Housing and Communities (DLUHC) have previously issued guidance on administrative matters to be considered in any CTRS, such as duties to vulnerable people, and that schemes should contain work incentives. Gedling's CTRS currently contains all of these in the form of income and earnings disregards (in line with housing benefit levels) and protection from restricted liability for severely disabled people.

Conclusion

- 2.10 It is concluded that a reduction in CTRS for Gedling's most financially vulnerable households combined with the difficulties of collection, when compared to the potential savings for Gedling, would not yield any major financial or social benefit for the Council at a time of economic uncertainty.
- 2.11 It is proposed that the current Council Tax Reduction Scheme continues for the financial year 2024/25 without revision, except for any relevant national uprating which is covered within the current scheme, enabling the current maximum award entitlement to continue at 100% discount to ensure our financially vulnerable households continue to be supported.

3 Alternative Options

- 3.1 There are a variety of alternative options available to amend the CTRS which are shown at Appendix 1, all of which require a reduction in financial support to working age claimants, and which in the current financial climate, are not recommended. The option that individually delivers the largest reduction in CTRS support is the percentage reduction in the award, as detailed in paragraph 2.5 above.
- 3.2 The implementation of any proposed change to the CTRS would be subject to a period of public consultation.
- 3.3 There is not the option to do nothing, as the Council is required to make a decision on this matter by 11 March 2024.

4 Financial Implications

- 4.1 The total discounts given under the CTRS are estimated to be £7.8m for the 2024/25 financial year, of which Gedling's share is £0.63m. The Council's current MTFP assumes continuation of the CTRS without revision and does not anticipate any savings from a change to the scheme. This indicates affordability of the scheme in 2024/25, if agreed by Council.

5 Legal Implications

- 5.1 Section 13A of The Local Government Finance Act 1992 ("the Act") requires billing authorities to make a scheme specifying the reductions which apply to amounts of council tax payable (CTRS). Schedule 1A of the Act, and regulations made thereunder, provide the statutory framework for billing authorities in relation to the CTRS and provide detail as to what must and what could be included in a CTRS.

The Act requires authorities for each financial year to consider whether to revise or replace its CTRS by 11 March in the preceding financial year. This report reflects that statutory consideration.

6 Equalities Implications

- 6.1 The Equality Impact Assessment (EIA) for the Scheme has been reviewed with no issues identified and is shown in Appendix 2.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 None arising.

8 Appendices

8.1 Appendix 1 – Alternative options

Appendix 2 - Equality Impact Assessment (EIA)

9 Background Papers

9.1 Current Council Tax Reduction Scheme.

10 Reasons for Recommendations

10.1 To comply with the requirements of Paragraph 5 of Schedule 1A to the Local Government Finance Act 1992 and the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012/2885.

Statutory Officer approval

Approved by Chief Financial Officer:

Date:

Approved by the Monitoring Officer:

Date:

Appendix 1

Council Tax Reduction Scheme options for 2024/25

Maximum award - under the current Council Tax Reduction scheme a claimant may be entitled to a 100% reduction of their entire Council Tax liability for the year due to their low level of income. One option for change is to reduce the award to 80% of the Council Tax Liability meaning all applicants paying a minimum of 20% towards their annual charge. Typically, for a household of two parents and two children on Universal Credit this would mean paying the following: -

£302.38 per year or £5.80 per week in a Band A property	(this example is based upon 2023/24 Council Tax liability charges)
£352.46 per year or £6.76 per week in a Band B property	(this example is based upon 2023/24 Council Tax liability charges)
£402.81 per year or £7.73 per week in a Band C property	(this example is based upon 2023/24 Council Tax liability charges)

Band restriction – For example, a claimant in a Band C property with a Council Tax Liability of £2,014.04 per year (2023/24 rates) would only get the CTRS level of a Band A property of £1,511.91 per year. Typically, for a household of two parents and two children in a Band C property on Universal Credit this would mean paying £502.13 per year or £9.63 per week, equivalent to an overall reduction in entitlement of 25%

Increase non-dependant deduction – under the current scheme any entitlement to CTRS is reduced by £7.50 per week for any additional resident over the age of 18. One option for consideration is to increase this deduction to £10.00 per week, a loss of £130 per year for the household.

Increase taper rate – under the current scheme, if a claimant's income is higher than their applicable amount (which is a government set of allowances and premiums reflecting the amount that a household "needs" to live on), the CTRS would be reduced by 20% of the excess. This option is to increase the taper to 25%. The claimant would have to pay more as their CTRS entitlement would be less.

Disregard for child benefit and minimal award are self-explanatory and only small changes.

Capital Limit – The current scheme sets an upper capital limit of £6,000 meaning any applicant who has capital above this threshold is not eligible for assistance. The following examples showing the savings and number of cases that would cease to be eligible from the existing caseload if the capital thresholds were lowered:

- | | | | |
|---|----------|-------------------|---|
| a) Capital greater than £2,000. | | | |
| Total savings across all major preceptors | £281,809 | Gedling's savings | £25,306 Number of households affected 235. |
| b) Capital greater than £3,000. | | | |
| Total savings across all major preceptors | £193,238 | Gedling's savings | £17,353 Number of households affected 163. |
| c) Capital greater than £4,000. | | | |
| Total savings across all major preceptors | £138,141 | Gedling's savings | £12,405 Number of households affected 115. |

Council Tax Reduction Scheme options for 2024/25

	Change to current CTRS scheme. EXCLUSIVE: -	Total saving	GBC saving 8.09% of total	Excluding vulnerable groups	GBC saving 8.09% excluding vulnerable groups	Numbers of working age households affected	Numbers affected when vulnerable groups excluded
1	Maximum award 80%	£1,011,451	£81,826	£652,410	£52,780	4349	2700
2	Maximum award 90%	£512,515	£41,462	£412,318	£33,357	4349	2700
3	Restriction to Band A	£258,054	£34,073	£372,371	£30,125	1697	1347
4	Restriction to Band B	£128,581	£10,402	£92,275	£7,465	477	310
5	Restriction to Band C	£47,679	£3,857	£33,501	£2,710	161	109
6	Increase Non-dependant deduction from £7.50 to £10.00	£46,226	£3,740		£0	340	
7	Increase Taper rate from 20% to 25%	£93,854	£7,593	£81,265	£6,574	1010	841
8	No disregard for Child Benefit	£19,982	£1,617		£0.00	115	
9	If Minimum award less than £5.00 per week, make award nil.	£22,039	£1,783		£0.00	340	
COMBINED: -							
10	Maximum award 80% + restriction to band B	£1,118,726	£90,505	£698,027	£56,470	4349	2700
11	Maximum award 90% + restriction to Band B	£613,576	£49,638	£470,268	£38,045	4349	2700
12	Maximum award 90% +restriction to band C	£554,099	£44,827	£434,797	£35,175	4349	2700
13	Maximum 80% + non dep £10.00	£1,052,612	£85,156	£671,520	£54,326	4349	2700
14	Maximum 90% + non dep £10.00	£565,507	£45,750	£429,632	£34,757	4349	2700

Note: The Total Saving column relates to the full scheme including all major preceptors i.e. the County, Police, Fire and Gedling in line with the council tax charge.

Appendix 2: Council Tax Reduction Scheme Equality Impact Assessment

Council Tax Reduction Scheme						
The main objective of Council Tax reduction Scheme report	To consider the options for revising the existing Council Tax Reduction Scheme and its implications.					
What impact will this Council Tax Reduction Scheme report have on the following groups? Please note that you should consider both external and internal impact: <ul style="list-style-type: none"> • External (e.g. stakeholders, residents, local businesses etc.) • Internal (staff) 						
Please use only 'Yes' where applicable		Negative	Positive	Neutral	Comments	
Gender	External			X		
	Internal			X		
Gender Reassignment	External			X		
	Internal			X		
Age	External			X	The scheme does include age as a criteria, but there is no new impact from this report	
	Internal			X		
Marriage and civil partnership	External			X		
	Internal			X		

Disability	External			X	The scheme does include disability as a criteria, but there is no new impact from this report.
	Internal			X	
Race & Ethnicity	External			X	
	Internal			X	
Sexual Orientation	External			X	
	Internal			X	
Religion or Belief (or no Belief)	External			X	
	Internal			X	
Pregnancy & Maternity	External			X	
	Internal			X	
Other Groups (e.g. any other vulnerable groups, rural isolation, deprived areas, low-income staff etc.). Please state the group/s:	External			X	The scheme considers vulnerable groups and low income households, but there is no new impact from this report.
	Internal			X	

Is there is any evidence of a high disproportionate adverse or positive impact on any groups?		No	No proposed changes to the scheme.
Is there an opportunity to mitigate or alleviate any such impacts?			N/A

Are there any gaps in information available (e.g. evidence) so that a complete assessment of different impacts is not possible?		No	
In response to the information provided above please provide a set of proposed action including any consultation that is going to be carried out:			
Planned Actions	Timeframe	Success Measure	Responsible Officer

Authorisation and Review

Completing Officer	Paul Whitworth
Authorising Service Manager	Tanya Najuk
Date	15/01/2024
Review date (if applicable)	No review required

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Report to Council

Subject: Levelling Up and Regeneration Act 2023 | Council Tax Charges

Date: 24th January 2024

Author: Revenues Manager

Wards Affected

All

Purpose

The purpose of this report is:

- 1) To seek approval to implement the 100% premium council tax charge after a dwelling has been vacant for a period of one year only with effect from 1st April 2024.
- 2) To seek approval to remove the existing 10% discount and levy a 100% premium charge for dwellings classed as second homes, commencing on the day the dwelling is classified as a second home with effect from 1st April 2025.

Recommendation(s)

THAT:

- 1) the 100% premium council tax charge is commenced after a dwelling has been vacant for a period of one year only with effect from 1st April 2024;
- 2) the existing 10% discount is removed and that a 100% premium council tax charge is levied on dwellings classed as second homes, commencing on the day the dwelling is classified as a second home with effect from 1st April 2025.

1 Background

- 1.1 The Council currently charges a premium of 100% on top of the full council tax charge, on a dwelling that has been vacant for over two years.
- 1.2 The Council also allows a discount of 10% on a dwelling that is used as a second home.
- 1.3 The Levelling-Up and Regeneration Act allow alterations to the commencement date of the existing 100% premium for vacant dwellings and an alteration to the amount of council tax charged on a dwelling classified as a second home.

Long Term Empty Dwellings

- 1.4 A dwelling is considered to be vacant if it is not the sole or main residence of a person or persons and it is substantially unfurnished.
- 1.5 Where a dwelling is vacant for a period of two years or more, the Council charges a premium of 100% on top of the full council tax charge. This premium is followed by further, increasing premiums, as the dwelling remains vacant for longer periods. This premium cannot be charged until the dwelling has been vacant for a period of at least two years.
- 1.6 Section 79 of the Levelling-Up and Regeneration Act allows this premium to begin after a dwelling has been vacant for a period of one year only, meaning the premium of 100% can commence a year earlier than it currently does. This power comes into force from 1st April 2024.

Dwellings Occupied Periodically (Second Homes)

- 1.7 A dwelling is considered to be occupied periodically (a second home) if it is not the main residence of a person or persons and it is substantially furnished.
- 1.8 Currently, the Council allows a discount of 10% on a dwelling that is used as a second home.
- 1.9 Section 80 of the Levelling-Up and Regeneration Act allows the Council to charge a premium on a second home of up to 100%. This power requires one full year's notice before it can be implemented, so if approved before 31st March 2024, would come into force on 1st April 2025.

- 1.10 It is considered that the current discount afforded to second homes may facilitate or encourage the avoidance of the long term empty levy. For example, a tax payer liable for an empty dwelling premium charge may only need to place some furniture in the property and declare it to be used as a second home to enjoy a significantly reduced council tax charge.

2 Proposal

- 2.1 It is proposed that the 100% premium council tax charge is commenced after a dwelling has been vacant for a period of one year only with effect from 1st April 2024.
- 2.2 It is proposed that the existing 10% discount is removed and that a 100% premium council tax charge is levied on dwellings classed as second homes, commencing on the day the dwelling is classified as a second home with effect from 1st April 2025.

3 Alternative Options

- 3.1 An alternative to the proposal to levy the 100% premium council tax charge after a dwelling has been vacant for a period of one year, would be to retain the current commencement timeframe for the levy, meaning the levy would be charged after a dwelling has been vacant for a period of two years.
- 3.2 Modelling suggests that this might mean a loss in potential revenue of around £367,000 per year.
- 3.4 An alternative to the proposal to remove the existing 10% discount and levy a 100% premium council tax charge on dwellings classed as second homes would be to retain the existing 10% discount enjoyed by owners of second homes.
- 3.5 Modelling suggests that this might mean a loss in potential revenue of around £339,000 per year.

4 Financial Implications

Long Term Empty Dwellings

- 4.1 Currently, the Council charges a premium of 100% on top of the full council tax charge, on a dwelling that has been vacant for over two years.
- 4.2 The table below describes the current value of council tax being charged on dwellings which have been vacant for more than one year, but less

than two years, compared to the potential charge for the same dwellings if the premium were to be charged after one year rather than two, as allowed by the Act.

	Value
Number of vacant dwellings	354
Current council tax charge	£367,000
Potential council tax charge	£734,000
Difference	£367,000

Dwellings Occupied Periodically (Second Homes)

4.3 Currently, the Council allows a discount of 10% on a dwelling that is used as a second home.

4.4 The table below describes the current value of council tax being charged on dwellings which are classified as second homes, compared to the potential charge for the same dwellings if the existing 10% discount were to be removed and a premium were to be charged at 100% as allowed by the Act.

	Value
Number of second home dwellings	205
Current council tax charge	£277,000
Potential council tax charge	£616,000
Difference	£339,000

4.5 The approval of the recommendations in this report could potentially increase the Council's receipt from council tax by around £706,000 per year. Based on 2023/24 figures, the Council retains 8.98% of the council tax receipt meaning an estimated local increase in revenue of around £63,000 per year after 1st April 2025.

5 Legal Implications

5.1 The commencement of the levying of the two discretionary premiums proposed in this report will be permissible on different dates as described further below.

- 5.2 Both proposals made in this report are decisions which are reserved by s67(2) of the Local Government Finance Act 1992 as decisions which must be taken only by the Authority, i.e. full Council.

Long Term Empty Dwellings

- 5.3 The legislation enabling the alteration to the start date of the 100% premium council tax charge for long term empty dwellings is introduced by s79 of the Levelling-Up and Regeneration Act which inserts a new s11B(1D) into the Local government Finance Act 1992.
- 5.4 The Council is required to take any decision to levy the 100% premium council tax charge after one year, in the financial year before administering the premium. This means that for the proposed change to come into effect on 1st April 2024, the Council must take the decision before 31st March 2024.

Dwellings Occupied Periodically (Second Homes)

- 5.5 The legislation enabling the levying of a premium for second homes is introduced by s80 of the Levelling-Up and Regeneration Act which inserts a new s11C into the Local Government Finance Act 1992.
- 5.6 The Council is required to take any decision to levy the discretionary premium for second homes one year in advance of administering the premium. This means that for the second homes premium to come into effect on 1st April 2025, the Council must take the decision to levy the premium before 31st March 2024.
- 5.7 The Council is also obliged to publish any decision to levy the discretionary premium for second homes, in a newspaper, circulating in its area, within 21 days of making the decision.
- 5.8 The Council must also have regard to any guidance issued by the Secretary of State prior to making a determination under s11B or s11C of the Local Government Finance Act 1992. No such guidance has been issued at the time of writing this report.

6 Equalities Implications

- 6.1 People subject to the levy charges proposed in this report would be persons liable to council tax charge of either a vacant dwelling or a second home.
- 6.2 As with all council tax dwelling types, liability to pay tax is decided by reference to statute based on a person's legal interest in a dwelling. No

other consideration is given to a person's status including any protected characteristics described in the Equality Act 2010.

- 6.3 Appropriate adjustments will be made as required, to ensure the accessibility of documents, guidance and general access to the Council's Revenues Service for all customers, accounting for any additional needs in relation to language, disability or any other relevant protected characteristic.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/sustainability implications arising from this report.

8 Appendices

- 8.1 None

9 Background Papers

- 9.1 The Levelling-Up and Regeneration Act 2023.
- 9.2 Local Government Finance Act 1992
- 9.3 Equality Act 2010

10 Reasons for Recommendations

- 10.1 In relation to the recommendation to levy the 100% premium council tax charge after a dwelling has been vacant for a period of one year, it is considered that charging a levy acts as an incentive for owners of dwellings to either dispose of, or occupy vacant dwellings. To delay the charging of the 100% premium might be considered to reduce the effect of that incentive.
- 10.2 The Council currently employs an Empty Homes Officer with the specific remit of bringing empty property back into use. It is considered that the Council should take advantage of all available measures at its disposal to bring empty property back into use and levying the recommended premium is considered an additional tool to assist in this endeavour.
- 10.3 In relation to the recommendation to levy a 100% premium council tax charge on dwellings classed as second homes, it is considered that

charging a levy might afford an opportunity for the part time occupiers of those dwellings to make an additional contribution to the local economy through the taxation system.

- 10.4 Further, it is considered that the potential tax avoidance opportunity afforded by the current 10% discount for second homes might become less attractive to potential tax avoiders if a premium is charged on dwellings occupied as second homes.

Statutory Officer approval

Approved by:
Date:

Chief Financial Officer

Approved by:
Date:

Monitoring Officer

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Report to Council

Subject: Independent Remuneration Panel - Report and recommendations for 2024/25

Date: 24 January 2024

Author: Democratic Services Manager

Purpose

To inform Council of the latest report from the Council's Independent Remuneration Panel (IRP) relating to member remuneration for 2024/25, to invite Council to consider the recommendations made by the Panel and to agree to launch a recruitment exercise to fill the current vacancy.

Recommendations

- 1) **To consider the report of the Independent Remuneration Panel and whether to accept the recommendations contained in the report, or to propose an alternative; and**
- 2) **Consequent on the IRP recommendations being accepted, to agree the schedule of members' allowances for 2024/25 as attached at Appendix 2 to this report; and**
- 3) **To authorise the Monitoring Officer to make appropriate amendments to section 29 of the Constitution to reflect any changes to the members' allowances scheme agreed; and**
- 4) **Agree to launch a recruitment exercise to fill the current vacancy on the Independent Remuneration Panel; and**
- 5) **Agree to establish a cross party interview panel of 3 Members to interview suitable candidates for the Independent Remuneration Panel as detailed in the report and make recommendation to Council as to appointment.**

1. Background

- 1.1. The last IRP recommendations were agreed at Council in June 2023 and payment was made in November, being backdated to April 2023. For the 2023/24 years, allowances were increased by 3.5%, in line with the pay award to senior local government staff.

- 1.2. The Council will recall that, following a successful recruitment campaign, two new members were appointed to the IRP in September 2023. The two appointments meant the IRP had four members in total, giving much needed resilience.
- 1.3. The IRP met in November and December 2023 to carry out its annual review of members' allowances.
- 1.4. Following that meeting, the Panel prepared a report to members regarding the suggested level of members' allowances to be payable for 2024/25. As detailed in the report, the reviewed anonymised responses from members, as well as some benchmarking of allowances paid by surrounding councils of varying size and political control. Current and predicted financial information, such as inflation figures (CPI and RPI), were also reviewed to get a feel for the upcoming national financial picture.
- 1.5. Unfortunately, before the second meeting of the Panel was had, one of the members resigned. As such, there is a need to complete another recruitment exercise to fill the vacancy and secure the resilience on the IRP.

2. Proposal

- 2.1 The Panel's report, including associated recommendations, is attached at Appendix 1.
- 2.2 Should Council be minded to accept the Panel's recommendations, then the level of allowances to be paid to members for 2024/25, subject to any pay award, will be as set out at Appendix 2.
- 2.3 Should Council be minded to accept the recommendation to recruit, then the recruitment for the vacant post will begin shortly.

3. Alternative Options

- 3.1 The Independent Remuneration Panel is advisory in nature so Council could decide on an alternative scheme of allowances payable to members.
- 3.2 The law requires 3 members of the IRP so we are currently quorate, however an extra member would ensure future quoracy.

4. Financial Implications

- 4.1 Should Council accept the Panel's recommendations, then costs will be included in proposed budgets for 2024/25. Not all costs are known, due to the ad hoc nature of some of the suggested allowances, but it is estimated that the removal of the allowances for the Business Manager and Policy

Advisors would mean no increases are needed to budgets with the 3.8% increase on all members basic allowances.

5. Legal Implications

- 5.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) set out that local authorities must establish a panel to review and advise on the level of allowances payable to members. The Council must have regard to the recommendation made by the Panel, but ultimately do not have to accept them.

6. Equalities Implications

- 6.1 The scheme as a whole seeks to support members by providing financial support for carers and parents.

7. Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no environmental sustainability implications arising from this report.

8. Appendices

- 8.1 Appendix 1 – Report of the Independent Remuneration Panel 2024/25
8.2 Appendix 2 – Proposed schedule of Members Allowances 2024/25

9. Background Papers

- 9.1 None identified

Statutory Officer approval	
Approved by: Mike Hill	Financial Officer
Date: 16.01.2024	
Approved by: Fran Whyley	Monitoring Officer
Date: 16.01.2024	

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APPENDIX 1

Report of the Gedling Independent Remuneration Panel in respect of the 2024/25 year

Introduction

- 1.1 The Independent Remuneration Panel was established under the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) to provide advice and recommendations to the Council on its Members' Allowances Scheme and amounts to be paid under it.
- 1.2 The panel received administrative support from the Democratic Services Manager.
- 1.3 The Panel's Terms of Reference are as follows:

The Independent Remuneration Panel will review, on an annual basis, the level and extent of allowance payments made to Borough Councillors having regard to:

- The role of Councillor and the importance of effective democratically accountable local government and community leadership; and
- The scale and complexity of the Council's operations and changes taking place in the various roles Councillors are expected to fulfil and the responsibilities attached to the various roles; and
- The time commitment required from Councillors to enable both the Council and individual Councillors to be effective in their various roles; and
- The importance of encouraging people from all backgrounds and circumstances to serve in local government without suffering financial loss because of their membership of the Council.

The Panel will also:

- Consider the level and extent of travel and subsistence allowances including dependent carers' allowance; and
- Review the payment of allowances and expenses payable in relation to attendance at seminars, conferences, and other council business.

The Panel's operation:

- The Panel is comprised of four Independent Members (we currently have a vacancy)
- Panel members are recruited by public advertisement and should be of good standing in the community either as a resident and/or a stakeholder in the Borough. Ideally members should have sound knowledge of employment and financial matters with an understanding of the operations of a local authority.
- The Panel is advisory in nature and the recommendations it makes are not binding on the authority. However, the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) requires Council to "have regard" to the Panel's recommendations when setting its allowances.

Process

- 2.1 A Strategic Review of Members' Allowances took place in 2015. The Review looked in detail at all allowances paid to members including the Basic Allowance and all positions attracting a Special Responsibility Allowance (SRA). The Review resulted in a completely rewritten scheme of members' allowances. The Panel made a series of recommendations to Council in March 2016 and a new scheme was agreed by members.
- 2.2 For the 2020 year, following the 2019 borough elections, Council adopted a revised scheme of members' allowances that better reflected the political makeup of the authority. Adjustments to the scheme were made to ensure that the amount of SRA's were better aligned to the size of a political group. Council also approved a new list of approved duties and a rate at which dependent carers allowance can be claimed.
- 2.3 For the 2023/24 years, allowances were increased by 3.5%, in line with the pay award to senior local government staff. It was also agreed that a thorough review of the scheme would be undertaken following the May 2023 elections for the 2024-25 financial year.
- 2.4 As is usual practice, all members of the Council were contacted directly and asked for their views on the current levels of allowances paid to members.
- 2.5 In order to support a full review, and to ensure useful feedback was received, a Microsoft form was created and sent out to members in the form of a survey to get their views on a range of topics. The form had 15 questions in total and asked members to provide their views on areas such as basic allowances, special responsibility allowances, travel allowances and their recommendations for the upcoming year. We received responses from 14 members of the Council.
- 2.6 The survey found that 42% of respondents were unhappy with the current level of basic members allowance, with 61% noting that they did not feel it adequately reflected the duties of a councillor. The main reason cited for this was the amount of time members spent on casework. 71% of respondents noted they were happy with the current levels of special responsibility and travel and subsistence allowances.
- 2.7 All members of the Panel contributed their views and discussed each individual allowance in the scheme in turn to discuss whether they felt it needed reviewing.

Panel's Deliberations

- 3.1 Panel members reviewed anonymised responses from members, as well as some benchmarking of allowances paid by surrounding councils of varying size and political control. Current and predicted financial information, such as inflation figures (CPI and RPI), were also reviewed to get a feel for the upcoming national financial picture.

- 3.2 The Panel heard that there had been a slight change to duties performed by members since the last review, in particular an increase of queries and scrutiny from the public. They heard that the Covid 19 pandemic was no longer an issue for the council's operations and had less impact on the financial position, but that the consistently low financial support from central government and the rising homelessness across the borough had significantly impacted finances.
- 3.3 The Panel next noted that the National Pay Award for senior local government staff had yet to be offered or agreed although an offer of around 3.8% was likely. In previous years the Panel had recommended that all member allowances increase in line with the pay award for Senior Managers but on review of financial figures and members comments, they reviewed the possibility of recommending an increase in line with inflation, namely the Consumer Price Index at 3.25%. An increase in line with RPI would be significantly higher (currently at 5.3%).

Basic Allowance

- 3.4 On the issue of the Basic Allowance, the Panel noted that several representations had been received from members for an increase and concluded that their findings and recommendations from the previous review were no longer relevant. Taking on board the several comments made on this by members, the recommendation to increase the basic allowance in line with the senior officer pay award offer, currently predicted to be around 3.8%, was therefore agreed.

Special Responsibility Allowances (SRAs)

- 3.5 As mentioned previously, the Panel reviewed each element of the level of Special Responsibility Allowances that were currently paid and benchmarked these against other councils in the area. Their review noted that no other district council included an allowance for a Business Manager in their scheme, and as such felt that it was reasonable to recommend the removal of this allowance from the scheme. As well as the comparison reasoning, they also felt the role should be paid for by the political parties and not the local taxpayer, given its administrative nature and benefit to only particular parties.
- 3.6 The Panel also reviewed the allowance for the Policy Advisor, which was not in place at any other district, and felt that this was an allowance that did not need to be included in the scheme or funded by the taxpayer. As such, it was agreed that this allowance would also be recommended to be removed from the scheme.
- 3.7 It was noted there was currently no allowance in place in the scheme for the Chair of the Appeals and Retirement Committee as this is an ad hoc Committee only called in the event of an appeal. It was felt that it was not reasonable to recommend a fee for the Chair of the committee in line with other regular committees, due to the limited frequency of the meetings but that there should be some allowance in place as such Committees can be challenging. As such, a recommendation of an allowance of £100 per meeting was agreed. It was also recommended that this

£100 be paid to Vice Chairs who were called upon to stand in for Committee chairs. Other districts had allowances in place for vice chairs as standard and whilst this was not considered necessary an ad hoc fee if called upon to chair a meeting was recommended, again at £100 per meeting.

- 3.8 Finally the Panel considered the allowances paid to co-opted members as well as mileage, subsistence, and dependent carers' allowances. The panel concluded that no adjustments to these were necessary, and these were on par with other authorities.
- 3.9 As a result of the benchmarking exercise which revealed that broadly SRA allowances were in line with other authorities, bar one exception, and reviewing the members comments, it was felt that no new information had been received to suggest a change to any other SRA. As such, the recommendation is that the current SRA's, excluding the changes above, stay as they are for the 2024/25 year.

Recommendations

- 1) That all Basic Allowances, payable from 1 April 2024, should be increased in line with the senior officer pay award offer, currently predicted to be around 3.8%, was therefore agreed; and
- 2) That the allowances for Business Managers and Policy Advisors be removed from the scheme; and
- 3) That an additional allowance be added to be paid to the Chair of Appeals and Retirement Committee of £100 per meeting, and Vice Chairs of Committees where asked to stand in, and
- 4) No other changes are made for the 2024/25 year.

Gedling Borough Council Constitution

SCHEDULE 1 – PROPOSED SCHEME

From 1 April 2024 until 31 March 2025 inclusive:

	Percentage of the Leader's Allowance	Per Annum (£)
Leader of Council	100%	15,986.77
Deputy Leader of the Council	80%	12,789.41
Cabinet Members	50%	7,993.38
Leader of Main Opposition Group	25% plus £166.62 per elected member*	5,496.27
Leader of Minority Opposition groups	Flat fee of £166.62 per elected member*	666.48 – (Lib Group) 333.24 (Independent)
Level One Committee Chair (Planning and Environment and Licensing Committees)	35%	5,595.37
Level Two Committee Chair (Audit and Overview and Scrutiny Committees)	25%	3,996.69
Level Three Committee Chair (Joint Consultative and Safety and Standards Committee)	10%	1,598.68
Chairing of Appeals and Retirement Committee and any other committee as the Vice-Chair on a stand in basis	-	£100 per meeting
Mayor	37.5%	5,995.04
Deputy Mayor	12.5%	1,998.35
1. From 1 April 2024 until 31 March 2025 the Basic Allowance payable to each Councillor		4831.39
2. Co-opted Members		531.27
3. Dependent Carers Allowance of up to <u>£9.30</u> per hour payable to cover childcare and dependents. The person providing the care may not be a close relative defined as spouse, partner (opposite or same sex cohabitantes), parents, children, brothers, sisters, grandparents and grandchildren. The paid care		

Gedling Borough Council Constitution

attendant must also sign a receipt to show that they have cared for the dependant during the hours claimed for.

4. Travelling and subsistence payable at the currently in force NJC employee rate.

*based on current membership as of January 2024



Report to Council

Subject: Review of the Code of Conduct

Date: 24 January 2024

Author: Monitoring Officer

Purpose

To seek adoption of a new Member's Code of Conduct for Gedling Borough Councillors.

Recommendation(s)

THAT:

- 1) **Members adopt the Member's Code of Conduct at Appendix 1.**

1 Background

- 1.1 The Committee on Standards in Public Life ("CSPL") Report – Review of Local Government Ethical Standards report recommended that the Local Government Association (LGA) should create an updated model Code of Conduct for Members in consultation with representative bodies of councillors and officers of all tiers of local government.
- 1.2 In December 2020, the LGA publicised its final version of the LGA Model Code of Conduct for Councillors ("the Model Code"). The LGA state that the Model Code is offered as a template for councils to adopt in whole and/or with local amendments. The LGA have indicated they will review the Model Code annually to ensure it continues to remain fit for purpose. The LGA have, since the introduction of the Model Code, provided extensive guidance and training materials to accompany the Code, as well as guidance on undertaking investigations into Code of Conduct complaints made in relation to the Model Code.
- 1.3 In June this year, Standards Committee agreed that the Monitoring Officer and a working group, formed of representatives of the Committee, should review the Council's own Code of Conduct and formulate recommendations as to potential amendments to the Council's Code, taking into account the Model Code and the increased number of authorities moving to the Model Code. It was also agreed that any proposed changes should go out for consultation with residents and stakeholders.

- 1.4 The Model Code has been adopted in whole or in part by several authorities locally including Nottingham City and Nottinghamshire County Councils as well as Rushcliffe, Newark and Sherwood, Broxtowe, and Bassetlaw councils.
- 1.5 The working group reviewed the Model Code and the Gedling Code of Conduct and determined that a Code more closely aligned with the Model Code was appropriate. Minor changes to the Model Code were proposed by the working group and consulted on.
- 1.6 The changes proposed were minimal in relation to general conduct rules, in that there were two additional requirements added in relation to Code of Conduct complaints, firstly that witnesses and complainants in Code complaints should not be the subject of intimidation, and secondly that trivial and malicious complaints should not be made.
- 1.7 There was one other addition to the Model Code recommended by the working group which was a general requirement for Councillors to act in accordance with legal obligations and other requirements in the Council's policies, protocols, and procedures. This latter addition is taken from the current Gedling Code of Conduct.
- 1.8 In respect of Member's Interests, these have not changed in the new proposed Code of Conduct and have only been re-formatted.
- 1.9 Following review of the Model Code and the Council's Code by the Monitoring Officer and working group, a consultation was launched to seek wider views on adoption of a new Code of Conduct for Gedling which largely reflected the Model Code. In September 2023, Standards Committee agreed to extend the consultation period to ensure as many views as possible were obtained on the revised Code of Conduct.
- 1.10 There have been seven responses to the consultation on the new Code of Conduct from District Councillors and parishes. All responses were supportive of the new Code with only one minor recommendation to amend typos and another recommendation to add more rules in respect of behaviour. The typographical changes have been made, however, the recommendations from the consultation to add to the rules and provide further guidance on bullying, would have made the guidance too specific. Whilst the guidance is detailed in the Code, and there is an appendices setting out examples of bullying behaviour, every case must be assessed on its own facts, not every single example of conduct which amounts to disrespect/bullying can be included. The rules included in the new Code are as in the Model Code and to introduce several new rules does not align with achieving a more standardised approach.
- 1.11 The Code of Conduct must be approved by the Council. As such the Standards Committee have recommended the new Code at Appendix 1 to Council for adoption.

2 Proposal

- 2.1 It is proposed that Members adopt the new Councillor Code of Conduct at Appendix 1 for adoption by the Council.
- 2.2 If adopted, the Monitoring Officer will undertake training with Members on the new Code and contact parish Council's to advise that the Code of Conduct has been changed. Whilst some parishes have already adopted the Model Code, given the responsibility of the Monitoring Officer for investigating Code of Complaints made against parish Councillors, alignment of Codes across the borough is recommended.
- 2.3 It should be noted that there are extensive guidance notes on the Model Code of Conduct available from the Local Government Association. These documents will be used by the Monitoring Officer to help develop training and undertake investigations into future Code of Conduct complaints.

3 Alternative Options

- 3.1 That Members do not adopt the new Code of Conduct; however, this document has been prepared following scrutiny by the working group, Standards Committee and public consultation and is aligned with other authorities locally.

4 Financial Implications

- 4.1 There are no financial implications arising out of this report. Any training provided in relation to the Code will be met from existing budgets.

5 Legal Implications

- 5.1 The Localism Act 2011 requires authorities to have a Code of Conduct for Members, which must include details of Member Interests and reflect the Nolan Principles, however, the authorities are not required to adopt the LGA Model Code. Any changes to the Code of Conduct must be agreed by Council. The changes proposed do follow legal requirements in the Localism Act 2011.
- 5.2 If adopted, the Monitoring officer will review the Council's Arrangements for Dealing with Complaints to ensure consistency with the new code of Conduct and supporting guidance.

6 Equalities Implications

- 6.1 There are no equality implications arising from this report. The Code itself does require members to act in a way that is in accordance with equality obligations in line with the Equality Act 2010.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/sustainability implications arising from this report.

8 Appendices

8.1 Appendix 1 – Gedling Borough Council Member Code of Conduct.

9 Background Papers

9.1 [Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Drafted by the Monitoring Officer

Members' Code of Conduct

1. Introduction

- 1.1 All councils are required to have a local Councillor Code of Conduct. Gedling Borough Council has adopted this Code of Conduct pursuant to section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by Members and Co-opted Members of the Council.
- 1.2 The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that councillors can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of the Council as a whole.
- 1.3 Councillors, represent local residents, work to develop better services and deliver local change. The public have high expectations of councillors and entrust councillors to represent the local area, taking decisions fairly, openly, and transparently. Councillors have both an individual and collective responsibility to meet public expectations by maintaining high standards, demonstrating good conduct and by challenging behaviour which falls below expectations.
- 1.4 Importantly, councillors should be able to undertake their role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.
- 1.5 This Code has been designed to protect the democratic role of councillors, encourage good conduct and safeguard the public's trust in local government, it is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership, the Seven Principles of Public Life, also known as the Nolan Principles.

2 Definitions

- 2.1 For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who
 - a) is a member of any committee or sub-committee of the authority, or;
 - b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

3. Purpose

- 3.1 The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

4. General Principles of Councillor Conduct

- 4.1 Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.
- 4.2 Building on these principles, the following general principles have been developed specifically for the role of councillor.
- 4.3 In accordance with the public trust placed in me, on all occasions:
- I act with integrity and honesty
 - I act lawfully
 - I treat all persons fairly and with respect; and
 - I lead by example and act in a way that secures public confidence in the role of councillor.
- 4.4 In undertaking my role:
- I impartially exercise my responsibilities in the interests of the local community
 - I do not improperly seek to confer an advantage, or disadvantage, on any person
 - I avoid conflicts of interest
 - I exercise reasonable care and diligence; and
 - I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

5. Application of the Code of Conduct

- 5.1 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.
- 5.2 This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

5.3 The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

5.4 You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

5.5 The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

6. Standards of Councillor Conduct

6.1 This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

6.2 Guidance is included to help explain the reasons for the obligations and how they should be followed.

7. General Conduct Rules

1. Respect

As a councillor:

1.1I treat other councillors and members of the public with respect.

1.2I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with

respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor- officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Examples of behaviour which amounts to bullying and harassment are set out in Appendix B to the Code of Conduct.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

- 4.1 I do not disclose information:**
- a. given to me in confidence by anyone
 - b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 - 1. reasonable and in the public interest; and
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
 - 3. I have consulted the Monitoring Officer prior to its' release.
- 4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**
- 4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

- 5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of Position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

6.2 I behave in accordance with legal obligations and any other requirements contained within the Council's policies, protocols and procedures.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will when using the resources of the local authority or authorising their use by others:

- **act in accordance with the local authority's requirements;**
and

- **ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- *office support*
- *stationery*
- *equipment such as phones, and computers*
- *transport*
- *access and use of local authority buildings and rooms.*

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

- 8.1 I undertake Code of Conduct training provided by my local authority.**
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 I will not make trivial or malicious allegations that another Councillor has failed to comply with the Code of Conduct.**
- 8.4 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings including any complainant or witnesses.**
- 8.5 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Monitoring Officer.

9. Protecting your reputation and the reputation of the local authority

Interests:

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

*You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.*

***Appendix C** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.*

10. Gifts and Hospitality

As a Councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do**

business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A

The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B

Definitions and examples of behaviour which amount to bullying or harassment

Bullying may be characterised as behaviour, or an abuse or misuse of power in a way that undermines, humiliates, unfairly criticises or injures someone.

A non-exhaustive list of behaviour which amounts to bullying includes:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying correspondence that is critical about someone to others who do not need to know
- ridiculing or demeaning someone - picking on them or setting them up to fail
- exclusion - deliberately excluding someone from meetings or written correspondence in matters for which they have a responsibility or professional interest or deliberately excluding someone from events or celebrations that it would ordinarily be expected that they might legitimately attend
- victimisation - taking action detrimental to someone as a result of them raising a complaint or issue of concern in good faith through formal and correct procedure whether or not the complaint was upheld or proven
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances-touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- publicly criticising the work or efficiency of someone where the issue has not been formally raised with that person through proper process and the right of explanation or appeal has not been made available
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities

Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

A non-exhaustive list of behaviour which amounts to harassment includes:

- frequent unwanted contact, including texts, letters, phone calls, emails and communication via social media or any other electronic communication
- sending unwanted gifts
- driving past an individual's home or visiting them at work without legitimate purpose or following or watching an individual
- sharing humiliating information, lies or gossip about an individual
- making inappropriate comments, critical remarks or offensive jokes
- threatening behaviour
- excessive demands that are impossible to deliver
- making sexual comments or jokes or inappropriate sexual gestures
- making jokes or degrading or patronising comments or teasing an individual about their race, religion, age, gender, sexual orientation or disability. This would also amount to an offence under the Equality Act.

Appendix C – Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

“**Partner**” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non- participation in cases of a disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the existence and nature of that interest, whether or not it is included in you register of interests, and not participate in any discussion or vote on the matter, and must not remain in the room unless you have been granted a dispensation from the Council's Standards committee or Monitoring Officer.
5. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest.
6. Where you have a disclosable pecuniary interest in any business of the Council, you may attend a meeting (including a meeting of the overview and scrutiny committee of the Council or of a sub-committee of such a

committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. You must leave the meeting immediately after making any such representations, answering questions or giving evidence.

7. Where you have a disclosable pecuniary interest on a matter to be considered, or being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.
8. Where a disclosable pecuniary interest is not included on the Council's register of interests and is not the subject of a pending notification you must notify the Monitoring officer of the interest in writing within 28 days of the date you became aware of the interest.

Disclosure of other registerable Interests

9. Where a matter arises at a meeting which relates to one of your other registerable interests, your non-pecuniary interests (Table 2). You must disclose the interest and the nature of the interest at the commencement of that consideration or when the interest becomes apparent only where you are aware or ought reasonably to be aware of the existence of the non-pecuniary interest.
10. Where you have a non-pecuniary interest but it is considered to be a sensitive interest, you must indicate the existence of the interest but need not disclose details of the interest to the meeting.
11. Where you have a non-pecuniary interest in any business of the Council and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
12. If you have a non-pecuniary interest in any business of the Council you may participate, vote and remain in the room or chamber where a meeting considering the business is being held unless your interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

13. If you have a non-pecuniary interest in any business of the Council you may participate, vote and remain in the room or chamber where a meeting considering the business is being held where that business relates to the functions of the Council in respect of:
- (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iii) an allowance, payment or indemnity given to members;
 - (iv) any ceremonial honour given to members; and
 - (v) setting council tax or a precept under the Local Government Finance Act 1992.
14. Where you have a non-pecuniary interest in any business of the Council in the circumstances set out in paragraph (12) above, you may remain in the room or chamber where a meeting considering the business is being held for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Table 1 – Disclosable Pecuniary Interests

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council:</p> <ul style="list-style-type: none"> (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. <p><i>For this purpose “body in which you or they have a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest.</i></p> <p><i>“Director” includes a member of the committee of management of an industrial and provident society.</i></p>
Land	<p>Any beneficial interest in land which is within the Council’s area.</p> <p><i>For this purpose “land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.</i></p>

Licences Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.

Corporate tenancies Any tenancy where (to your knowledge):

- (a) the landlord is the Council; and
- (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest

Securities Any beneficial interest in securities of a body where:

- (a) that body (to your knowledge) has a place of business or land in the Council's area; and
- (b) either:
 - i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2

Interests other than Disclosable Pecuniary Interests

Non-pecuniary Interests

16. (1) You have a non-pecuniary interest in any business of the Council where either:

(a) It relates to or is likely to affect:

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
- (ii) any body:
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

of which you are a member or in a position of general control or management;

- (iii) any employment, office, trade, profession or vocation carried on by you not for profit or gain;
- (iv) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income;
- (v) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;

or

(b) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of:

- (i) a member of your family or any person with whom you have a close association;
- (ii) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (iii) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (iv) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be,

affected by the decision.

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