

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Committee Services  
[committee.services@tmbsc.co.uk](mailto:committee.services@tmbsc.co.uk)

22 January 2016

To: MEMBERS OF THE GENERAL PURPOSES COMMITTEE  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the General Purposes Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Monday, 1st February, 2016 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr Ms S V Spence (Chairman)  
Cllr P F Bolt (Vice-Chairman)

Cllr M A C Balfour  
Cllr Mrs S Bell  
Cllr M A Coffin  
Cllr Mrs S M Hall  
Cllr N J Heslop  
Cllr D Markham

Cllr S C Perry  
Cllr H S Rogers  
Cllr R V Roud  
Cllr C P Smith  
Cllr M Taylor  
Cllr T C Walker

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Apologies for absence

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Declarations of interest

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### GENERAL PURPOSES COMMITTEE

Monday, 5th October, 2015

**Present:** Cllr P F Bolt (Vice-Chairman - in the Chair), Cllr M A Coffin, Cllr Mrs S M Hall, Cllr D Markham, Cllr H S Rogers and Cllr T C Walker

Councillors B J Luker and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Ms S V Spence (Chairman), M A C Balfour, N J Heslop, S C Perry and C P Smith

#### PART 1 - PUBLIC

##### **GP 15/19 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

##### **GP 15/20 MINUTES**

With reference to Minute GP 15/13, an update was given on progress of the review of Kent County Council electoral arrangements. A further period of consultation had been opened due to representations made in the Sevenoaks area and the final recommendations for the whole of Kent were now due in January 2016 and would take effect from the KCC elections in May 2017.

**RESOLVED:** That the Minutes of the meeting of the General Purposes Committee held on 29 June 2015 be approved as a correct record and signed by the Chairman.

#### MATTERS SUBMITTED FOR INFORMATION

##### **GP 15/21 RESPONSE TO HMT CONSULTATION ON A PUBLIC SECTOR EXIT PAYMENT CAP**

The joint report of the Leader and Chief Executive gave details of the Government's consultation on its proposals to cap the total amount of redundancy and other exit payments payable to individuals leaving the public sector to £95,000. Due to the timing of the consultation during August with a closing date of 27 August, there had been no opportunity for the matter to be brought to the Committee for consideration. However, since the proposed cap had potentially significant implications for the Council as an employer, a representative group of key Members

had been formed to agree a response to the consultation by the deadline.

A copy of the Council's response, drawn up by the group of Members comprising the Leader, Deputy Executive Leader/Cabinet Member for Finance, Innovation and Property/Chairman of the Joint Employee Consultative Committee, Chairmen of the Overview and Scrutiny Committee and General Purposes Committee and the Leader of the Opposition, was set out in the Annex to the report. It was noted that the response broadly supported the £95,000 cap but not the proposal to include within the cap the employer cost of funding early access to unreduced pensions for employees within the Local Government Pension Scheme, referred to in the consultation as the "strain cost". It was explained that the latter could have an adverse impact on a potentially large number of employees and was currently unlawful and likely to be discriminatory on grounds of age.

Members were advised that the Treasury had published its response to the consultation and intended to proceed with the cap as proposed, including the strain cost in the event of redundancy, although costs of any back-dated annual leave payments would be excluded. The Committee expressed concern at the timing and scope of the consultation and the impact of the change on the Council's ability to retain and recruit suitably experienced and qualified staff.

**RESOLVED:** That the report be received and noted.

### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **GP 15/22 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

### **PART 2 - PRIVATE**

#### **DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION**

#### **GP 15/23 ESTABLISHMENT CHANGES**

**(LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)**

The report of the Management Team presented for approval a number of establishment changes arising from the ongoing operational management of the Council's services. Members noted that whilst

generating an overall saving of £42,948, this would not all contribute to a reduction in the anticipated savings target to be achieved in 2016/17 due to the loss of income arising from the cessation of a number of Tonbridge and Malling Leisure Trust service level agreements for which some compensatory savings were identified in the report.

**RESOLVED:** That the following proposals and establishment adjustments be endorsed with immediate effect:

- (1) post DF0405 Payroll Assistant (scale 3/4, 37 hours) be deleted;
- (2) post DF0509 Senior Benefits Officer (scale 6/SO, 28 hours) be transferred to Exchequer Services Team and re-designated Payroll Officer (scale 6/SO, 28 hours);
- (3) payroll temporary staff provision in the sum of £3,100 be deleted;
- (4) the hours of post DF0407 Senior Exchequer Assistant (scale 4/5) be reduced from 37 to 30 hours;
- (5) post DA0207 Administration Support Officer (scale 2/3) be deleted;
- (6) post DA0211 Administrative Assistant (scale 2/3) be deleted;
- (7) the hours of post DB0003 (scale 3/4) be reduced from 24 to 23 per week;
- (8) the reduction of the overtime budget for Legal Services by £2,000 be noted;
- (9) the proposed agreement with Kent County Council for the provision of management support for the Internal Audit and Fraud functions be noted;
- (10) post DF0803 Senior Internal Auditor (scale 6/SO, 37 hours) be deleted from the establishment;
- (11) the addition of post DF0805 Internal Auditor (scale 2/4, 37 hours) be formalised on the establishment;
- (12) the adjustment of the grade of post DF0804 Internal Auditor (37 hours) to scale 2/4 from scale 3/4 be formalised;
- (13) a new post of Senior Technical Support Officer at grade SO/M8, 37 hours be created;
- (14) the hours of post DN0212 Help Desk Administrator (scale 3) be increased from 19 to 37 hours;

- (15) the placement of an undergraduate student for a 12 month period through the Kent IT Alliance be noted;
- (16) a new post of DJ0314 Senior Planning Policy Officer (grade M9, 37 hours) be created;
- (17) the hours of post DJ0309 Conservation Officer grade M8 be reduced from 37 to 14 per week;
- (18) the post of DJ0313 Technical Assistant (scale 3/4, 22.5 hours) be deleted;
- (19) the increase in hours of post DJ0125 Development Control Admin Support scale 5/6 from 30 to 37 per week (as previously approved by General Purposes Committee of 29/6/15) be noted;
- (20) the hours of post DJ0303 Planning Assistant/Senior Planning Officer grade 4/M9 be reduced from 24 to 20 per week;
- (21) the hours of post DJ0312 Senior Planning Technician scale 5/6 be reduced from 37 to 21 per week;
- (22) the deletion of post DJ0215 Building Control Officer (grade M9, 37 hours) be noted; and
- (23) the extension of the contract of the supernumerary post of Welfare Adviser up to 24 December 2015 be noted.

The meeting ended at 8.07 pm

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### ELECTORAL REVIEW WORKING GROUP

Wednesday, 6th January, 2016

**Present:** Cllr N J Heslop (Chairman), Cllr M A C Balfour (Vice-Chairman), Cllr O C Baldock, Cllr D Lettington, Cllr P J Montague and Cllr A K Sullivan

Councillors Mrs S M Barker and B J Luker were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M A Coffin and Mrs T Dean

### PART 2 - PRIVATE

#### **ER 16/1 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **ER 16/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Electoral Review Working Group held on 18 March 2014 be approved as a correct record and signed by the Chairman.

#### **ER 16/3 COMMUNITY GOVERNANCE REVIEW 2016**

The report of the Chief Executive gave details of proposed terms of reference for a Community Governance Review (CGR) of parish electoral arrangements following a request by Kings Hill Parish Council for a review of the boundaries between Kings Hill and East Malling and Larkfield parishes and Kings Hill and Wateringbury parishes.

The report set out the legislative requirements and statutory guidance for conducting a CGR, in particular that the Borough Council should have regard to the need to secure that community governance within the area under review reflected the identities and interests of the community in that area and was effective and convenient. Consideration was given to the proposals put forward by Kings Hill Parish Council, those affecting the boundary with East Malling and Larkfield parish having been split into two areas for ease of reference and depicted as Area A1 and Area A2 on the map at Annex 1 to the report. The proposal affecting the boundary with Wateringbury parish was designated Area B.

Members considered that only Area A1 met the statutory criteria and that the Terms of Reference should reflect the recommendations set out at

section 1.5 of the report and be included accordingly in the public consultation. It was noted that no residential properties, and therefore registered electors, would be affected by the review.

The report concluded by giving details of the public consultation and timetable for the CGR.

**RECOMMENDED:** That

- (1) Area A1 be included in the formal Community Governance Review (CGR) with a proposal that the parish boundary be amended such that Area A1 be transferred from East Malling and Larkfield parish to Kings Hill parish;
- (2) Area A2 be included in the formal CGR with a proposal that Area A2 remain in East Malling and Larkfield parish;
- (3) Area B be included in the formal CGR with a proposal that Area B remain in Wateringbury parish;
- (4) the Terms of Reference set out at Annex 2 to the report be adopted for the purposes of the CGR;
- (5) the Draft Proposals set out at Annex 3 to the report be adopted and a formal consultation commenced; and
- (6) a further meeting of the Electoral Review Working Group be held following the consultation to determine the Final Proposals.

**MATTERS SUBMITTED FOR INFORMATION**

**ER 16/4 INDIVIDUAL ELECTORAL REGISTRATION (UPDATE)**

The report of the Chief Executive provided an update on the implementation of the Individual Electoral Registration (IER) programme. Details were given of the outcome of the first full annual canvass under IER following the Government's announcement that the transition to IER would end in November 2015. It was noted that everyone on the Register of Electors published on 1 December 2015 was IER registered.

The Chief Executive was confident that the Register of Electors was as accurate and complete as possible and media speculation of electors being denied the right to vote at the end of transition to IER unfounded within Tonbridge and Malling. Members were advised that the total number of electors removed from the Register was small, representing 1% of total electors, and followed a long-running and determined campaign to encourage and enable individuals to register to vote. The Electoral Registration team was commended for their efforts and achievement during a complicated and confusing process.

The meeting ended at 7.32 pm

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### GENERAL PURPOSES COMMITTEE

01 February 2016

#### Report of the Director of Central Services

#### Part 1- Public

#### Matters for Recommendation to Council

#### 1 LOCALISM ACT – PAY POLICY

Section 38(1) of the Localism Act 2011 requires English and Welsh local authorities to review their pay policy statement for each financial year. This report summarises the requirements of the Act and presents an updated Pay Policy Statement for 2016/17 in Annex 1. Members will note that as there have not been any changes in the Council's remuneration policy, the substantive content of the updated Pay Policy Statement in Annex 1 is identical to the Council's first Pay Policy Statement (adopted by the Council on 16 February 2012).

#### 1.1 Contents of the Pay Policy

- 1.1.1 As members may recall, the Act is prescriptive in that it requires the pay policy statement to include: the level and elements of remuneration for each chief officer; a definition of the "lowest paid employees" and their remuneration; the policy on the relationship between the remuneration of its chief officers and other officers; the policy on pay on recruitment, increases in pay, use of performance related pay and bonuses; and, termination payments and transparency.
- 1.1.2 The title "chief officer" includes both statutory and non-statutory chief officers and their deputies. Therefore, within the Pay Policy Statement set out in Annex 1, the information about the remuneration of chief officers includes the posts of the Chief Executive, the Council's four Service Directors, the Head of Planning, the Chief Financial Services Officer and the Chief Environmental Health Officer, as well as the senior officers that are directly accountable to these "chief officers".
- 1.1.3 The Act's definition of remuneration includes pay, charges, fees, allowances, benefits in kind, enhancement of pension entitlements and termination payments. All of these elements have been covered in the pay policy statement attached in Annex 1.

- 1.1.4 In order to provide a holistic and transparent context for the remuneration of chief officers and their deputies, the pay policy in Annex 1 provides an overview of the pay elements for all Council employees.

## **1.2 Legal Implications**

- 1.2.1 The policy set out in Annex 1 contains all of the elements of a statutory pay policy as stipulated in section 38 (1) of the Localism Act 2011.
- 1.2.2 The attached pay policy is also compliant with Regulation 7 of the Local Government (Early Termination of Employment)(Discretionary Compensation) (England & Wales) Regulations 2006 and the Local Government Pension Scheme (Administration) Regulations 2008 & 2014.
- 1.2.3 The definition of the terms “chief officer” and “deputy chief officer” is in accordance with section 2 of the Local Government and Housing Act 1989.

## **1.3 Financial and Value for Money Considerations**

- 1.3.1 As set out in Section A of the attached Pay Policy, the Council’s approach to setting a pay multiple is broadly calculated on a base salary multiple of 8 being the gap between the remuneration of the lowest and the most highly paid employees and is enshrined within the Council’s locally determined job benchmarking evaluation scheme. Such an approach places an emphasis on cash reward as the corner stone of the Council’s pay policy, and ensures that pay is based on job requirements.

## **1.4 Risk Assessment**

- 1.4.1 Given current media scrutiny of public sector remuneration it would be imprudent for the Council not to comply with the Localism Act’s requirement to have reviewed the Pay Policy Statement by 31 March 2016.

## **1.5 Equality Impact Assessment**

- 1.5.1 The recommendation to adopt the Pay Policy Statement in Annex 1 has a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.
- 1.5.2 As members have already been advised in the Annual Report on progress in achieving the Council’s Equality Aims and Actions, the outcomes of the recent pay analysis based on gender has identified a full time pay gap of 18.9% in favour of men. The key contributing reason for this pay gap is that there are more women than men applying for and consequently working in jobs graded at the lower end of the pay scale. There is no evidence of men and women being paid differently for equal work.

## **1.6 Policy Considerations**

1.6.1 HR Policy

**1.7 Recommendations**

1.7.1 It is recommended that this committee commends the pay policy in Annex 1 to this report for adoption at the Council meeting on 16 February 2016.

Background papers:

contact: Delia Gordon

Nil

Adrian Stanfield  
Director of Central Services

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## Annex 1

### Pay Policy Statement 2016/17

#### Introduction

When determining remuneration levels the Council is mindful of the requirement to balance the needs of managing scarce public resources with the need to secure and retain high-quality employees. The Council aligns its reward strategy with organisational needs by an emphasis on cash rewards, and ensuring that pay is determined by job requirements. The Council aims to operate a consistent and equitable organisation-wide reward system by placing the responsibility for remuneration decisions with a committee of elected councillors, the General Purposes Committee, and the responsibility for administering the pay policy within the Council's Personnel team.

Section 38 (1) of the Localism Act 2011 requires the council to prepare an annual pay policy statement for 2015/16. The Act specifies that the following must be included in the pay policy statement:

- the level and elements of remuneration for each chief officer
- the policy on the remuneration of chief officers on recruitment
- increases and additions to their remuneration including performance related pay, bonuses, charges, fees, allowances, benefits in kind and termination payments
- a definition of the "lowest paid employees" and the policy on the remuneration of this group
- the policy on the relationship between the remuneration of its chief officers and other officers
- policy on re-employing someone who has been made redundant.

This statement will be published on the Council's website.

#### Section 1 – Remuneration of statutory and non-statutory Chief Officers and Deputy Chief Officers

The term "chief officer" within The Localism Act includes both statutory and non-statutory chief officers, and their deputies. The actual remuneration for these roles is available on the Council's website

(<http://www.tmbc.gov.uk/services/council-and-democracy/councillors,-democracy-and-elections/transparency-senior-salaries>)

The salary scales for the statutory and non-statutory Chief Officers and Deputy Chief Officers in post in January 2016 is set out below.

No of chief officers	Grade	% of M2 benchmark	Pay Point Range
13	M6	56.0%	141- 144

7	M5	61.0%	147 - 150
3	M4	70.0%	151- 154
4	M2a	97.5%	181- 184
1	M1	125.0%	191- 194

### **Fee for acting as the Returning Officer**

Tonbridge & Malling Borough Council is required to appoint a Returning Officer by virtue of section 35 of the Representation of the People Act 1983. In Tonbridge & Malling, the Chief Executive has been appointed as the Returning Officer. This is a personal appointment, separate from their other duties. In this capacity they are the Returning Officer for UK Parliamentary elections and elections to the Borough Council and to Parish Councils within this Borough. The Returning Officer fee is payable for the substantial additional duties undertaken, and leadership required of the Returning Officer in planning, delivering and undertaking the elections, and recognises the personal nature and personal responsibility of the role of the Returning Officer.

For Borough and Parish Council elections, the Returning Officer fee is calculated in accordance with an agreed Kent Scale of Fees. For National, European and Police & Crime Commissioner elections the fee rate is set by central government. A Police & Crime Commissioner election is scheduled for May 2016.

### **Section 2 – Remuneration of the lowest paid employees**

In compliance with Section 38 of the Localism Act, for the purposes of this statement the “lowest paid employee” has been defined as those who are engaged as cleaners. In 2016/17 it is anticipated that such posts will receive a full time annual salary equivalent of approximately £15,294.

### **Section 3 – Decision on pay**

The pay of all council employees (including chief officers) is determined by the evaluated grade of the post. The pay band for most jobs within the council (including chief officers) is very narrow, based on 3 or 4 incremental points. Progression through the pay band is based on length of service, subject to the achievement of expected performance standards, and thus recognises development in a role over time based on the accumulation of experience and knowledge. It is anticipated that during 2016/17 the total number of permanent and fixed term contract staff on the Council’s payroll will be approximately 270 in any one month.

The Council has not adopted the national local government job evaluation or grading schemes but has developed a locally negotiated framework that more closely reflects its own particular requirements. Within this framework there are two remuneration “families”. The first has been developed for the Council’s professional and senior managerial cohorts, and includes chief officers. The second is for supervisory, technical and clerical staff.

All staff (including chief officers) are appointed to the organisation at the bottom of the grade, unless there are exceptional circumstances based on business need.

### **Annual Pay Award**

The salary of all council employees (including chief officers) may increase annually by an annual pay award which is locally determined taking into consideration:

- “caps” on public sector pay rates set by the Government
- the council’s ability to pay
- inflation levels
- the “going rate” of pay awards in neighbouring authorities and nationally
- recruitment and retention levels.

## **Section 4 – Pay structure and pay relationships.**

The Code of Recommended Practice for Local Authorities on Data Transparency September 2011 requires that there is a process established to monitor the rate of growth of senior earnings compared to all other employees in the organisation. During 2016/17 there will be a multiple of approximately 8 between the base level salary of the Chief Executive and a cleaner, reflecting the differences in skill sets, complexity and span of control from the lowest to the highest paid employees of the Council.

The total salary for the post of Chief Executive is in the region of £111,774. The median full time equivalent salary for all other employees in Tonbridge & Malling Borough Council is in the region of £25,250, the mean full time equivalent salary is in the region of £29,795. The pay multiple is therefore approximately 4.42 against the median and 3.75 against the mean.

The Council’s bespoke grading structure for employees with professional and specialised high level skill sets is entitled the “M” grade framework. All those referred to as chief officers within this pay policy statement fall within the “M grade” framework.

A feature of the M grade framework is that the remuneration levels for all M grade posts (including those of chief officers), are fixed as a percentage of a notional benchmark grade M2. Therefore, the grading structure specifies the pay multiples attached to each grade as a percentage of the lowest incremental point of a notional benchmark M2. Posts are positioned within the

M grade framework on the basis of the required specialist knowledge, professional skills, depth of professional and managerial judgement, and managerial span of control. Broadly speaking the range of capabilities required for junior M grade posts (M9 – M7 inclusive) equate to professional and/or managerial capability equivalent to Level 6 of the National Qualifications Framework (NQF). Those occupying senior managerial posts graded M6 to M2 are required to possess **both** professional and managerial skill sets equivalent to Level 7 of the NQF. All four director level chief officer posts are graded as M2a. The professional and managerial capabilities **and** span of control required at director level broadly equate to level 8 of the NQF. A Level 8 degree of professional and managerial expertise is also required for the post of the Chief Executive. This, alongside the extensive span of control intrinsic to the role of paid head of service for the entire Council workforce, merits the grade of M1.

### **Supervisory, technical and clerical grades**

The council has developed a bespoke grading structure for its supervisory, technical and clerical staff that ranges from the grade of senior officer to clerical scale 1. Broadly speaking the managerial, professional and skill set required for posts graded Senior Officer equate to Level 5 of the NQF, posts graded scale 5-6 equate to Level 4 of the NQF, posts graded scale 3-4 to Level 3 of the NQF, posts graded scale 1-2 require a Level 2 skill set.

The Council considers that the relationship between the base salaries of its highest and lowest paid employees, as well as the relationship between the highest paid and the mean and medial salaries of the entire workforce, represents an appropriate, fair and equitable internal pay relationship.

## **Section 5 – Policies common to all employees**

The following elements of remuneration are determined by corporate policies or arrangements which apply to all permanent employees of the Council (including its chief officers and deputy chief officers), regardless of their pay level, status or grading. Full details on any of the policies listed below can be provided on request.

The Council aims to have a streamlined and transparent pay structure and therefore it does not pay additional one off bonuses, market premiums, location allowances, subsidy towards child care costs or special awards for any staff (including chief officers). Pension contributions for all employees opting to join the Local Government Pension Scheme are nationally determined.

### **Payments on termination of employment**



According to the Local Government (Early Termination of Employment)(Discretionary Compensation )(England and Wales) Regulations 2006 the Council has the power to make discretionary payments on early termination of employment. The Council has determined that it will calculate payments made to any eligible employee (including chief officers) who are made redundant or who depart on the grounds of the efficiency of the service by using the Government's statutory redundancy payment calculator formula and the employee's actual weekly pay. For those who depart on the grounds of redundancy or efficiency of the service, or who chose to retire "early", the Council does not increase the employee's total pension scheme membership or award additional pension. This response to the Local Government Pension Scheme (Administration) Regulations 2008 applies to all employees, including chief and deputy chief officers.

The Council's policy is that it does not re-employ anyone (including chief or deputy chief officers) who has left with a severance or redundancy payment, nor does it re-engage them on a self-employed basis with a contract for services.

### **Car allowances**

For those posts where it is deemed that there is an essential requirement for the post holder to use a car to perform their job, and they are expected to travel in excess of 2,500 miles per annum in the course of their duties, the post holder either receives a lump sum allowance to contribute towards the associated running costs of the car in accordance with the rates previously set by the National Joint Council or they are allocated a lease car, or they receive a cash equivalent payment as an alternative to a lease car. Those who drive leased cars are required to make their leased car available for the use of all Council employees possessing a suitable driving licence, if so required, (the Council has the appropriate insurance cover).

### **Telephone allowances**

Those employees who are deemed to be essential users of mobile telephones are either supplied with a mobile telephone for council related activities, or receive a mobile telephone allowance

### **Professional fees**

Annual professional subscription fees to one relevant professional body are reimbursed to those employees where it is deemed an essential requirement for the post holder to belong to a professional institute.

### **Reimbursement of removal/relocation costs on appointment and mortgage subsidy scheme**

The Council's relocation and mortgage subsidy schemes provide financial assistance (within pre-defined limits) to employees who re-locate from outside

a reasonable travel area to the Borough to take up an appointment with the Council.

### **Subsistence Allowance**

The Council reimburses expenditure on meals, accommodation, and any other expenses necessarily (within pre-defined limits) incurred by employees who have to be away from home on Council business.

### **Standby and call out allowances**

Any employee who is required to undertake standby and call-out duties will be paid at the appropriate rate in accordance with the negotiated policy and payment rate for their role.

## TONBRIDGE & MALLING BOROUGH COUNCIL

### GENERAL PURPOSES COMMITTEE

01 February 2016

#### Report of the Chief Executive

#### Part 1- Public

#### Delegated

### 1 PAY AWARD 2016

#### Summary

This report requests Members to give consideration to the matter of a pay award for employees for 2016/17.

#### 1.1 Introduction

1.1.1 Council employees have a term in their contracts which provides that their salary will be revised on 1 April each year by an amount determined by the Authority having regard to movements in the Retail Price Index, comparative pay settlements and prevailing economic conditions.

1.1.2 The last increase in employees' salaries was an award of 1% in April 2015.

1.1.3 This report considers a range of factors that are relevant to the issue of a pay award for 2016/17.

#### 1.2 Prevailing Economic Conditions

1.2.1 Whilst the UK economy continues to show signs of recovery, most economic commentators continue to predict that the rate of growth for the foreseeable future will be slow, not least because of the impact of the Government's on-going reductions in public expenditure.

1.2.2 Members will also be aware of the on-going requirement of the Medium Term Financial Strategy to make savings of approximately £1.9M over the next three years.

1.2.3 The National Living Wage comes into force from 1<sup>st</sup> April, although this will have a minimal effect for this Council until 2020.

1.2.4 The Council is also having to pay an additional 3.4% in National Insurance contributions from 1st April for those employees (the majority) who contribute to the Local Government Pension Scheme, which will require additional funding,

owing to the withdrawal of the 'contracting out' of the State Earnings Related Pension Scheme (SERPS).

### 1.3 **Comparative Pay Settlements**

1.3.1 All Kent Authorities are currently considering the issue of a pay award within the context of the continued Government's expectation of a 1% cap on public sector pay. Those Councils that are not tied to the nationally agreed pay scales are currently considering increases averaging 1% for 2016/17, with some considering a 2% increase over 2 years. Sevenoaks, Gravesham and Medway remain tied to the national collective bargaining process, with an employee-side claim for the Living Wage which has, so far, been rejected by the employer-side.

### 1.4 **Retail Price Index**

1.4.1 The RPIJ (the amended "Jevons" RPI measure) rate of increase in November was 0.3% (an increase from 0% in October 2015) and the Government's preferred measure of inflation, the Consumer Price Index (CPI), was 0.1%. Economic analysts' forecasts for CPI over the next 12 months show a small rise to 1% in 2016, rising to 2% by 2020 (Office for Budget Responsibility: Economic and fiscal outlook November 2015).

### 1.5 **General Discussion**

1.5.1 The factors that are relevant to a consideration of a pay award have been identified in the previous sections of this report.

1.5.2 The current rate of inflation suggests that a pay award is not necessary but it is important to recall that, in the past few years, pay awards have been limited and have not kept pace with pay awards elsewhere, particularly in the private sector. An overriding imperative for the Council is to contain its expenditure on salaries in order to retain a stable employment position that, in turn, will be to the overall benefit of staff, continue the delivery of good quality services and help to achieve a balanced budget. Maintaining our ability to recruit and motivate staff with the appropriate skill sets to meet the employment challenges ahead is also of vital importance.

1.5.3 A pay award of 1% will be 'swallowed' for the majority of staff, by the removal of pension scheme 'contracting out' of SERPS (referred to in 1.2.4).

1.5.4 The Council's employees have been fully informed of the financial challenges facing the Council, via both the JECC and through Unison.

1.5.3 Discussions have taken place with Unison as to the proposals within this paper. Following consultation with their Members, Unison have submitted their pay claim as follows –

- A 3% consolidated increase;
- A lump sum payment of £500;
- An underpinning hourly rate of £8.25 (Living Wage Foundation Living Wage)

1.5.4 A provision for a pay award in 2016/17 was made in the Medium Term Financial Strategy in line with the Government's 'cap' on public sector pay, and I feel that it continues to be appropriate to consider a measured award in recognition of the continuing efforts of staff to 'do more with less'. In addition, an award, albeit modest, would reinforce a message of support and encouragement to our staff who continue to face significant challenges in dealing effectively with the implications of overall cost reduction through re-structuring, shared services, deletion of posts and the prospect of future change.

1.5.4 Taking all the above into account, for an award to have any impact for staff whilst observing the government's 'cap', it seems reasonable to consider a two year award with the total increase 'up front', thereby sending a positive message to both current and future staff, whilst staying within budget.

## **1.2 Legal Implications**

1.2.1 The Council has a contractual requirement to review our salary levels annually but no obligation to increase them by any set amount or in response to movement in either the RPIJ or the CPI.

## **1.3 Financial and Value for Money Considerations**

1.3.1 I believe that the recommended two year pay award for 2016/17 is an appropriate response in the light of the Council's budget position.

1.3.2 Financial provision in the Medium Term Financial Strategy, assumes a 1% pay award per annum (in line with the Government's 'cap'). The recommended award over two years would therefore be 'within budget'.

## **1.4 Risk Assessment**

1.4.1 I see no significant risk in the recommendation. However, the Council will need to closely monitor movements in pay awards in future years not only amongst neighbouring authorities but also in the private sector as there is a slight risk that some staff, whom it may be in the Council's interest to retain for the future, may be attracted to the potentially higher rewards elsewhere.

## **1.5 Equality Impact Assessment**

1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.6 Policy Considerations**

### 1.6.1 Human Resources

1.6.2 It is appropriate to note that, according to the Members' Allowances Scheme, Member's allowances are increased in line with the staff pay award.

## **1.7 Recommendations**

1.7.1 I RECOMMEND a 2% pay award over two years, from 1 April 2016, with the next pay review not then due until 1<sup>st</sup> April 2018.

Background papers:

contact: Julie Beilby

Nil

Julie Beilby  
Chief Executive

## TONBRIDGE & MALLING BOROUGH COUNCIL

### GENERAL PURPOSES COMMITTEE

01 February 2016

#### Report of the Director of Finance and Transformation

#### Part 1- Public

#### Delegated

### 1 ANNUAL REVIEW OF WHISTLEBLOWING POLICY

**This report informs Members of the outcome of the annual review of the Council's Whistleblowing Policy.**

#### 1.1 Introduction

1.1.1 The Whistleblowing Policy provides employees and Members with information about how they may report concerns regarding breaches of laws, regulations, policies or procedures committed by other employees or Members of the Council. It also outlines how the Council will deal with those concerns once they have been reported.

#### 1.2 Whistleblowing Policy

1.2.1 The Whistleblowing Policy was last reviewed by the Committee in June 2015. This latest review found that other than some minor textual changes no substantive changes were required to the policy.

1.2.2 A copy of the Whistleblowing Policy is attached at **[Annex 1]**.

#### 1.3 Action Following Approval of the Policy

1.3.1 The Whistleblowing Policy was considered at the meeting of the Audit Committee on 25 January and a verbal update of the outcome of that consideration will be given at the meeting. The policy, once approved, will be circulated to all staff with computer access using Netconsent and made available on the Council website.

#### 1.4 Legal Implications

1.4.1 The policy is not mandatory, but does comply with best practice and refer to the relevant legislation where appropriate.

#### 1.5 Financial and Value for Money Considerations

- 1.5.1 Providing clear guidelines to staff on how they may report concerns of inappropriate conduct or fraud strengthen the Council's zero tolerance approach to fraud and corruption.

**1.6 Risk Assessment**

- 1.6.1 While there is no statutory requirement to have an appropriate mechanism for dealing with whistleblowing, it is relevant to helping the Council comply with associated law. Failure to have an adequate whistleblowing mechanism carries significant reputational risks.

**1.7 Equality Impact Assessment**

- 1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

**1.8 Recommendations**

- 1.8.1 Members are asked to approve, subject to any required amendments, the Whistleblowing Policy attached at **[Annex 1]**.

Background papers:

contact: Samantha Buckland

Nil

Sharon Shelton  
Director of Finance and Transformation



# WHISTLEBLOWING POLICY



January 2016

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# TONBRIDGE & MALLING BOROUGH COUNCIL WHISTLEBLOWING POLICY

## A confidential reporting policy for all Members, employees and contractors

### 1. Introduction

- 1.1 Tonbridge & Malling Borough Council operates within legal requirements and regulations and expects its employees to co-operate in this by adhering to all laws, regulations, policies and procedures. The Council recognises that employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Public Interest Disclosure Act 1998 (the 1998 Act) contains measures which help to promote greater openness between employers and employees in the workplace and supports a structure for whistleblowing. The 1998 Act:
- a) *is designed to give statutory protection to employees who “blow the whistle” on their employer’s malpractice; and*
  - b) *although not requiring the Council to set up an appropriate mechanism for dealing with whistleblowing, makes clear the important role that such a mechanism can play in helping the Council comply with the law.*
- 1.3 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect and support employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. This policy is intended to encourage and enable individuals to raise concerns within the Council, without fear of reprisals, rather than overlooking a problem or “blowing the whistle” outside. The policy does, however, recognise that individuals must be able to take matters further if they are dissatisfied with the Council’s response.

### 2. Definition of Whistleblowing

- 2.1 *‘Whistleblowing’ means the disclosure of malpractice or wrongdoing within an organisation.*

### 3. Aims and Scope of this Policy

- 3.1 The Whistleblowing Policy aims to:

- encourage you to feel confident about raising concerns and to question and act on those concerns;

- provide a way for you to raise concerns and receive appropriate feedback on any action taken;
- confirm that all concerns raised will be examined and the Council will assess what action should be taken;
- reassure you that you will be protected from possible reprisals or victimisation if you have made a disclosure in good faith; and
- provide ways for you to take the matter further if you are dissatisfied with the Council's response.

3.2 The *Whistleblowing Policy* is intended to cover concerns that fall outside the scope of the Council's Grievance Procedure which enables employees to lodge a grievance relating to their employment. This Policy is also intended to cover concerns that fall outside the scope of the Council's corporate complaints procedures and other statutory reporting procedures. These may include:

- any unlawful act, whether criminal (e.g. theft) or a breach of the civil law (e.g. slander or libel)
- health and safety risks, including risks to the public as well as to other employees (e.g. faulty electrical equipment)
- damage to the environment (e.g. pollution)
- the unauthorised use of public funds (e.g. expenditure for improper use)
- possible fraud and corruption
- inappropriate or improper conduct (e.g. abuse of power, bullying / harassment)
- serious failure to comply with appropriate professional standards (e.g. National Code of Local Government Conduct)
- breach of Council or statutory codes of practice or the Council's standing orders (e.g. Officers' Code of Conduct)
- discrimination on the grounds of race, colour, creed, ethnic or national origin, disability, age, sex, sexual orientation, marital status or class
- abuse of children and vulnerable adults (e.g. through physical, sexual, psychological or financial abuse, exploitation or neglect)
- other unethical conduct.

#### 4. Who does this Policy Cover?

4.1 This policy applies to disclosures made in relation to or by:

- any employee of the Council, either under contract of employment or apprenticeship
- any Member of the Council
- any contractors, their agent, subcontractors and suppliers working with or on behalf of the Council
- consultants and agency staff working with or for the Council
- any organisation working in partnership with the Council.

#### 5. Supporting the Individual Raising a Concern

5.1 **Harassment or Victimisation:** The Council is committed to good practice and high standards. The Council also recognises that the decision to report a concern can be a difficult one to make. It will not tolerate harassment or victimisation of whistleblowers and will take action to protect individuals who raise concerns in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect the individual. However, this does not mean that if the individual is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of raising a concern under this policy.

5.2 **Confidentiality:** Individuals are encouraged to put their name to any allegation; concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council, taking into account:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

All concerns will be treated in confidence and the Council will do its best to protect the individual's identity when they do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the individual raising the concern may be required as part of the evidence. If the situation arises where the Council is not able to resolve the concern without revealing the individual's identity, this will be discussed with the individual in an attempt to identify how the matter can be progressed.

5.3 **Untrue Allegations:** Any individual who makes an allegation in good faith, but which is not subsequently confirmed by the investigation, will have no action

taken against them. If, however, an individual makes malicious or vexatious allegations or an allegation for personal gain, disciplinary action may be taken against them.

## **6. How to Raise a Concern**

6.1 When an individual wishes to raise a concern, they will need to identify the issues carefully. An individual must be clear about the standards against which they are judging practice. They should consider the following:

- Is it illegal?
- Does it contravene professional codes of practice?
- Is it against government guidelines?
- Is it against the Council's guidelines?
- Is it about one individual's behaviour or is it about general working practices?
- Does it contradict what the employee has been taught?
- Has the employee witnessed the incident?
- Did anyone else witness the incident at the same time?

6.2 Members should raise a concern in the first instance with the Chief Executive, Monitoring Officer or S151 Officer. Employees should raise concerns in the first instance with their immediate Line Manager or Service Manager, if possible. Similarly, non-employees (e.g. agency workers or contractors) should raise a concern in the first instance with their contact within the Council, usually the person to whom they directly report.

6.3 In some cases, the nature, seriousness or sensitivity of the concern or the individuals involved in the activities causing concern means that this may not always be appropriate. If a person feels they cannot raise their concern with their immediate management/contact, they are able to go directly to the Audit and Assurance Manager.

6.4 Individuals may also contact the Internal Audit and Fraud Team for advice/guidance on how to pursue matters of concern or if, having raised the concern with the immediate manager/contact, they feel there has not been an appropriate response.

6.5 In the event of a concern being of an extreme and potentially serious nature, individuals may raise the matter directly with the Chief Executive.

6.6 Once an employee is certain that the concern should be raised, the following action should be considered:

- Concerns may be raised verbally or in writing. Employees who wish to make a written report should give the background and history of the concern and the reason why they are particularly concerned about the situation. The earlier concerns are expressed the easier it is to take action. A form is available at Appendix 1 of this policy for those wishing to raise a concern in writing.
- If the employee wishes, they may ask for a private meeting with the person to whom they wish to make the complaint. An employee may take a Trade Union representative or work colleague with them as a witness or for support. The employee should take to the meeting, if possible, dated and signed written supporting statements from anyone who can also confirm the allegations.
- When making the complaint verbally, the employee should write down any relevant information and date it. Keep copies of all correspondence and relevant information.
- The employee should ask the person to whom they are making the complaint what the next steps will be and if anything more is expected of them.

6.7 Although the individual raising the concern is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

## **7. How the Council will Respond**

7.1 Once a concern is raised the appropriate Council manager is responsible for making initial enquiries, taking advice from Personnel and or Internal Audit and Fraud Team to help decide if an investigation is appropriate and if so, what form it should take. In determining the action to be taken, the Council will take into consideration public interest and whether the concerns or allegations fall within the scope of and may be dealt with under other specific procedures such as the Council's Grievance Procedure.

7.2 Concerns raised may:

- be resolved by agreed action without the need for investigation;
- be investigated by management;
- be investigated by the Internal Audit and Fraud Team and or Personnel;
- be referred to the Police;

- be referred to the External Auditor.
- 7.3 As soon as possible, and in any case within 10 working days of a concern being raised, the person handling the matter will write to the individual raising the concern acknowledging that it has been raised and indicating how, as far as possible, it will be dealt with. The individual will be kept informed of progress and will receive a full and final response, subject to any legal constraints.
- 7.4 The amount of contact between the persons considering the issues and the individual(s) raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary to pursue investigation activity, the Council will seek further information from the individual. Where any meeting is arranged, the individual may be accompanied by a union or professional association representative or a friend or colleague.
- 7.5 The Council will take steps to minimise any difficulties which individuals may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice and support in doing this.

## **8. How the Matter can be Taken Further**

- 8.1 This policy is intended to provide individuals with an avenue to raise concerns within the Council. The Council hopes that those using this process will be satisfied with the way their concerns are treated and any investigations that may be carried out. However, if they are not satisfied, or feel it is right to take the matter outside the Council, the following are possible contact points:
- The Council's External Auditor, currently Grant Thornton UK LLP
  - Public Concern at Work (Tel: 020 7404 6609, [www.pcaaw.co.uk](http://www.pcaaw.co.uk)) who are a registered charity whose services are free and confidential
  - The local Citizens Advice Bureau
  - Relevant professional bodies, Trade Unions or regulatory organisations
  - Unison's whistleblower's hotline 0800 597 9750
  - The Police
  - A solicitor
  - The Local Government Ombudsman.



8.2 If individuals do feel it is right to take the matter outside the Council, they will need to ensure that confidential information is not disclosed. Advice and guidance on this issue may be sought from the Internal Audit and Fraud Team or the Council's Monitoring Officer.

## **9. Review and Approval of this Policy**

9.1 The Whistleblowing Policy will be reviewed at least annually by the Audit Committee for recommendation to the General Purposes Committee for approval.

**WHISTLEBLOWING POLICY - REPORT OF A CONCERN**

Give a description of the concern including any serious risk to persons or property.

Give details of the information that you have relating to the concern, e.g. what evidence do you have that gives rise to your concern.

Have you previously raised this concern? If so, with whom and what action was taken?

Please give details about yourself - All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

Name.....

Contact details.....

I understand that this concern is being raised under the Council's Whistleblowing Policy and have read and understood the Policy.

Signed..... Date.....

## TONBRIDGE & MALLING BOROUGH COUNCIL

### GENERAL PURPOSES COMMITTEE

01 February 2016

#### Report of the Director of Central Services

#### Part 1- Public

#### Delegated

#### **1 AMENDMENT TO THE STAFF CODE OF CONDUCT**

1.1 In anticipation of the publication of a refreshed Equalities Policy and the publication of our Equality Objectives in the new financial year, it was felt appropriate to ensure that all staff are reminded of their responsibilities in respect of equality and diversity, both in the workplace and as service providers.

1.1.1 Accordingly, the attached Code of Conduct has been amended to include a section on Equality and Diversity (section 8) as one way in which this can be achieved.

#### **1.2 Legal Implications**

1.2.1 Under the Public Sector Equality Duty (section 149 of the Equality Act 2010) the Council is bound to have due regard to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.

#### **1.3 Financial and Value for Money Considerations**

1.3.1 Nil.

#### **1.4 Risk Assessment**

1.4.1 The amendment to the Code of Conduct will be one measure to ensure that the Council, as an employer, has taken steps to ensure that the risk of discrimination is eliminated.

#### **1.5 Equality Impact Assessment**

1.5.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end

users. The impact has been analysed and does not vary between groups of people.

## **1.6 Policy Considerations**

1.6.1 Human Resources

## **1.7 Recommendations**

1.7.1 It is recommended that the amendment to the Code of Conduct be approved.

Background papers:

contact: Charlie Steel

Nil

Ext.6015

Adrian Stanfield  
Director of Central Services

# **CODE OF CONDUCT**

## **INTRODUCTION**

The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist employees in their day-to-day work. The Code is produced in the light of the challenges that employees face in the new and more commercially oriented environment. This includes the introduction and extension of compulsory competitive tendering (CCT), market testing, changes in the management of the education and housing services, care in the community, management buyouts, etc.

## **STATUS OF THE CODE**

The Code has been adopted by the Council following consultation with employee representatives. In the absence of a satisfactory explanation any significant breach of it is likely to be treated as a serious disciplinary matter.

## **WHO THE CODE IS AIMED AT**

The Code applies to all of the Council's employees. Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. The Code is intended to cover all employees under a contract of employment although employees engaged on temporary contracts may in some circumstances be excluded from its provisions. Such employees should check with their Chief Officer if they are in any doubt about particularly situations. Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the minimum standards within this Code.

## **CODE OF CONDUCT**

### **1. STANDARDS**

- 1.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, without fear of recrimination, to bring to the attention of their Chief Officer or the Chief Executive any deficiency in the provision of service. Employees must report to their Chief Officer or Chief Executive any impropriety or breach of procedure. Advice in confidence, about what might be "reportable"

and to whom can be obtained from the Chief Internal Auditor or Personnel Manager.

## **2. DISCLOSURE OF INFORMATION**

- 2.1. It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. Your Chief Officer will tell you the rules and practices which relate to the disclosure of information in your Service. Enquiries from the media should normally be referred to your Chief Officer unless he/she has delegated responsibility for dealing with particular matters to another officer.
- 2.2. Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the authority should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.
- 2.3. Employees should be aware of and observe the 8 principles of the Data Protection Act 1984 with regard to personal information about individuals which is (or is intended to be) stored on computer. These principles are not complicated and simply require employees to exercise a reasonable standard of care when dealing with this personal information. Employees should obtain the information fairly and keep it up to date; hold it and use it only for the registered purposes; disclose it only to those organisations and individuals that have a legal right or are registered as having a need to know that information; not obtain or hold information unless it is necessary for the registered purposes; and take reasonable security measures to prevent access to, or loss of, the information. Employees should refer to their own Service guidelines and/or manager for more information, where applicable.

## **3. POLITICAL NEUTRALITY**

- 3.1. Employees serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 3.2. Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
- 3.3. Nothing in this section is intended to compromise the right of employees to join and take part in the activities of political parties, other than as set out for politically restricted posts in the Local Government and Housing Act 1989. You

will have been informed by letter or via your contract of employment whether your post is politically restricted.

#### **4. RELATIONSHIPS**

- 4.1. **Councillors** : Employees are responsible to the authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.
- 4.2. **The Local Community and Service Users** : Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.
- 4.3. **Contractors** : All relationships of a business or private nature with external contractors, or potential contractors, should be made known to your Chief Officer. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.
- 4.4. Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their Chief Officer.

#### **5. APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

- 5.1. Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 5.2. Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.
- 5.3 The Councils Constitution states that:

*(i) A candidate for any Council appointment will, when making application, inform the Chief Executive of any relation they know to be a Member or senior officer of the Council. A candidate who knowingly fails to disclose a relationship will be disqualified for the appointment and if appointed be liable to dismissal without notice. Every Member or senior officer of the Council will inform the Chief*

*Executive of any relationship known to him/her with any person he/she knows is a candidate for an appointment. The Chief Executive will report any such disclosure to the Council or appropriate Member or officer making the appointment.*

*(iii) For the purpose of this rule only “senior officer” means any Council officer graded SO or above. Persons will be deemed to be related if they are – parent, grandparent, spouse, partner, child, grandchild, brother, sister, uncle, aunt, nephew or niece of a member/candidate/senior officer.*

*(iv) Where a candidate has declared such a relationship, any offer of employment shall be subject to approval by the appropriate Director, except where the Director is the officer to whom the candidate has declared a relationship, in which case the Chief Executive or Director of Central Services will approve any proposed offer of employment.*

5.4 Irrespective of the grade of the officer to whom a candidate is a relative, managers are encouraged to notify their Chief Officer if they are considering appointing any candidate who is a relative of another member of staff or a Member of the Council. In the event that a Director is related to the candidate, the Director should inform the Chief Executive.

5.5 If any manager is unsure as to whether they need to declare an appointee who is related to a member of staff or Member, they should seek the advice of their Chief Officer.

## **6. OUTSIDE COMMITMENTS**

6.1. Most employees have contracts which require them to obtain written consent to take any outside employment. You should be clear about your contractual obligations and ensure you follow the appropriate procedures for obtaining consent to take outside employment.

6.2. Employees should be aware that any intellectual property created in the course of their employment remains in the ownership of the Authority. Intellectual property comprises inventions and original/ creative writings and drawings.

## **7. PERSONAL INTERESTS**

7.1. Employees must declare to their Chief Officer any non – financial interests that they consider could bring about conflict with the authority’s interests.

7.2. Employees must declare to their Chief Officer any financial interests which could conflict with the authority’s interests.

7.3. Employees should declare to their Chief Officer membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.



## 8. EQUALITY & DIVERSITY

- 8.1 The Council has an Equality Policy (available on the Council's intranet or from Personnel). This provides a framework to ensure that the Council meets its statutory obligations and policy objectives to protect people from harassment, unfair discrimination or being treated unfairly: when applying for a job (by helping to make sure that we appoint the best applicants to vacant posts); as a Council employee, or; as clients and customers seeking or receiving Council services. The policy provides a means to ensure that we positively promote equality of opportunity in all areas of the Council's activities as an employer and provider of services.
- 8.2 The Council therefore expects all of its employees to play a part in making sure that it meets its commitments, and ensures that Tonbridge & Malling is a pleasant place to work and provides high quality services, fairly and equitably to the whole community. All employees are responsible for acquainting themselves with the terms of the policy.
- 8.3 All employees are required to treat colleagues and the public in a fair and equitable way, avoiding unfair discrimination in any form and anything that would demean, distress or offend other people. Remember that your colleagues may have different standards to you and may be offended or feel harassed by behaviour that you think is acceptable. The Council's Anti - Bullying and Harassment policy and the Grievance procedure, for reporting and recording such incidents, are available on the Council's intranet or from Personnel.
- 8.4 The Council takes these commitments very seriously and any deliberate act of discrimination or other serious breach of the policy by employees will be considered as an act of gross misconduct and will result in disciplinary action, possibly leading to dismissal.
- 8.5 Some examples of unacceptable behaviour are (this list is not exhaustive):
- displaying offensive material which conveys an offensive message in relation to a protected characteristic
  - making offensive comments or remarks in relation to a protected characteristic or about a person because of a perceived protected characteristic
  - swearing, rudeness or non-verbal behaviour which intimidates or offends others (this is sometimes referred to as 'banter' but can be offensive to others and will not be tolerated)

### 8.6 Protected Characteristics

There are 9 protected characteristics: • age •disability •gender reassignment •marriage and civil partnership •pregnancy and maternity •race •religion or belief •sex

## **9. SEPARATION OF ROLES DURING TENDERING**

- 9.1. Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2. Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3. Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.4. Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform their Chief Officer and withdraw from the contract awarding processes.
- 9.5. Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

## **10. CORRUPTION**

- 10.1. Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

## **11. USE OF FINANCIAL RESOURCES**

- 11.1. Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

## **12. HOSPITALITY**

- 12.1. Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. It should be properly authorised and recorded in the hospitality book kept in the Chief Executive's office.

- 12.2. When hospitality has to be declined the 'offeror' should be courteously but firmly informed of the procedures and standards operating within the authority.
- 12.3. Employees should not accept significant personal gifts from contractors and outside suppliers, although you may keep insignificant items of token value such as pens, diaries, etc.
- 12.4. When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality.
- 12.5. Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the authority gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

### **13. SPONSORSHIP - GIVING AND RECEIVING**

- 13.1. Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 13.2. Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to their Chief Officer of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

PPRSC 16 November 1994

Amended GP Committee June 2015

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# Agenda Item 9

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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# Agenda Item 10

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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# Agenda Item 12

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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