

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

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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@tmbc.co.uk](mailto:committee.services@tmbc.co.uk)

18 January 2019

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, 28th January, 2019 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

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| 2. | Declarations of interest | 7 - 8 |

3. Minutes 9 - 12

To confirm as a correct record the Minutes of the meeting of General Purposes Committee held on 8 October 2018

**Matters for Recommendation to the Council**

4. Review of Polling Districts and Polling Places 13 - 26

*To note the recommendation of the Electoral Review Working Group in respect of the review of Polling Districts and Polling Places in the Borough, and to agree to the final proposals to be submitted to Council for approval.*

- *Final Proposals (Annex 1)*
- *Minutes of Electoral Review Working Group (Annex 2)*

5. Localism Act Pay Policy 27 - 36

*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 2019/20.*

**Decisions to be taken under Delegated Powers**

6. Pay Award 2019 37 - 40

*The report requests Members to give consideration to the matter of a pay award for employees for 2019/20.*

7. Annual Review of Whistleblowing Policy 41 - 52

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

**Matters submitted for Information**

8. Gender Pay Gap Report 2017/18 53 - 58

*The report summarises the legislative context for gender pay gap reporting and incorporates the outcomes of the Council's gender pay gap analysis for 2017/18.*

9. Urgent Items 59 - 60

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

## **Matters for consideration in Private**

10. Exclusion of Press and Public 61 - 62

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.

## **PART 2 - PRIVATE**

### **Decisions to be taken under Delegated Powers**

11. Establishment Changes 63 - 94

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

*The report sets out for approval a number of establishment changes recommended by the Management Team.*

12. Urgent Items 95 - 96

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 O C Baldock (Chairman)  
Cllr L J O'Toole (Vice-Chairman)

Cllr M A C Balfour  
Cllr Mrs S Bell  
Cllr P F Bolt  
Cllr M A Coffin  
Cllr Mrs M F Heslop  
Cllr N J Heslop

Cllr B J Luker  
Cllr D Markham  
Cllr S C Perry  
Cllr R V Roud  
Cllr C P Smith  
Cllr M Taylor

Apologies for absence

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Declarations of interest

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### GENERAL PURPOSES COMMITTEE

Monday, 8th October, 2018

**Present:** Cllr O C Baldock (Chairman), Cllr L J O'Toole (Vice-Chairman), Cllr M A C Balfour, Cllr M A Coffin, Cllr N J Heslop, Cllr B J Luker and Cllr R V Roud

Councillors Mrs J A Anderson, D Lettington, Mrs A S Oakley, M R Rhodes and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors P F Bolt, Mrs M F Heslop, S C Perry and C P Smith

#### PART 1 - PUBLIC

##### **GP 18/17 DECLARATIONS OF INTEREST**

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

##### **GP 18/18 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the General Purposes Committee held on 25 June 2018 be approved as a correct record and signed by the Chairman.

#### DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

##### **GP 18/19 REVIEW OF POLLING DISTRICTS AND POLLING PLACES**

Further to the meeting of the Electoral Review Working Group held prior to the Committee meeting the Chief Executive presented a report on the Review of Polling Districts and Polling Places and outlined the timetable for public consultation.

**RESOLVED:** That the timing of the review, including the initial proposals and the public consultation to be undertaken by 21 December 2018, be approved.

##### **GP 18/20 HOMEWORKING POLICY AND PROCEDURE**

The report of the Director of Central Services set out the proposed Homeworking Policy following a recent review of the Council's Flexible Working and Homeworking Policy. It was noted that the proposed policy

more accurately reflected the Council's current arrangements where all homeworking currently undertaken fell into the category of Occasional/ad hoc and created the flexibility to incorporate Regular and Permanent/remote homeworking options in the future.

In response to concerns expressed about the security and confidentiality of information and the possibility of a breach of the General Data Protection Regulations, the Director of Central Services confirmed that the Security, Confidentiality and Health and Safety section of the policy would be amended by the addition of the following:-

"Homeworkers must ensure that there is no risk of breaching the Council's GDPR safeguards by others who may be present while they are homeworking".

**RESOLVED:** That, subject to the inclusion of the reference to the Council's GDPR safeguards, the updated Homeworking Policy, as set out at Annex 1 to the report, be adopted as a standalone policy separate from the Flexible Working Policy and Procedure.

#### **GP 18/21 AMENDMENT TO THE SMOKING POLICY**

The report of the Director of Central Services set out details of proposed amendments to the Council's Smokefree Workplace and Public Place Policy following a recent query about the use of e-cigarette/vaping charging units on Council premises and the associated fire risk of these units. The report proposed that the following be added to paragraph 2.1 of the policy:-

" 'Vaping' or the use of electronic cigarettes is similarly not permitted in any part of the operational premises as defined above. Those using such devices are not required to use the designated smoking areas but may use them outside so long as they do not cause harm or distress, whether actual or perceived, to others.

Vaping or electronic cigarettes should not be left unattended at any time when being electronically charged and charging units should be Portable Appliance Tested (PAT) first before use."

**RESOLVED:** That the proposed amendments to Paragraph 2.1 of the Policy, as set out at paragraphs 1.2 and 1.6 of the report, be endorsed.

#### **MATTERS SUBMITTED FOR INFORMATION**

#### **GP 18/22 REVIEW OF DISPENSATION - COUNCILLOR MARK DAVIS**

The report of the Director of Central Services and Monitoring Officer set out details of the recent review of the dispensation granted to Councillor Mark Davis to enable his participation in meetings of the Area Planning Committees, the Planning and Transportation Advisory Board and other

meetings where the Local Plan was under consideration. It was noted that the dispensation would remain in effect until the local elections in May 2019.

**RESOLVED:** That the review of the dispensation granted to Councillor Mark Davis be noted.

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

#### **GP 18/23 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 PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

#### **GP 18/24 ESTABLISHMENT CHANGES**

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

The report of the Director of Central Services set out for approval a number of establishment changes arising from the ongoing operational management of the Council's services.

**RESOLVED:** That the proposals and establishment adjustments set out in the report be endorsed as follows:

- (1) the re-designation and re-grading of post DA1102 from Property Services Officer to Corporate Support Manager with immediate effect;
- (2) the establishment of a temporary Revenues and Visiting Assistant post scale 2/4 with immediate effect for a period of 6 months;
- (3) the establishment of a 1 year fixed term full time scale 2/3 Administration Assistant in the Waste Team with immediate effect;
- (4) post DE0513, scale 5, be permanently re-designated Parking Support Manager from Senior Administrator and established full time with immediate effect for a period of 12 months;

- (5) post DE0503 scale 3 be permanently re-designated Parking Support Officer from Parking Administrator and established 0.8 full time equivalent with immediate effect for a period of 12 months;
- (6) post DE0505 scale 3 be permanently re-designated Parking Support Officer from Parking Administrator and established 0.6 full time equivalent with immediate effect for a period of 12 months; and
- (1) the grade attaching to posts DJ0102 Development Manager and DJ0302 Planning Policy Manager be increased from M6 to M5 with immediate effect.

The meeting ended at 8.14 pm  
having commenced at 7.45 pm

## TONBRIDGE & MALLING BOROUGH COUNCIL

### GENERAL PURPOSES COMMITTEE

28<sup>th</sup> January 2019

#### Report of the Chief Executive

#### Part 1- Public

#### Matters for Recommendation to Council

### 1 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

To note the recommendation of the Electoral Review Working Group in respect of the review of Polling Districts and Polling Places in the Borough, and to agree to the final proposals to be submitted to Council for approval.

#### 1.1 Introduction

1.1.1 Members will be aware that the Electoral Review Working Group (ERWG) met on 14 January 2019, to determine the final recommendations to this General Purposes Committee regarding the Review of Polling Districts and Polling Places.

1.1.2 That review commenced in October 2018, and included a public consultation that concluded on 21 December 2018. Members of the ERWG discussed the responses to that consultation, and agreed that the proposals put before them be endorsed and put before this Committee for recommendation to Council.

1.1.3 I therefore recommend that the final proposals, as set out at **Annex 1** and previously agreed by the Electoral Review Working Group (Minutes attached **Annex 2**), be agreed by this Committee for recommendation to Council on 19 February 2019. The appropriate changes made to the Register effective 1 March 2019.

#### 1.2 Legal Implications

1.2.1 The Representation of the People Act 1983 (as amended) requires borough councils to undertake reviews of polling districts and polling places at least every five years. The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places. The next compulsory review must now be started and completed between 1 October 2023 and 31 January 2025 (inclusive).

#### 1.3 Financial and Value for Money Considerations

1.3.1 The cost of this review will be met from existing budgets. Failure to correctly undertake this review could impose considerable financial penalties on the

(Acting) Returning Officers due to problems at elections; this would trigger a series of events bringing cost and embarrassment to the Council.

#### **1.4 Risk Assessment**

- 1.4.1 The requirements of our electors are essential, and a failure to correctly undertake this review could result in disenfranchising electors, or making it more difficult for them to vote.
- 1.4.2 Any failure in the process or consideration of comments made during the consultation stage could result in the Electoral Commission over-ruling the decisions of the Council.

#### **1.5 Equality 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.
- 1.5.2 The selection of polling places takes into account the needs of electors with disabilities and, as far as is reasonably practicable, efforts are made to ensure all eligible electors are able to access polling stations. Risk assessments of all polling places have been undertaken, and this includes a series of access questions. Presiding Officers at polling stations also provide feed-back on accessibility of polling stations at elections. The review of polling places has identified some changes that will help improve accessibility to venues (by using better-located venues) and into polling stations (by using venues with better accessibility).

#### **1.6 Recommendations**

- 1.6.1 It is recommended that Members approve the final proposals set out in this paper for agreement by Council.

contact: Daune Ashdown

**Julie Beilby**  
Chief Executive

## Review of Polling Districts, Places and Stations - Tonbridge & Malling 2018/2019

### Final proposals

Detailed below are the Returning Officer's final proposals relating to the Polling Districts, Places and stations within the constituencies of Chatham & Aylesford and Tonbridge & Malling. Visits to all of the Polling Stations have taken place and there is only one station that we propose moving to a different venue. We have also looked at the potential increase in Electorate for the next 5 years from factors that we are aware of and we are happy that the stations are able to accommodate any potential increase in numbers. Obviously a percentage of these are postal voters.

### TONBRIDGE & MALLING CONSTITUENCY

The Acting Returning Officer for the Parliamentary constituency of Tonbridge & Malling has reviewed the proposals in this document and states: "I fully support and endorse the proposals prepared for this review of polling districts and polling places within the Tonbridge & Malling constituency. I also endorse the comments attributed to each proposal. Where necessary and possible, I confirm that I will ensure polling stations are supplied with suitable and sufficient means to provide the required level of access to voters with disabilities, including ramps, additional lighting and support from staff."

### CHATHAM & AYLESFORD CONSTITUENCY

The Acting Returning Officer for the Parliamentary constituency of Chatham & Aylesford has reviewed the proposals in this document and states:

"I fully support and endorse the proposals prepared for this review of polling districts and polling places within that part of Chatham & Aylesford constituency that is within the Borough of Tonbridge & Malling. I also endorse the comments attributed to each proposal. Where necessary and possible, I confirm that I will ensure polling stations are supplied with suitable and sufficient means to provide the required level of access to voters with disabilities, including ramps, additional lighting and support from staff."

Ward	Aylesford North & Walderslade					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	CAA	Aylesford North	The Aylesford North ward of Aylesford parish	At or near; Aylesford Community Centre, 25 Forstal Road, Aylesford, ME20 7AU	In 2018: 608 In 2023: 708	No changes required to the polling district boundary or polling place.
	CAB	Blue Bell Hill	The Blue Bell Hill ward of Aylesford parish	At or near; Blue Bell Hill Village Hall Robin Hood Lane (Upper), Chatham, ME5 9NR	In 2018: 1144 In 2023: 1196	No changes required to the polling district boundary or polling place.
	CAC	Eccles	The Eccles ward of Aylesford parish	At or near; Church Hall, Bull Lane, Eccles ME20 7HW	In 2018: 1400 In 2023: 1410	No changes required to the polling district boundary or polling place.
	CAD	Walderslade	The Walderslade ward of Aylesford parish	At or near; Tunbury Hall, Catkin Close, Walderslade, Chatham, ME5 9HP	In 2018: 2278 In 2023: 2300	No changes required to the polling district boundary or polling place.

Ward	Aylesford South					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	CBA	Aylesford South	The Borough ward of Aylesford South	At or near; Community Hall, Royal British Legion Village, Hall Road ME20 7QU	In 2018: 3933 In 2023: 5207	No changes required to the polling district boundary or polling place.

Ward	Burham & Wouldham					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	CCA	Burham	The parish of Burham	At or near; Burham Old School Community Centre, Rochester Road, Burham, ME1 3SF	In 2018: 1135 In 2023: 1155	No changes required to the polling district boundary or polling place.
	CCB	Wouldham	The parish of Wouldham	Currently at or near; Wouldham Village Hall, High Street, Wouldham ME1 3XD	In 2018: 1236 In 2023: 3036	<b>Recommendation</b> to move the Polling Place/Station to Wouldham All Saints C of E Primary School, 1 Worrall Drive, Wouldham, ME1 3GE, due to accessibility and parking problems at the Village hall. School has a purpose built community room, which does not interfere with the running of the school and there are no safeguarding issues. It has flat access and a large

						car park. It is also mid-way between Wouldham and Peters Village.
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Ward	Ditton					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	CDA	Ditton North	That part of Ditton ward including and to the north of London Road, plus Bradbourne Lane (2-11 inc), and Downderry Way (3-9 odds).	At or near; Cobdown Sports & Social Club Station Road, Ditton ME20 6BX	In 2018: 1398 In 2023: 1522	No changes required to the polling district boundary or polling place.
	CDB	Ditton South	The remainder of Ditton ward	At or near; Ditton Community Centre Kiln Barn Road, Ditton ME20 6AH	In 2018: 2648 In 2023: 3132	No changes required to the polling district boundary or polling place.

Ward	Larkfield North					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	CEA	Larkfield North	Borough ward of Larkfield North	At or near; Larkfield Village Hall, New Hythe Lane, Larkfield, Aylesford, ME20 6PU	In 2018: 3730 In 2023: 3776	No changes required to the polling district boundary or polling place.

Ward	Larkfield South					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	CFA	Larkfield South	Borough ward of Larkfield South	At or near; Church Farm Hall, New Hythe Lane, Larkfield, Aylesford ME20 6ST	In 2018: 3543 In 2023: 3695	No changes required to the polling district boundary or polling place.

Ward	Snodland East & Ham Hill					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	CGA	Snodland North East	The Borough ward of Snodland East and Ham Lakes	At or near; The Devonshire Rooms, 4 Waghorn Road, Snodland ME6 5BQ	In 2018: 2411 In 2023: 2531	No changes required to the polling district boundary or polling place.
	CGB	Snodland South	The Borough ward of Snodland East and Ham Lakes	At or near;	In 2018: 1481 In 2023: 1501	No changes required to the polling district boundary or polling place.

				Holmesdale Technology College, Malling Road Snodland, ME6 5HS		
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Ward	Snodland West & Holborough Lakes					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	CHA	Snodland West & Holborough Lakes	The Borough ward of Snodland West & Holborough Lakes	At or near; Community Centre, Paddlesworth Road, Snodland ME6 5DP	In 2018: 4862 In 2023: 5682	No changes required to the polling district boundary or polling place. Although this is a large electorate the Community centre is central to the area and large enough to accommodate 3 stations. There is a small village Hall on Holborough Lakes which could be looked at during the next review in 5 years.

Ward	Borough Green & Long Mill					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Page 18 Current	TAA	Borough Green	The parish of Borough Green	At or near; Borough Green Village Hall, High Street, Borough Green TN15 8BJ	In 2018: 3226 In 2023: 3366	No changes required to the polling district boundary or polling place.
	TAB	Platt	The parish of Platt	At or near; Platt Memorial Hall, Maidstone Road, Platt TN15 8JT	In 2018: 1453 In 2023: 1497	No changes required to the polling district boundary or polling place.
	TAC	Plaxtol	The parish of Plaxtol	At or near; Plaxtol Memorial Hall, School Lane, Plaxtol TN15 0QD	In 2018: 928 In 2023: 948	No changes required to the polling district boundary or polling place.
	TAD	Shipbourne	The parish of Shipbourne	At or near; Shipbourne Village Hall, Upper Green Road, Shipbourne TN11 9PL	In 2018: 401 In 2023: 421	No changes required to the polling district boundary or polling place.

Ward	Cage Green					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	TBA	Cage Green North	The northern part of Cage Green ward.	At or near; Hugh Christie Technology College, White Cottage Road, Tonbridge, TN10 4PU	In 2018: 1865 In 2023: 1885	No changes required to the polling district boundary or polling place.
	TBB	Cage Green South	The southern part of Cage Green ward.	At or near; St Philips Church, Salisbury Road, Tonbridge, TN10 4PA	In 2018: 1862 In 2023: 1882	No changes required to the polling district boundary or polling place.

Ward	Castle					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	TCA	Castle North	That part of Castle ward to the north of London Road and Portman Park.	At or near; YMCA centre, 164 Shipbourne Road, Tonbridge, TN10 3EJ	In 2018: 2143 In 2023: 2477	No changes required to the polling district boundary or polling place.
	TCB	Castle South	That part of Castle ward to the south of London Road, and west of the High Street, plus the Hilden Park area of the ward.	At or near; Tonbridge Castle, Castle Street, Tonbridge, TN9 1BH	In 2018: 1669 In 2023: 1747	No changes required to the polling district boundary or polling place.

Ward	Downs & Mereworth					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	TDA	Addington	The parish of Addington	At or near; Addington Village Hall, Park Road, Addington, ME20 5BQ	In 2018: 660 In 2023: 680	No changes required to the polling district boundary or polling place.
	TDB	Birling	The parish of Birling	At or near; Birling Village Hall, Snodland Road, Birling, ME19 5JG	In 2018: 370 In 2023: 390	No changes required to the polling district boundary or polling place.
	TDC	Mereworth	The parish ward of Mereworth	At or near; Mereworth Village Hall, Butchers Lane, Mereworth ME18 5QD	In 2018: 633 In 2023: 653	No changes required to the polling district boundary or polling place.
	TDD	Offham	The parish of Offham	At or near; Offham Village Hall, Church Road, Offham, ME19 5NY	In 2018: 666 In 2023: 708	No changes required to the polling district boundary or polling place.
	TDE	Ryarsh	The parish of Ryarsh	At or near; Ryarsh Village Hall, Birling Road, Ryarsh, ME19 5LS	In 2018: 640 In 2023: 754	No changes required to the polling district boundary or polling place.

	TDF	Trottiscliffe	The parish of Trottiscliffe	At or near; Trottiscliffe Village Hall School Lane, Trottiscliffe ME19 5EB	In 2018: 444 In 2023: 464	No changes required to the polling district boundary or polling place.
	TDG	West Peckham	The parish of West Peckham	At or near; West Peckham Village Hall, Church Road, West Peckham ME18 5JL	In 2018: 307 In 2023: 20	No changes required to the polling district boundary or polling place.

Ward	East Malling					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	TEA	East Malling	East Malling Ward of East Malling & Larkfield Parish	At or near; East Malling Village Hall, New Road, East Malling ME19 6DD	In 2018: 3981 In 2023: 4419	No changes required to the polling district boundary or polling place.

Ward	Hadlow & East Peckham					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	TFA	East Peckham	The parish of East Peckham	At or near; The Curran Hall, Methodist Church, Pound Road, East Peckham, TN12 5AU	In 2018: 2655 In 2023: 2779	No changes required to the polling district boundary or polling place.
	TFB	Golden Green	The parish ward of Golden Green, part of Hadlow parish.	At or near; The Community Hall, Three Elm Lane, Tonbridge, TN11 0BE	In 2018: 480 In 2023: 500	No changes required to the polling district boundary or polling place.
	TFC	Hadlow	The parish ward of Hadlow, part of Hadlow parish.	At or near; Hadlow Old School, Maidstone Road, Hadlow Tonbridge, TN11 0EH	In 2018: 2639 In 2023: 3165	No changes required to the polling district boundary or polling place.

Ward	Higham					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	TGA	Higham	Borough Ward of Higham.	At or near; The Methodist Hall, Higham Lane, Tonbridge, TN10 4JA	In 2018: 3843 In 2023: 3863	No changes required to the polling district boundary or polling place.

Ward	Hildenborough					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	THA	Hildenborough North	That part of Hildenborough which is North of the Tonbridge Road and West of Coldharbour Lane, including properties on Coldharbour Lane, plus properties South of Noble Tree Road.	At or near; St Johns Church Hall, Tonbridge Road, Hildenborough, Tonbridge, TN11 9HT	In 2018: 1683 In 2023: 1703	No changes required to the polling district boundary or polling place.
	THB	Hildenborough South	That part of Hildenborough which is South of the Tonbridge Road, and East of Coldharbour Lane.	At or near; Stocks Green CP School Leigh Road, Hildenborough TN11 9AE	In 2018: 2287 In 2023: 2499	No changes required to the polling district boundary or polling place

Ward	Judd					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Page 21 Current	TJA	Judd Central	That part of Judd ward to the south of the railway line, and north of Brook Street.	At or near; St Stephens Church Centre, Waterloo Road, Tonbridge. TN9 2SW	In 2018: 1281 In 2023: 1301	No changes required to the polling district boundary or polling place
	TJB	Judd North	That part of Judd ward north of the Tonbridge to Redhill railway line.	At or near; Tonbridge Youth Hub, (Access via Danvers Road) Tonbridge TN9 2SW	In 2018: 1399 In 2023: 1487	No changes required to the polling district boundary or polling place
	TJC	Judd South	That part of Judd ward south of the Tonbridge to Redhill railway line.	At or near; K College, Brook Street, Tonbridge, TN9 2PW	In 2018: 1399 In 2023: 1641	No changes required to the polling district boundary or polling place

Ward	Kings Hill					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	TKA	Kings Hill	The north eastern part of Kings Hill parish	At or near; Kings Hill Cricket Pavillion, 17 Tiffen Way, Kings Hill, ME19 4GZ	In 2018: 2602 In 2023: 4022	No changes required to the polling district boundary or polling place. In the event of the normal venue not being available, which has happened in the past in the event of unscheduled election, we have also reviewed the Sports Pavillion, 200, Beacon Avenue, Kings Hill ME19 4QP as an alternative.

	TKB	Kings Hill	The southern and western part of Kings Hill parish,	At or near; Kings Hill Community Centre Gibson Drive, Kings Hill ME19 4LG	In 2018: 3797 In 2023: 4043	No changes required to the polling district boundary or polling place.
	TKC	Mereworth Airfield	The Airfield Ward of Mereworth Parish	At or near; Kings Hill Community Centre Gibson Drive, Kings Hill ME19 4LG	In 2018: 243 In 2023: 263	No changes required to the polling district boundary or polling place.

Ward	<b>Medway</b>					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	TLA	Medway North	That part of Medway ward to the north of Tonbridge to Paddock Wood railway line.	At or near; The Fisher Hall, Lockside, Tonbridge, TN9 1EY	In 2018: 3031 In 2023: 3079	No changes required to the polling district boundary or polling place.
	TLB	Medway South	That part of Medway ward to the south of the railway line.	At or near; Hillview School for Girls, Brionne Gardens, Tonbridge TN9 2HE	In 2018: 2426 In 2023: 2790	No changes required to the polling district boundary or polling place.

Ward	<b>Trench</b>					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	TMA	Trench	Borough Ward of Trench.	At or near; Six in One Community Centre, Northwood Road, Tonbridge TN10 3HH	In 2018: 3781 In 2023: 4199	No changes required to the polling district boundary or polling place.

Ward	<b>Vauxhall</b>					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	TNA	Vauxhall North	That part of Vauxhall ward to the north of Springwell Road/Pembury Road.	At or near; The New Telegraph Club, 26 Priory Road, Tonbridge, TN9 2AS	In 2018: 1486 In 2023: 1588	No changes required to the polling district boundary or polling place.
	TNB	Vauxhall South	That part of Vauxhall ward to the south of Springwell Road / Pembury Road and east of The Drive.	At or near; Tonbridge Grammar School For Girls, Deakins Leas, Tonbridge, TN9 2JR	In 2018: 2657 In 2023: 3025	No changes required to the polling district boundary or polling place.

Ward	Wateringbury					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	TPA	Wateringbury	The parish of Wateringbury	At or near; Wateringbury Village Hall 147 Tonbridge Road, Wateringbury, ME18 5BS	In 2018: 1679 In 2023: 1783	No changes required to the polling district boundary or polling place.

Ward	West Malling & Leybourne					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Page 23	TQA	Leybourne Village	That part of the parish of Leybourne, excluding Leybourne Chase.	At or near; Leybourne Village Hall Little Market Row Leybourne ME19 5QL	In 2018: 2499 In 2023: 2519	No changes required to the polling district boundary or polling place.
	TQB	Leybourne Chase	The Leybourne Chase development within Leybourne, and properties on the A20 London Road adjacent to it.	At or near; Leybourne Chase Community Hall Off Beadsman Crescent	In 2018: 1021 In 2023: 1627	No changes required to the polling district boundary or polling place. Still temporary until new centre is built, but quite central in the development and adequate as a station.
	TQC	West Malling	The parish of West Malling	At or near; West Malling CP School Norman Road West Malling ME19 6RL	In 2018: 2188 In 2023: 2458	No changes required to the polling district boundary or polling place. Not ideal as school has to close, but village hall is a long way out of the village and there is nowhere else suitable.

Ward	Wrotham, Ightham & Stansted					
	PD	Polling district	Description	Polling place	Electorate	Recommendations/Comments
Current	TRA	Ightham	The parish of Ightham	At or near; Ightham Village Hall Sevenoaks Road, Ightham TN15 9HA	In 2018: 1653 In 2023: 1757	No changes required to the polling district boundary or polling place.
	TRB	Stansted	The parish of Stansted	At or near; Stansted Village Hall Malthouse Road, Stansted TN15 7PH	In 2018: 445 In 2023: 465	No changes required to the polling district boundary or polling place. Needs plenty of signage as difficult to find.
	TRC	Wrotham	The parish of Wrotham	At or near; St Georges Hall, High Street Wrotham, TN15 7AB	In 2018: 1534 In 2023: 1562	No changes required to the polling district boundary or polling place.

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**TONBRIDGE AND MALLING BOROUGH COUNCIL****ELECTORAL REVIEW WORKING GROUP****Monday, 14th January, 2019**

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

Councillor D A S Davis was also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor M A Coffin

**PART 2 - PRIVATE****ER 19/1 DECLARATIONS OF INTEREST**

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

**ER 19/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Electoral Review Working Group held on 8 October 2018 be approved as a correct record and signed by the Chairman.

**ER 19/3 REVIEW OF POLLING DISTRICTS AND POLLING PLACES**

The report of the Chief Executive gave details of responses received to the recent public consultation regarding the review of Polling Districts and Polling Places in the Borough. It was noted that six formal responses had been received including requests from Wouldham Parish Council and the local Member of Parliament that Wouldham Village Hall be retained as a polling station rather than the new Village School. The latter had been proposed as it offered the opportunity to resolve access and parking problems at the current venue. In view of the representations received, Building Control had been asked to inspect the Village Hall's access and provide a report which was circulated at the meeting. It indicated that the Hall did not comply with the current 2015 edition of Approved Document M – Access to and use of buildings or the Equality Act.

Members gave careful consideration to the representations and discussed a number of options. They concluded that the new Village School provided the only solution which met the requirements of a polling station that was accessible to all.

Attention was also drawn to a request that the Jubilee Hall at East Peckham be considered as a polling station instead of Curran Hall. Since the latter was more centrally located in the village, it was considered that it should continue to be used with the Jubilee Hall as a backup station in an emergency or if circumstances changed.

It was noted that the final proposals would be presented to the Council on 19 February and appropriate changes made to the Register with effect from 1 March 2019.

**RECOMMENDED:** That the final proposals in respect of Polling Districts and Polling Places set out at Annex 3 to the report be approved and commended to the Council for adoption.

The meeting ended at 8.28 pm

## TONBRIDGE & MALLING BOROUGH COUNCIL

### GENERAL PURPOSES COMMITTEE

28 January 2019

#### 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 2019/20 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 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, and, the policy on re-employing someone who has been made redundant.
- 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 pertains to the current Establishment and therefore includes the posts of the Chief Executive, the Central Services Director and Deputy Chief Executive, the Council's three Service Directors, the Head of Planning, the Chief Financial Services Officer, the Head of Street Scene and Leisure, the Head of IT, 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 2019.

## **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.

## **1.6 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 19 February 2019.

Background papers:

contact: Delia Gordon

Nil

Adrian Stanfield  
Director of Central Services

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## Pay Policy Statement 2019/20

### 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 2019/20. 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
- the 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 roles on the Council's Establishment in January 2019 is set out below.

<b>No of chief officers</b>	<b>Grade</b>	<b>% of M2 benchmark</b>	<b>Pay Point Range</b>
11 (6 of whom work part time hours)	M6	56.0%	141- 144
8 (1 of whom works part time hours)	M5	61.0%	147 - 150
4	M4	70.0%	151- 154
3	M2a	97.5%	181- 184
1	M2	100%	186 -189
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.

### **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 2019/20 it is anticipated that such posts will receive a full time annual salary equivalent of approximately £15,800.

### **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 2019/20 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 2019/20 there will be a multiple of approximately 7.33 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 £121,356. The median full time equivalent salary for all other employees in Tonbridge & Malling Borough Council is in the region of £26,264, the mean full time equivalent salary is in the region of £30,600. The pay multiple is therefore approximately 4.62 against the median and 4 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 the benchmark grade M2. Therefore, the grading structure specifies the pay multiples attached to each grade as a percentage of the lowest incremental point of grade 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 M4 are required to possess **both** professional and managerial skill sets equivalent to Level 7 of the NQF. All three 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 and the Deputy 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 for the Chief Executive and M2 for their deputy.

### **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 performance related or total contribution bonuses, market premiums, location allowances, or subsidy towards child care costs. 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 normally 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 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 recompensed at the appropriate rate in accordance with the negotiated policy and payment rate for the role.

## TONBRIDGE & MALLING BOROUGH COUNCIL

### GENERAL PURPOSES COMMITTEE

28 January 2019

#### Report of the Chief Executive

#### Part 1- Public

#### Delegated

### 1 PAY AWARD 2019

#### Summary

This report requests Members to give consideration to the matter of a pay award for employees for 2019/20.

#### 1.1 Introduction

1.1.1 Council employees have a term in their contracts which reads “your 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 2% in April 2018.

1.1.3 This report considers a range of factors that are relevant to the issue of a pay award for 2019/20.

#### 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 need to make savings and transformation contributions in the context of the Medium Term Financial Strategy and the Savings and Transformation Strategy. As reported to the Finance, Innovation & Property Advisory Board on 9 January, the latest projected ‘outstanding’ funding gap is in the region of £550,000; although this could change again once the outcome of the Fair Funding Review is known later in the year.

1.2.3 The National Living Wage for those over 24 years of age will rise by 4.85% in 2019/20 to £8.21p.

1.2.4 The Council continues to have to pay the additional 3.4% in National Insurance contributions (from 1st April 2016) for those employees (the majority) who contribute to the Local Government Pension Scheme, which has required 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. The majority of Councils that are not tied to the nationally agreed pay scales are currently considering increases of up to 2.8% for 2019/20. Sevenoaks, Gravesham and Medway remain tied to the national collective bargaining process.

### 1.4 **Retail Price Index**

1.4.1 The RPI rate of increase in November was 3.2% and the Government's preferred measure of inflation, the Consumer Price Index (CPI), was 2.3%. The Office for Budget Responsibility's Economic and fiscal outlook (November 2018) predicts CPI will be about 2% in 2019.

### 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 necessary but it is important to recall that, in recent past, pay awards have been limited and have not kept pace with inflation or 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 The Council's employees have been fully informed of the financial challenges facing the Council, via both the JECC and through Unison.

1.5.4 Nationally, in 2018, following negotiation, a 2% increase to the salary scale was agreed for 2018/19 and 2019/20. Additionally there were some other adjustments at the lower end of the scale.

1.5.5 Provision for pay award inflation for 2019/20 has been made in the Medium Term Financial Strategy at 3%.

- 1.5.6 I feel that it is appropriate to consider an award that recognises the continuing efforts of staff to 'do more with less'. In addition, an award slightly above what might be considered as 'inflationary' will 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 both the past and the prospect of future change.
- 1.5.7 It is important from a recruitment and retention point of view (particularly for those with professional skills) that we do not fall behind other authorities. Therefore I recommend that an award of 2.5 % is offered to staff for 2019/20 in line with other Kent councils with whom we compete in the recruitment market.
- 1.5.8 UNISON locally have been informed of the Council's likely pay offer and have yet to comment.

## **1.6 Legal Implications**

- 1.6.1 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.

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

- 1.7.1 I believe that the recommended award for 2019/20 is an appropriate response in the light of the Council's budget position.
- 1.7.2 Financial provision in the Medium Term Financial Strategy has made provision for a ceiling of a 3% pay award for 2019/20 and therefore 2.5% would be 'within budget'.

## **1.8 Risk Assessment**

- 1.8.1 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.

## **1.9 Equality Impact Assessment**

- 1.9.1 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.

## **1.10 Policy Considerations**

- 1.10.1 The recommended pay award is consistent with the Pay Policy Statement.

1.10.2 It is appropriate to note that, according to the Members' Allowances Scheme, Member's allowances are normally increased in line with the staff pay award. However, as Members Allowances are effectively being 're-set' after the Borough Council elections in May, this will not be applicable in 2019/20 (GP Committee 6 March 2017 and subsequently Full Council 11 April 2017 minute reference C17/25).

### **1.11 Recommendations**

1.11.1 I RECOMMEND a 2.5% pay award, from 1 April 2019.

Background papers:

contact: Julie Beilby

Nil

Julie Beilby  
Chief Executive

## TONBRIDGE & MALLING BOROUGH COUNCIL

### GENERAL PURPOSES COMMITTEE

28 January 2019

#### 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 January 2018. This latest review found that no changes were required at this time. However, it should be noted that the Fraud Team will be subject to an independent review this financial year and the outcomes of that review may require in-year changes to be made to the Policy and, if so, will be brought back to the Committee once updated.

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 is being considered by the Audit Committee at its meeting on 21 January. 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, bribery 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 risk.

## **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 Policy Considerations**

- 1.8.1 Crime & Disorder Reduction

## **1.9 Recommendations**

- 1.9.1 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 2019

## Contents

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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; however you are not required to do so and can make a report anonymously. Anonymity can hamper any investigation should further information be required however anonymous reports will be considered, 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?
- Where an individual is unsure whether to raise a concern they should contact the Internal Audit and Fraud Team for advice.

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 is encouraged to write down any relevant information and date it. Copies of all correspondence and relevant information should be retained.
  - 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 either write to or email 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 (Tel: 020 7728 2936, paul.dossett@uk.gt.com)
- Public Concern at Work (Tel: 020 7404 6609, www.pcaw.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 This Policy is owned by the Director of Finance and Transformation and reviewed by the Chief Audit Executive on her behalf.

9.2 The Whistleblowing Policy will be reviewed at least annually by the Audit Committee for recommendation to the General Purposes Committee for approval. The most recent review was undertaken in January 2019 with the next review due January 2020.

**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?

Give details about yourself – Please note you are not required to do so and can make a report anonymously, which will still be considered, however this can hamper any investigation should further information be required. 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

28 January 2019

#### Report of the Director of Central Services

#### Part 1- Public

#### Matters for Information

#### 1 GENDER PAY GAP REPORT 2017 – 2018

**This report summarises the legislative context for gender pay gap reporting, and incorporates the outcomes of the Council's gender pay gap analysis for 2017/18.**

#### 1.1 Gender Pay Gap Reporting 2018

- 1.1.1 The gender pay gap obligations have been introduced alongside the existing requirements for specified public bodies, including publishing annual information to demonstrate compliance under the Public Sector Equality Duty (PSED) and publishing equality objectives every four years.
- 1.1.2 The Mandatory Gender Pay Gap Reporting requires that organisations should capture data as a snapshot on 5 April and then publish their findings no later than 4 April of the following year. It is similarly required that the data on their websites is maintained for three years in order to show progress made.
- 1.1.3 The Equality and Human Rights Commission defines the difference between equal pay and the gender pay gap as follows:
1. Equal pay means that men and women in the same employment performing equal work must receive equal pay, as set out in the Equality Act 2010.
  2. The gender pay gap is a measure of the difference between men's and women's average earnings across an organisation or the labour market. It is expressed as a percentage of men's earnings.
- 1.1.4 Salaries at TMBC are determined through a grading system which evaluates the job and not the post holder. It makes no reference to gender or any other personal characteristics of existing or potential job holders. Therefore, we are confident that TMBC is paying the same salary to roles of equal value.

The data in section 1:2 below represents the gender pay gap snapshot data for TMBC as at April 2018 and is presented as required by the regulations. For comparison purposes, last year's data is included.

This information will be updated annually.

**1.2 Gender Pay Gap Analysis**

**1.2.1 Mean gender pay gap in hourly rate as a percentage of men's pay:**

2018: 22.63%      2017: 23.9%

**Median gender pay gap in hourly rate as a percentage of men's pay:**

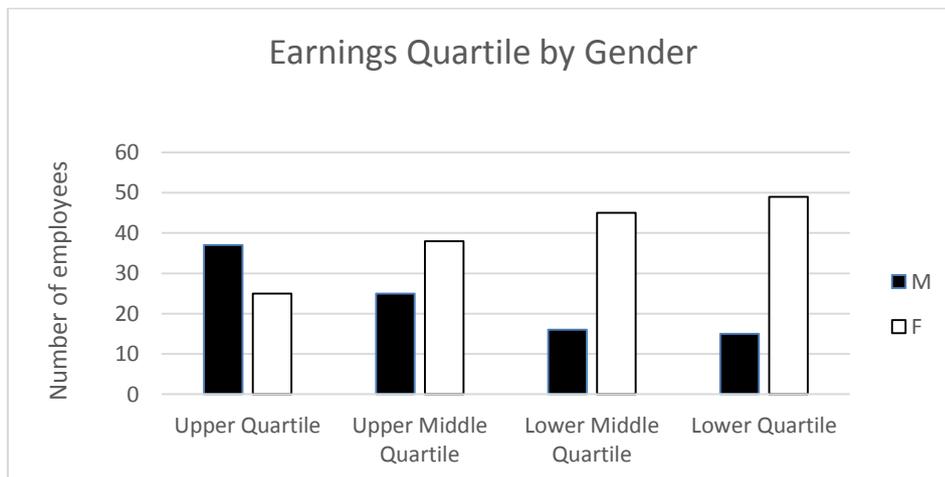
2018: 32.71%      2017: 33.6%

(The requirement to report on differences in bonus payments does not apply since TMBC do not pay bonus payments.)

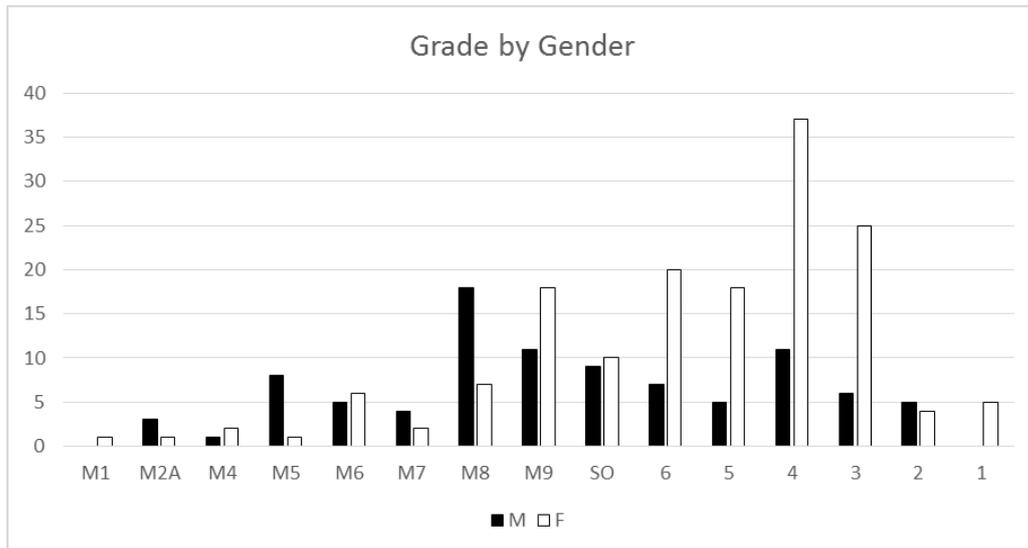
1.2.2	2018	2017
<b>Upper quartile</b>		
Percentage of males in the quartile	59.68%	56.3%
Percentage of females in the quartile	40.32%	43.8%
<b>Upper middle quartile</b>		
Percentage of males in the quartile	39.68%	42.9%
Percentage of females in the quartile	60.32%	57.1%
<b>Lower middle quartile</b>		
Percentage of males in the quartile	25.00%	26.6%
Percentage of females in the quartile	70.31%	73.4%
<b>Lower quartile</b>		
Percentage of males in the quartile	23.81%	19.0%
Percentage of females in the quartile	77.78%	81.0%

**1.3 Actions to try to address the Gender Pay Gap 2018**

1.3.1 As can be seen from the graphs below, the Lower Middle and Lower Earnings Quartiles show the largest disparity between the number of women (higher) and men (lower).



1.3.2 This is further demonstrated by the graph below which highlights the particularly disparity in grades 3 to 6. In brief, it would appear that women are more likely to apply for, be appointed to, and remain in lower graded posts.



1.3.3 The Government Equalities Office have published guidance for employers on “Reducing the gender pay gap and improving gender equality in organisations”. In brief the guidance offered suggests the following actions.

1. Include multiple women in shortlists for recruitment and promotion.
2. Use skills-based assessment tasks in recruitment.
3. Use structured interviews for recruitment and promotion.
4. Encourage salary negotiation by showing salary ranges.
5. Introduce transparency to promotion, pay and reward processes.
6. Appoint diversity managers and/or diversity task force.
7. Improve workplace flexibility for men and women.
8. Encourage the uptake of Shared Parental Leave.
9. Recruit returners.
10. Offer mentoring and sponsorship.
11. Offer networking programmes.
12. Set internal targets.

1.3.4 Whilst the majority of these actions are being observed to a greater or lesser extent at TMBC, the Council’s gender gap profile suggests that it is the lack of men in lower graded jobs that is the cause of the extent of the gap. TMBC have

contracted out several services (e.g. refuse, street cleansing, leisure centres) where there are often lower paid jobs filled by men in the majority, which goes some way to explain why TMBC's pay gap is higher than some comparative councils.

1.3.5 It is therefore proposed to action the following to attempt to attract more men to apply for lower graded roles.

1. To review the job titles used at recruitment to ensure gender neutrality and/or to overcome the bias of tradition. For example, the title "Assistant" might be replaced by "Advisor". Likewise a younger candidate may wonder at the military tone of "Officer" and may recognise and be more amenable to "Associate" or "Agent" for example. It is proposed to review job titles as a part of future recruitment processes. Any new title would not be imposed on existing staff and indeed, once recruited, a new employee may prefer the job title to revert to that of their colleagues. Likewise, existing staff may wish to have their job title changed to the new title.

2. To try to ensure that recruitment literature for jobs in the 2 lower quartiles is written in such a way to attract male, as well as female, applicants.

1.3.6 In terms of the 2 Upper Quartiles where there is less of a disparity in the gender pay gap it will be important to try to maintain balance going forward. Particularly in the Upper Quartile, there should be efforts to encourage women candidates to apply for vacancies for these roles.

## **1.4 Legal Implications**

1.4.1 The data included in this report has been calculated and presented according to the requirements of The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

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

1.5.1 The regulations also require those authorities that award bonuses to publish the mean and median gender bonus gaps and the proportion of men and women who receive bonuses. There is no record of such gaps in the above tables as this Council does not operate a performance related or total contribution pay scheme, and therefore does not award bonuses to staff.

## **1.6 Risk Assessment**

1.6.1 The Council's grading structure is such that in most pay grades there are a maximum of 4 increments; which assists with internal equity.

1.6.2 The Council supports flexible working, for both men and women, such as job-sharing, part time working, and flexible retirement.

## **1.7 Recommendations**

1.7.1 The Committee is commended to note the outcomes of the gender pay gap analysis as reported in Section 1:2 of this report.

Background papers:

contact: Charlie Steel

Nil

Adrian Stanfield  
Director of Central Services and Monitoring Officer

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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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