

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Interim 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: Democratic Services
committee.services@tmbc.gov.uk

5 March 2024

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 Council Chamber, Gibson Drive, Kings Hill on Wednesday, 13th March, 2024 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

ADRIAN STANFIELD

Interim Chief Executive

A G E N D A

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PART 1 - PUBLIC

2. Apologies for absence

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Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct-for-members).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

5. Minutes 13 - 18

To confirm as a correct record the Minutes of the meeting of General Purposes Committee held on 24 January 2024

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This report summarises the legislative context for gender pay gap reporting, and incorporates the outcomes of the Borough Council's gender pay gap analysis for 2022-2023.

7. Urgent Items 25 - 26

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

8. Exclusion of Press and Public 27 - 28

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.

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(Reasons: LGA 1972 - Sch 12A Paragraph 1 and 2 - Information relating to an individual and information which is likely to reveal the identity of an individual)

This report sets out for Members' approval a number of establishment changes recommended by Management Team. Members should note that, in accordance with adopted conventions, all of the savings/costs referred to in this report reflect the salary at the top of the scale/grade plus associated on costs.

10. Urgent Items 85 - 86

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 M R Rhodes (Chair)
Cllr M A Coffin (Vice-Chair)

Cllr B Banks
Cllr K Barton
Cllr A G Bennison
Cllr J Clokey
Cllr D A S Davis

Cllr A McDermott
Cllr B A Parry
Cllr R V Roud
Cllr K B Tanner

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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General Purposes Committee

	Conservative	Liberal Democratic	Green	Ind. Kent Alliance	Labour
1	Robin Betts	David Thornewell	Lee Athwal		Paul Hickmott
2	Matt Boughton	Michelle Tatton	Anna Cope		Wayne Mallard
3	Robert Cannon	Anita Oakley	George Hines		
4	Des Keers	Frani Hoskins	Mark Hood		
5	Adem Mehmet	Garry Bridge	Robert Oliver		

Members of Cabinet cannot be appointed as a substitute to this Committee

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

MINUTES

Wednesday, 24th January, 2024

Present: Cllr M R Rhodes (Chair), Cllr M A Coffin (Vice-Chair), Cllr K Barton, Cllr A G Bennison, Cllr J Clokey, Cllr D A S Davis, Cllr A McDermott, Cllr B A Parry and Cllr K B Tanner

In attendance: Councillors P M Hickmott, M A J Hood and W E Palmer were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors M D Boughton, R I B Cannon, R W Dalton, D Harman, S A Hudson, D Keers, D W King and Mrs A S Oakley participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors B Banks and R V Roud.

PART 1 - PUBLIC

GP 24/1 NOTIFICATION OF SUBSTITUTE MEMBERS

There was no notification of substitute members received.

GP 24/2 DECLARATIONS OF INTEREST

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

GP 24/3 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 11 October 2023 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 24/4 LOCALISM ACT - PAY POLICY

The report of the Interim Chief Executive summarised the requirements of the Localism Act 2011 and presented an updated Pay Policy Statement for 2024/25 as set out in Annex 1 to the report.

Members noted that as there had not been many significant changes in the Borough Council's remuneration policy apart from the addition in

respect of the introduction of the Recruitment & Retention Market Supplement Policy in October 2023, the substantive content of the updated Pay Policy Statement in Annex 1 was nearly identical to the Borough Council's first Pay Policy Statement (adopted by the Council on 16 February 2012).

RECOMMENDED*: That the Pay Policy set out in Annex 1 be commended for adoption at the next ordinary meeting of the Council.

***Referred to Council**

DECISIONS TAKEN UNDER DELEGATED POWERS

GP 24/5 PAY AWARD 2024/25

The report of the Interim Chief Executive presented Members with five different options to consider in determining the pay award for employees for 2024/25, as set out in detail in 1.7 of the report.

Members noted that the Borough Council employees had a term in their contracts which read 'Salaries 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' and the Borough Council therefore determined its own pay awards and was not tied into the national process of collective bargaining. The Borough Council's current salary scales were attached at Annex 1 of the report and UNISON's pay claim for 2024/25 at Annex 2.

The Chair proposed and it was seconded that Council Procedure Rule No 10.11 be suspended, to allow representative of UNISON to address the Committee on behalf of its members, during which concern was raised in respect of the significant fluctuation in cost of living, with particular reference made to the below inflation pay rise and its impact on members of staff of all grades. Following the statement from UNISON, Council Procedure Rules were reapplied.

Particular attention was drawn to the significant rise of the National Living Wage (NLW) from 1 April 2024 as announced by the Government – a rise of 9.8% from £10.42 to £11.44 per hour, an increase of £1.02 per hour. It was acknowledged that the Borough Council had a legal obligation to not pay below the NLW and due regard was given to the impact of the NLW rise as detailed in 1.3 of the report.

During discussion, Member further noted that a budget provision of £600,500 had been made for pay award inflation within the Medium Term Financial Strategy. In order to address the pressures the Borough Council was facing both in response to the significant rise in the NLW and in recruitment and retention with particular reference made to M grade staff, Option 5 was identified as a preferable pay award option for

employees for 2024/25 and its financial implications were noted. Members recognised the importance of sufficient and appropriate remuneration in securing valuable employees for the Borough Council.

RESOLVED: That the Borough Council's current pay structure be maintained by applying a fixed monetary amount of £1,900 increase to all 'Local' grades (scale 2 to Senior Officer (SO)) staff and a flat rate increase of 5% to all Management grades (M grade) staff, with effect from 1 April 2024 (as set out in Option 5).

GP 24/6 REVIEW OF WHISTLEBLOWING POLICY

The report of the Interim Chief Executive advised of the outcome of the annual review of the Borough Council's Whistleblowing Policy following its consideration by the Audit Committee on 15 January 2024. A copy of the updated internal Whistleblowing Policy was attached at Annex 1 with the new Whistleblowing Procedure at Annex 2. In addition, to align with best practice, an external policy to be made available to support those working externally who might witness wrongdoing by officers and councillors, was attached at Annex 3.

RESOLVED: That the Whistleblowing Policy, as attached at Annex 1, and accompanying Whistleblowing Procedure and External Policy, as set out in Annexes 2 and 3 respectively, be approved.

GP 24/7 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Following receipt of the final recommendations for the Constituency arrangements from the Boundary Commission for England, a Polling District & Polling Place Review had been undertaken to implement any necessary changes to Polling Districts/Places. The report of the Interim Chief Executive detailed the final proposals for the new constituency structure and the Polling Districts/Places/Stations under the new Constituency arrangements following a public consultation which ran from 1 December 2023 to 1 January 2024. A list of the final Polling Districts/Places in each constituency that covered the Borough was attached at Annexe 2 and a map showing the new constituencies and their final Polling Districts/Places at Annexe 3.

RESOLVED: That the new Polling District/Place structure as set out in the report and in Annexes 2 and 3, be agreed.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 24/8 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****GP 24/9 ESTABLISHMENT REPORT**

(Reasons: LGA 1972 – Sch 12A Paragraph 1 and 2 – Information relating to an individual and information which is likely to reveal the identity of an individual)

The report set out for Members' approval a number of establishment changes recommended by Management Team. Members noted that, in accordance with adopted conventions, all of the savings/costs referred to in the report reflected the salary at the top of the scale/grade plus associated on costs.

RESOLVED: That

- (1) the interim monthly allowance paid to the Head of Administrative & Property Services for undertaking the role of Interim Data Protection Officer, during the period 13 December 2023 to 14 May 2024, be noted;
- (2) the creation of a new full time, 3 year fixed term, Graduate Developer post on a career graded pay scale of scale 4-6, be approved with immediate effect;
- (3) the creation of a new permanent, full time, Property Project Officer on the SO grade, be approved with immediate effect;
- (4) the regrade of the Estates Surveyor (DA1104) post from an M9 to an M8, be approved with immediate effect;
- (5) the redesignation of the Leisure Services Officer, post DB0407, to Senior Events Officer, grade scale 6/SO, based within the new Events Team in Central Services with effect from 1 February 2024, be approved;
- (6) the redesignation of the Leisure Development Assistant, post DB0404, to an Assistant Events Officer post, grade 4, based within the new Events Team in Central Services with effect from 1 February 2024, be approved;
- (7) the redesignation of the Gateway and Customer Services Manager, post DB0351, to Tonbridge Castle, Events and Customer Service Manager, grade M7, with effect from 1 February 2024, be approved;
- (8) the redesignation of the Senior Customer Services Adviser, post DB0345, to Senior Customer Services and Castle Events

Coordinator, scale 5, with effect from 1 February 2024, be approved;

- (9) the redesignation of the Leisure Services Manager (Events & Partnerships), post DG0406, to Leisure Services Manager (Trust Management/Partnerships), grade M8, with effect from 1 February 2024, be approved;
- (10) the redesignation of the Senior Customer Service Adviser, post DB0308, to Customer Service Adviser, grade 2/3, with effect from 1 February 2024, be approved; and
- (11) the likely compensatory costs linked to the Council's policy on compensating staff for increased travel to work mileage due to a re-organisation, be noted.

The meeting ended at 8.28 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

13 March 2024

Report of the Interim Chief Executive

Part 1- Public

Matters for Information

1 GENDER PAY GAP REPORT 2022-2023

This report summarises the legislative context for gender pay gap reporting, and incorporates the outcomes of the Council's gender pay gap analysis for 2022-2023.

1.1 Gender Pay Gap Reporting 2022-2023

- 1.1.1 The gender pay gap obligations were introduced in 2017 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 31 March and then publish their findings no later than 30 March 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. The Council has continued to publish all information on its website each year dating back to 2017.
- 1.1.3 There is also a requirement for organisations to report on differences in bonus payments but this does not apply since TMBC do not pay bonus payments to any staff.
- 1.1.4 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.
- 1.1.5 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.

1.1.6 The data below represents the gender pay gap snapshot data for TMBC as at 31 March 2023 and is presented as required by the regulations. For comparison purposes, the previous six years data is included (note we do not hold any comparative data before 2017 as this was the first year required to report). This information will be updated annually.

1.1.7 On the 31 March 2023, the Council's workforce gender breakdown was 63% female and 37% male. This represents a 1% increase in the female workforce and a 1% decrease in the male workforce compared to the previous year.

1.2 Gender Pay Gap Analysis

1.2.1 Mean and Median gender pay gap 31 March 2023

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

	2023	2022	2021	2020	2019	2018	2017
Mean gender pay gap in hourly rate as a percentage of men's pay	18.98%	22.46%	19.80%	19.54%	19.66%	22.63%	23.90%

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

	2023	2022	2021	2020	2019	2018	2017
Median gender pay gap in hourly rate as a percentage of men's pay	22.24	29.89%	30.60%	29.52%	29.52%	32.71%	33.60%

1.2.2 Analysis of staff by gender in each pay quartile:

	2023	2022	2021	2020	2019	2018	2017
Upper quartile							
% of males in the quartile	59.68%	61.02%	58.73%	57.81%	56.90%	59.68%	56.30%
% of females in the quartile	40.32%	38.98%	41.27%	42.19%	43.10%	40.32%	43.80%
Upper middle quartile							
% of males in the quartile	36.07%	45.00%	45.16%	42.19%	43.10%	39.68%	42.90%
% of females in the quartile	63.93%	55.00%	54.84%	57.81%	56.90%	60.32%	57.10%
Lower middle quartile							
% of males in the quartile	27.42%	26.67%	28.57%	34.38%	28.10%	26.2%	26.60%
% of females in the quartile	63.93%	73.33%	71.43%	65.63%	71.90%	73.80%	73.40%

Lower quartile							
% of males in the quartile	25.81%	18.33%	25.81%	20.31%	23.40%	23.81%	19.00%
% of females in the quartile	74.19%	81.67%	74.19%	79.69%	76.60%	77.78%	81.00%

1.2.3 There has been a positive shift in the mean gender pay gap of 3.48% and a larger positive shift in the median gender pay gap of 7.65% compared to the previous year.

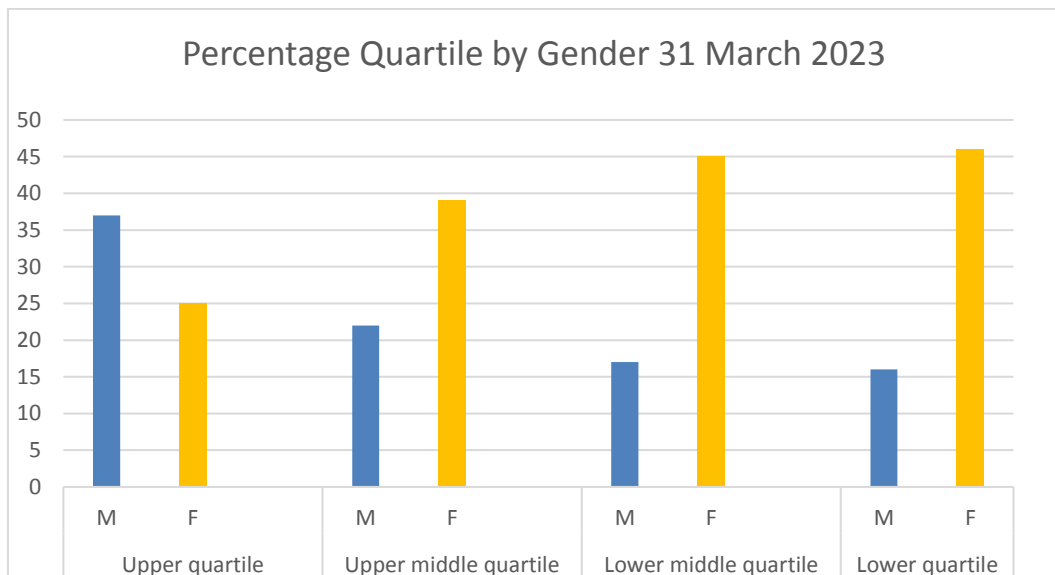
1.2.4 It is important to note for that the data used to show an organisation’s gender pay gap is taken on the ‘snapshot’ date of the 31st March each year and it only includes actual staff employed on that date. It is not the average earnings throughout the year. This can have a significant impact on the annual gender pay gap percentage changes, especially for an organisation the size of TMBC which employs approximately 250 employees.

1.2.5 One likely reason for the reduction in the size of the Council’s gender pay gap is due to the fact that the three most senior positions the Council appointed to during the 2022/23 financial year were posts graded M4, M5 and M6 respectively, all three appointments were taken up by female staff.

1.2.6 The turnover rate during 2022/23 was 11.6%.

1.3 Actions to try to address the Gender Pay Gap

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



1.3.2 There are more female members of staff in the upper middle quartile than there are male.

- 1.3.3 The Council's pay award for 2024/25 will potentially reduce the gender pay gap in the future as staff on grades scale 1 to SO (the grades where the Council has a larger percentage of female staff) received a higher percentage pay award compared to M grade staff.
- 1.3.4 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 and have a robust family friendly policy.
 8. Encourage the uptake of Shared Parental Leave.
 10. Offer mentoring and sponsorship.
 11. Offer networking programmes.
 12. Set internal targets.
- 1.3.5 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 across Kent.
- 1.3.6 All recruitment literature for jobs is written in such a way to attract male, as well as female, applicants. This will be continually monitored and considered each time a new role becomes vacant.
- 1.3.7 During the past few years, like many organisations across the UK, the Council has had to change the way it deploys its workforce by offering a far greater degree of flexible and remote working. This has included staff working remotely from home and working their hours more flexibly. The Council adopted it's new 'Remote Working Policy' in December 2022.

- 1.3.8 The remote working policy allows the Council's to offer the majority its workforce a far greater degree of flexibility in which to carry out their role.
- 1.3.9 As well as the remote working policy, the Council has a longstanding 'Flexible Working and Time Off Policy' which details a number of different flexible working approaches and initiatives to enable staff to undertake their role. The Government Equalities Office states that flexible working can help address an organisation's gender pay gap. The Government Equalities Office states that "Well-designed flexible working is key to enable women to reconcile work and caring responsibilities. It can enable women to remain in work and stay in roles that reflect their skills, thereby potentially reducing the gender pay gap".
- 1.3.10 There is a greater understanding of how health issues relating to the menopause can negatively affect women in the workplace with research showing that women leave the workforce early due to the menopause. The Council is committed to undertaking further work in this area to ensure that staff affected by the menopause feel supported at work and can raise concerns openly.
- 1.3.11 During the past twelve months the Council has offered a number of different initiatives around promoting understanding of menopause in the workplace including information sessions for staff, e-learning training for staff and managers as well as a staff support network.
- 1.3.12 The Council is confident that it does not discriminate at any stage of the recruitment process. Ring fencing lower graded jobs where we have a higher proportion of female staff specifically just for men is not considered an appropriate course of action to take.
- 1.3.13 The Council would like to see the gap reduce by as much as reasonably possible each year.

1.4 Summary

- 1.4.1 Overall, during the most recent twelve-month period there has been a positive shift in the mean gender pay gap and a positive shift in the median gender pay gap. It should be noted that both the mean and median pay gaps have narrowed by approximately 4.9% and 11.3% respectively since figures were first published in 2017.

1.5 Legal Implications

- 1.5.1 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.

1.6 Financial and Value for Money Considerations

- 1.6.1 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.

1.7 Risk Assessment

- 1.7.1 The Council supports a range of initiatives for both men and women including flexible working, remote working, job sharing, part time working, and flexitime.

1.8 Policy Considerations

- 1.8.1 Equalities/Diversity

1.9 Recommendations

- 1.9.1 The Committee is asked to note the outcomes of the gender pay gap analysis as reported in Section 1.2 of this report.

Background papers:

Nil

contact: Mathew Brooks
Head of HR & Development

Adrian Stanfield
Interim Chief Executive

Agenda Item 7

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 8

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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of the Local Government Act 1972.

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Agenda Item 10

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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