



Agenda

Meeting: **Personnel Committee**
Date: **4 February 2020**
Time: **9.30 am**
Place: **Council Chamber - Civic Centre Folkestone**

To: **All members of the Personnel Committee**

The Committee will consider the matters listed below at the date, time and place shown above. The meeting will be open to the press and public.

Members of the Committee who wish to have information on any matter arising on the agenda which is not fully covered in these papers are requested to give notice prior to the meeting to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>. Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

1. **Apologies for Absence**
2. **Declarations of Interest (Pages 3 - 4)**

Members of the Council should declare any interests which fall under the following categories:

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

3. **Minutes (Pages 5 - 6)**

To consider and approve, as a correct record, the minutes of the meeting held on 17 December 2019.

Queries about the agenda? Need a different format?

Contact Jemma West – 01303 853495
Email: committee@folkestone-hythe.gov.uk or download from our
website
www.folkestone-hythe.gov.uk

4. **Pay Policy Statement 2020/21 (Pages 7 - 18)**

This report presents the pay policy statement for 2020/21 for approval and recommendation to Council.

5. **Exclusion of the Public**

To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 –

‘Information relating to any individual.’

Part 2 – Exempt Information Item

6. **Selection process for Director of Place**

This report requests the Committee, after interviewing candidates, to formally appoint the successful candidate to the position of Director of Place.

Please note that for the consideration of this item, the meeting will move to the Middleburg Room.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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Minutes

Personnel Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Tuesday, 17 December 2019
Present	Councillors Mrs Ann Berry, *Ray Field, *Nicola Keen, David Monk (Chairman) and Rebecca Shoob
Apologies for Absence	Councillor Danny Brook and Councillor Terence Mullard. Councillor Keen gave apologies as she left the meeting early.
Officers Present:	*Sue Lewis (Committee Services Officer), Andrina Smith (Chief HR Officer) and *Jemma West (Committee Service Specialist)
Others Present:	Ben Cox -Penna *For part of the meeting

20. **Declarations of Interest**

There were no declarations of interest.

21. **Exclusion of the Public**

Proposed by Councillor David Monk
Seconded by Councillor Mrs Ann Berry and

RESOLVED:

That the public be excluded for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 – ‘Information relating to any individual.’

(Voting: For 4; Against 0; Abstentions 0)

22. **Selection for the vacant Director positions**

Proposed by Councillor Mrs Berry,
Seconded by Councillor Shoob; and

RESOLVED:

That Andy Blaszkowicz be appointed as Director - Housing & Operations.

(Voting figures: 4 for, 0 against, 0 abstentions).

Proposed by Councillor Field,
Seconded by Councillor Mrs Berry; and

RESOLVED:

That Charlotte Spendley be appointed as Director – Corporate Services.

(Voting figures: 4 for, 0 against, 0 abstentions).

This Report will be made public on 27 January 2020

Agenda Item 4

Folkestone
& Hythe



District Council

Report Number **P/19/10**

To: Personnel Committee
Date: 4th February 2020
Status: Non-executive Decision
Chief Officer: Andrina Smith, Chief HR Officer

SUBJECT: PAY POLICY STATEMENT 2020/21

SUMMARY: This report presents the pay policy statement for 2020/21 for approval and recommendation to council

REASONS FOR RECOMMENDATIONS:

Personnel Committee is asked to note the contents of the report.

RECOMMENDATIONS:

1. To receive and note Report P/19/10.
2. To recommend to council that it approve under S38(1) Localism Act 2011 the Pay Policy Statement appended to this report for 2020/21.

1. INTRODUCTION

- 1.1 All local authorities are required to annually publish, and present to Full Council for adoption, a Pay Policy Statement in accordance with the Localism Act 2011. Folkestone & Hythe District Council's Pay Policy Statement is proposed to be updated, adopted and published by the end of March each year.

2. PAY POLICY

- 2.1 The draft Pay Policy Statement for 2020-21 is attached as **Appendix A**. This is based on:

- The Department of Communities and Local Government's (DCLG)** Statutory Guidance Under Section 40 of the Localism Act, Openness and Accountability in Local Pay, published at February 2012,
- The Department of Communities and Local Government's (DCLG) Openness and Accountability in Local Pay: Guidance under section 40 of the Localism Act 2011 – Supplementary Guidance, published February 2013,
- Guidance from the South East Employers.

** The Department of Communities and Local Government (DCLG) is now known as the Ministry of Housing, Communities & Local Government however the guidance documents still bear the DCLG name.

- 2.2 The DCLG Guidance confirms that councils are not 'required to use the pay policy (statement) to publish specific numerical data on pay and reward' however it should be noted that the council is required to publish certain salary information under the Code of Recommended Practice for Local Authorities on Data Transparency and by the Accounts and Audit (England) Regulations 2011.
- 2.3 The Guidance further states that the Localism Act requires authorities to explain what they think the relationship should be between the remuneration of its Chief Officers and its employees who are not Chief Officers. The pay policy statement therefore explains the 'relationship' in terms of the grading systems used and by reference to the requirements set out in paragraph 2.2 above.
- 2.4 Paragraph 5 of the Pay Policy Statement has been updated for 2020/21 to recognise the changes in job titles of the Directors.
- 2.5 In addition, the general content of the Pay Policy Statement has been updated to reflect decisions taken by Personnel Committee in relation to the introduction of new/revised pay grades for Assistant Directors, Directors and the Head of Paid Service (June 2019) and the removal of Grade A from the standard pay scale following the conclusion of the pay negotiations for 2020/21 which will be effective from 1st April 2020.

- 2.6 The changes outlined in 2.4 and 2.5 above are the only substantial changes made to the statement since its previous approval by council in March 2019, with the exception of updating dates in the relevant sections.
- 2.7 At the time of writing this report no further updated guidance notes have been issued by the DCLG, however should an update be issued that requires an amendment to the attached pay policy statement for 2020-21 then a revised statement will be presented to the Personnel Committee at a future meeting.

3. RISK MANAGEMENT ISSUES

- 3.1 A summary of the perceived risks are as follows:
- No perceived risks

4. LEGAL / FINANCIAL AND OTHER CONTROLS / POLICY MATTERS

4.1 Legal Officer's Comments (NE)

There are no legal implications arising directly out of this report, relevant issues having been addressed in each of the report and the Appendix.

4.2 Finance Officer's Comments (LH)

Any financial implications arising from any reward strategy will need to be considered within the council's medium term financial planning processes.

4.3 Diversities and Equalities Implications (ASm)

There are no specific Diversities and Equalities Implications arising from this report.

5. CONTACT OFFICER AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Andrina Smith, Chief HR Officer
Tel: 01303 853405
Email: Andrina.smith@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None

Appendix

Appendix A – Draft Pay Policy Statement 2020-21

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Folkestone & Hythe District Council
Pay Policy Statement – Financial Year 2020-21

Purpose

1. This Pay Policy Statement is provided in accordance with Section 38(1) of the Localism Act 2011. This will be updated annually, or more frequently, i.e. by the end of March each year. Approval of the Pay Policy, and any amendments, will be made by resolution of the full council.
2. This pay policy statement sets out Folkestone & Hythe District Council's (FHDC) policies relating to the pay of its workforce for the financial year 2020-21. In particular the:
 - Remuneration of its Chief Officers
 - Remuneration of its "lowest paid employees"
 - Relationship between the remuneration of its Chief Officers and the remuneration of its employees who are not Chief Officers

Definitions

3. For the purpose of this pay policy the following definitions will apply:
4. **Pay/remuneration** includes salary (for employees) or payment under a contract of services (for self employed), expenses, bonuses, performance related pay, as well as contractual arrangements involving possible future severance payments. Also, charges, fees, allowances, benefits in kind, termination payments and increases in/enhancement of pension entitlement as a result of a resolution of the authority.
5. For the purposes of this Pay Policy, '**Chief Officer**' refers to the following roles within FHDC:
 - Head of Paid Service* (statutory Chief Officer)
 - Director – Corporate Services* (non-statutory Chief Officer)
 - Director – Place* (non-statutory Chief Officer)
 - Director – Housing & Operations* (non-statutory Chief Officer)
 - Director – Transformation & Transition (non-statutory Chief Officer)
 - Development Director (non-statutory Chief Officer)
 - Chief Finance Officer & s151 Officer** (statutory Chief Officer)
 - Monitoring Officer*** (statutory Chief Officer)
 - In addition, Assistant Directors and those posts which report directly, and are directly accountable, to a statutory or non-statutory Chief Officer in respect of all or most of their duties.

* Members of the Council's Corporate Leadership Team (CLT).

** This role is currently undertaken by the Director – Corporate Services.

*** This role is currently undertaken by the Assistant Director – Governance and Law.

6. **'Lowest paid employees'** refers to those staff employed within grade B of the Council's pay framework. There are no staff governed by National consultation groups. This definition for the "lowest paid employees" has been adopted because grade B is the lowest grade on the Council's pay framework.
7. **'Employee who is not a Chief Officer'** refers to all staff who are not covered under the 'Chief Officer' group above. This includes the 'lowest paid employees' i.e. staff on grade B. There are no staff governed by National consultation groups.

Pay framework and remuneration levels

General approach

8. Remuneration at all levels needs to be adequate to secure and retain high-quality employees dedicated to fulfilling the council's business objectives and delivering services to the public. This has to be balanced by ensuring remuneration is not, nor is seen to be, unnecessarily excessive. Each council:
 - Has responsibility for balancing these factors;
 - Faces its own unique challenges and opportunities in doing so; and
 - Retains flexibility to cope with various circumstances that may arise that might necessitate the use of market supplements or other such mechanisms for individual categories of posts where appropriate.
9. FHDC will be transparent on pay rises including the publication, on the Council's website, of any above inflation pay rises. The size of the award paid to employee(s) should be commensurate with the work being rewarded. Advice and guidance is available to decision takers on this including with regard to equal pay provisions.

Responsibility for decisions on remuneration

10. It is essential for good governance that decisions on pay and reward packages for the Head of Paid Service and chief officers are made in an open and accountable way and that there is a verified and accountable process for recommending the levels of top salaries. FHDC will review the terms of senior appointments, to ensure value for money, including where arrangements could be perceived as seeking to minimise tax payments.
11. The pay for the "lowest paid employees" and "all other employees who are not Chief Officers" is determined by the Personnel Committee. The Personnel Committee comprises elected Councillors, and is formed in accordance with the rules governing proportionality and has responsibility for local terms and conditions of employment for staff within FHDC's pay framework.
12. FHDC's pay framework was implemented in 2007 and is based on:
 - Local pay determination for 'all other employees who are not Chief Officers', including those Assistant Directors who hold statutory positions; and
 - With effect from September 2015, local pay determination for Chief Officers who are members of the Corporate Leadership Team. The pay will be determined by the Remuneration Committee comprising members of the Personnel Committee with external independent advice.

13. Full Council will be offered the opportunity to vote on salary packages, at the time of an employee's appointment, which are greater than £100,000 a year. Salary packages include the annual salary, bonuses, fees or allowances routinely payable to the appointee and benefits in kind to which the officer is entitled as a result of their employment.

Salary grades and grading framework for 'all other employees who are not Chief Officers'.

14. Grades are locally determined taking into account national guidance, with the grade for each role being determined by a consistent job evaluation process. This followed a national requirement for all Local Authorities and other public sector employers to review their pay and grading frameworks to ensure fair and consistent practice for different groups of workers with the same employer.
15. As part of this, FHDC determined a local pay framework and the overall number of grades is 11, grade B being the lowest and grade L the highest. Grade A on the pay framework was removed as part of the pay negotiations for April 2020. Grade L was introduced during the 2019-20 financial year following a benchmarking exercise with approval from Personnel Committee. Each employee will be on one of the 11 grades based on the job evaluation of their role. Employees can progress to the salary range maximum of their grade by annual progression and subject to assessment of their performance in the process.
16. Pay awards are considered annually for all non Chief Officer employees, unless otherwise by agreement. These are developed using local pay determination in negotiation with the local Trades Unions and staff representatives. The last pay award to 'all other employees who are not Chief Officers' was made at April 2019.
17. The pay for the Head of Paid Service and Director roles is subject to local pay negotiation, with the most recent pay award being April 2017. However, following a benchmarking exercise, Personnel Committee approved new pay scales for these roles in June 2019.
18. For this group of Chief Officers, salary on appointment has regard to the relative size and challenge of the role and account is also taken of other relevant available information, including the salaries of comparable posts in other similar sized organisations.
19. The posts with a current salary package above £100,000 are the Head of Paid Service and Directors.

'Chief Officers' who are Assistant Directors

20. Pay for Assistant Directors is within the main pay framework, at grade L, and they are treated in accordance with the arrangements detailed above for 'lowest paid employees' and 'all other employees who are not Chief Officers'. Pay is determined by the Personnel Committee in accordance with arrangements detailed above for the 'lowest paid employees' and 'all other employees who are not chief officers'.

'Lowest paid employees'

21. Each "lowest paid employee" is paid within the salary range for grade B with due regard paid to the National Living Wage which was introduced in April 2016.

Allowances

22. There is no provision for bonus payments for the 'lowest paid employees', for 'employees who are not Chief Officers' or for 'Chief Officers'.
23. In addition to incremental progression, FHDC provides the following additional payment schemes to the main scheme for 'employees who are not Chief Officers' and Assistant Directors. These schemes include:
- When temporarily undertaking additional duties e.g. the full, or a proportion of, the duties of a higher graded post
 - Honorarium e.g. for exceptional level of performance
 - Allowances e.g. for additional hours, weekend and/or public holiday working, disturbance, eye tests, tools, telephone use, emergency co-ordination, first aid, car and standby
 - Additional and accelerated increments e.g. for exam success and consistent exceptional performance. This is subject to the maximum of the scale not being exceeded.
 - Childcare vouchers (for those enrolled in a scheme prior to October 2018)
24. FHDC provides a car allowance for Directors and the Head of Paid Service.
25. FHDC has the flexibility to introduce additional schemes if required and to respond to changing conditions in the employment market including skills shortage.

Other pay elements

26. 'Chief Officers' are performance managed differently from the performance management process applying to the 'lowest paid employees' and 'employees who are not Chief Officers'. This includes input from, and assessment by, identified FHDC Members.
27. Targets are set and performance against those targets is assessed. Chief Officers receive incremental progression until the top of their grade is reached. Where pay progression is considered, performance will be taken into account when determining whether any award will be made.

Charges, fees or allowances

28. Any allowance, or other payments, will only be made to staff in connection with their role and/or the patterns of hours they work and must be in accordance with the Council's internal Pay Policy statement which explains related procedure and practice.
29. The following charges, fees or allowances are paid to the Head of Paid Service: Election Duties including as Returning Officer, paid separately from salary

payments. The Council's Returning Officer, who is also the Head of Paid Service, receives separate fees for local elections under S36 of the Representation of the People Act 1983. The Council has chosen to adopt the Kent Scale of Fees and Charges for local elections (see: [Cabinet decision and report of 28 September 2011](#)). The Returning Officer must not exceed the maximum fees and charges as laid down in the scale unless further approval is given by a decision of Cabinet or Full Council.

30. Employees receive Election Fees when participating.

Benefits in kind

31. The Council offers a discount at Folkestone Sport Centre Trust and a free swim at Hythe Pool.

Other Employee Benefits

32. The Council provides access to an Employee Assistance Programme which provides telephone and face to face counselling on a range of issues. The Council also has access to an Occupational Health Service which helps to ensure that employees are properly supported enabling a return to work following an absence as soon as possible.
33. An employee recognition scheme runs quarterly which recognises individual and team achievements across the council based on the core values. In addition it also recognises long service with the first level of recognition at 5 years and then every five years thereafter. Employees recognised under these scheme receive a choice of vouchers or donation to charity.
34. Employees are able to register with F&H Rewards, provided by Reward Gateway, which is a voluntary online platform providing access to discounts for high street / online shopping, holidays, insurance and household goods.
35. As part of the F&H Rewards scheme, employees are able to participate in a salary sacrifice scheme for the purchase of bicycles under a 'Cycle to Work' scheme.

Pension

36. As a result of their employment, all employees are eligible to join the Local Government Pension Scheme. There are no locally agreed enhancements. With the exclusion of the Head of Paid Service responsibility, any such enhancements would be at the discretion of the Personnel Committee. In relation to the Head of Paid Service responsibility, any such enhancements would be at the discretion, and with the approval, of Full Council.

Severance Payments

37. We are required to publish:
 - Our policy on discretionary payments on early termination of employment and our policy on increasing an employee's total pension scheme membership and on awarding additional pension (Regulation 66 of the Local Government Pension Scheme [Administration] Regulations 2008). These are covered in the

Early Termination of Employment Policy which can be found on FHDC's website.

- Statements relating to remuneration. Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 requires and authority to formulate, review and publish its policy on making discretionary payments on early termination of employment.

38. Full Council will be offered the opportunity to vote on severance packages which are greater than £100,000. Severance payments may include salary paid in lieu, redundancy compensation, pension entitlements, holiday pay and any bonuses, fees or allowances paid. Bonuses may include any payment not normally paid to the employee and not formally identified within this document.
39. It is important that the Council has flexibility to respond to unforeseen circumstances as regards re-employing a former employee as a Chief Officer. If we re-employ a previous employee who received a redundancy or severance package on leaving, or if that person returns on a 'contract for services', or if they are in receipt of a Local Government / Firefighter Pension Scheme (with same or another local authority), we require that the requirements of the following are observed:
- The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999
And/or
 - Relevant abatement.
40. It is the Council's policy that in normal circumstances a FHDC employee whose employment has been terminated on grounds of voluntary redundancy and/or voluntary early retirement and who has received a severance payment and/or early retirement benefits will not be re-engaged. In exceptional circumstances there may be a justifiable case for re-engaging such an employee but this may only occur following agreement by members of the Corporate Leadership Team.

New starters joining the Council

41. In our approach to appointments, particularly senior appointments, consideration is given to the value for money for the whole of the public sector. Consideration includes avoidance of arrangements which could be perceived as seeking to minimise tax payments.
42. Employees new to the Council will normally be appointed to the first point of the salary range for their grade. Where the candidate's current employment package would make the first point of the salary range unattractive (and this can be demonstrated by the applicant in relation to current earnings) or where the employee already operates at a level commensurate with a higher salary, a higher salary may be considered by the recruiting manager, with guidance from the HR department. This will be within the salary range for the grade. The candidate's level of skill and experience should be consistent with that of other employees in a similar position on the salary range.

43. In professions where there is a particular skills shortage, and as a temporary arrangement, it may be necessary to consider a market premium to attract high quality applicants. With senior manager salaries, there can be scope for negotiation over the exact starting salary at the point of job offer, and a range of factors will be considered. The final decision as regards any discretion lies with members of the Corporate Leadership Team.
44. Where a senior (chief officer) new starter already receives a public sector pension, this will be declared on the FHDC website and relevant abatement implemented.

Relationship between remuneration of “Chief Officers” and “employees who are not Chief Officers”

45. We are required to publish pay related information. This includes the Code of Recommended Practice for Local Authorities on Data Transparency requirements to publish a Pay Multiple and information on senior salaries. The Pay Multiple is the ratio between the highest paid salary and the median average salary of the whole authority’s salaries.
46. For the Statement of Accounts, Accounts and Audit Regulations and CIPFA Accounting Code of Practice requires us to publish:
- Senior officer remuneration details on a post by post level
 - Disclosure of remuneration amounting to £50,000 and over in bands of £5,000
 - Exit package disclosures
47. Information on pay will be published on the FHDC website, as follows and by:
- 1 June – the Pay Multiple figure and information on senior salaries
 - 30 September – the accounts as audited by the Council’s external auditors.

Conclusion

48. This pay policy statement, once approved by Full Council, will be published on the Council’s public website.
49. This statement is for the financial year 1st April 2020 – 31st March 2021.
50. Full Council may, by resolution, amend this statement (including after the beginning of the financial year to which it relates). An amended statement will be published on the Council’s public website.

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