



You are hereby summoned to attend a meeting of **CITY COUNCIL**
at the Council House, Old Market Square on Monday, 18 January 2016 at 2.00 pm to
transact the following business

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| 12 MOTION Motion in the name of the Portfolio Holder for Energy and Sustainability, Councillor Alan Clark: | |

“In the light of worldwide agreement on climate change in Paris, this Council considers that the UK Government has given a clear and perverse signal in its recent approach to renewables by:

- Blocking solar in rural areas
 - Cutting industrial solar subsidy
 - Cutting biomass subsidy
 - Scrapping the Green Deal
 - Introducing a carbon tax on renewable energy
 - Increasing the tax on small cars
 - Making clear its support for hydrocarbon mineral extraction
- and
- Creating uncertainty about the future of “green collar” jobs

This Council believes that it is giving the correct signals by:

- Establishing a company to sell energy at the cheapest possible price to all types of customers
 - Co-operating to rollout smart meters to help consumers manage costs
 - Promoting solid wall insulation across all tenures
 - Cutting air pollution by using more electric vehicles
 - Installing many more solar panels
 - Expanding district heating
 - Supporting a low carbon Nottingham
- and
- Maintaining our premier position as the most energy self-sufficient city in the UK”

Please note that questions for Council are received after the agenda has been published. Questions will be published as a supplementary agenda by 5pm on Friday 15 January 2016.

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL’S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.



Dated 08/01/2016
 Corporate Director for Resilience
To: All Councillors of Nottingham City Council

MINUTES OF THE MEETING OF THE CITY COUNCIL

held at the Council House, Old Market Square

on 9 November 2015 from 14.00 - 16.43

ATTENDANCES:

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| ✓ Councillor Jackie Morris (Lord Mayor) | |
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| <ul style="list-style-type: none"> ✓ Councillor Liaqat Ali ✓ Councillor Jim Armstrong ✓ Councillor Cat Arnold ✓ Councillor Leslie Ayoola ✓ Councillor Ilyas Aziz ✓ Councillor Alex Ball ✓ Councillor Steve Battlemuch ✓ Councillor Merlita Bryan ✓ Councillor Eunice Campbell ✓ Councillor Graham Chapman ✓ Councillor Azad Choudhry ✓ Councillor Alan Clark ✓ Councillor Jon Collins ✓ Councillor Josh Cook ✓ Councillor Georgina Culley ✓ Councillor Michael Edwards ✓ Councillor Pat Ferguson ✓ Councillor Chris Gibson ✓ Councillor Brian Grocock ✓ Councillor John Hartshorne ✓ Councillor Rosemary Healy ✓ Councillor Nicola Heaton ✓ Councillor Mohammed Ibrahim ✓ Councillor Patience Ifediora ✓ Councillor Corall Jenkins ✓ Councillor Glyn Jenkins ✓ Councillor Sue Johnson | <ul style="list-style-type: none"> ✓ Councillor Carole-Ann Jones ✓ Councillor Gul Nawaz Khan ✓ Councillor Neghat Nawaz Khan ✓ Councillor Ginny Klein ✓ Councillor Dave Liversidge ✓ Councillor Sally Longford ✓ Councillor Carole McCulloch ✓ Councillor Nick McDonald ✓ Councillor David Mellen ✓ Councillor Toby Neal ✓ Councillor Alex Norris ✓ Councillor Brian Parbutt ✓ Councillor Anne Peach ✓ Councillor Sarah Piper ✓ Councillor Andrew Rule ✓ Councillor Mohammed Saghir ✓ Councillor David Smith ✓ Councillor Wendy Smith ✓ Councillor Chris Tansley ✓ Councillor Dave Trimble ✓ Councillor Jane Urquhart ✓ Councillor Marcia Watson ✓ Councillor Sam Webster ✓ Councillor Michael Wildgust ✓ Councillor Malcolm Wood ✓ Councillor Linda Woodings ✓ Councillor Steve Young |
|--|--|

✓ Indicates present at meeting

42 APOLOGIES FOR ABSENCE

Councillor Jim Armstrong - illness
Councillor Merlita Bryan – illness
Councillor Eunice Campbell – annual leave
Councillor Alan Clark – annual leave
Councillor Joshua Cook – other business
Councillor David Mellen – other Council business
Councillor Marcia Watson – illness

43 DECLARATIONS OF INTERESTS

Councillors Brian Parbutt, Alex Norris and Coral Jenkins declared interests in agenda item 13, motion in the name of Councillor Rosemary Healy, as they are employed by Trade Unions. They left the chamber for consideration of this item.

44 QUESTIONS FROM CITIZENS

Traffic outside Fernwood School

M.R. asked the following question of the Portfolio Holder for Jobs, Growth and Transport:

The traffic on Arleston Drive outside Fernwood Schools at school drop off and pick up times is massively problematic. There are too many cars and too many children and no enforcement of yellow lines. How do the council propose to keep our children safe if the school increases in size, as is proposed?

Councillor Nick McDonald provided the following response:

Thank you Lord Mayor, the response is as follows. Fernwood Primary and Nursery School is a large primary situated on Arleston Drive with approximately 870 pupils. Their secondary counterpart is in close proximity off Arleston Drive on Goodwood Road with approximately 1000 pupils. With the proposed increased size of these educational establishments we will have a capacity for 2050 plus pupils; inevitably there will be a large increase in vehicle usage at peak times, drop off times.

There are currently School Entrance Clearways, which to the untrained eye are school zig zags, on Arleston Drive and these are designated by Traffic Regulation Orders which means that they can be enforced at present. The impacts of changes will be monitored to ensure these remain appropriate for this location. In addition the Council works with Fernwood Primary and Nursey School and offers a full road safety education package and programmes to encourage alterative travel modes along with enforcement outside schools.

The dispersal time for school traffic is around 9 minutes in the morning and 15 minutes in the afternoons. Although congestion can cause frustrations for motorists, and we do know this, it actually provides a natural traffic calming effect on the area. Slow moving traffic will not prevent accidents but the severity is significantly less, consequently there has not been any history of reported injury or accidents on this section of Arleston Drive.

Cycling Safety

S.B. asked the following question of the Portfolio Holder for Jobs, Growth and Transport:

I am aware that Nottingham City Council has had a long term commitment to dissuading people from using their cars unnecessarily, through the raising of parking fees and improving our NCT service (which I feel is excellent), and other measures such as the tram/park and ride systems. Part of this commitment, alongside, no doubt a push to improve the health of citizens, is the more recent support in cycling and cyclist. May I say, I totally support these approaches and ideologies (though I did wonder about the tram system), but as a pedestrian and someone who chooses to exercise by walking, ideally in country parks and the embankment where I can enjoy the beauty of nature, I have a problem with some cyclist.

Largely speaking, the offenders are those who, I would guess, may compete and use cycling as a hard form of exercise (almost like the most extreme forms of gym use), who see pedestrians as an obstacle to aggressively get round or move out of the way. These individuals never use a bell to warn pedestrians that they are approaching, and have no problem with startling people or even brushing by them, to ensure that their route and speed is not affected. Any response of protest is treated with disdain and an equally aggressive response.

May I say, you may think I am making too much of this. However, when you know that I know someone who was killed by one of these fanatical cyclist, perhaps you will take this more seriously. They frighten me and others I walk with, and they are also an embarrassment to more considerate cyclist-one who used his bell, slowed down as he approached us, and said "I'm not one of those who would mow you down". Like myself and the people I walk with, the cyclist's attitude was that there is room for all to enjoy their pastime safely with a bit of acceptance that paths shared by pedestrians as well as cyclists are for all. I have even heard parents, out cycling with their young children and teaching their children to be considerate and a safe cyclist around pedestrians express the view that these fanatics undermine what they are trying to instil in their children, particularly as they get older.

May I say, for people like myself, this is a serious issue. Our enjoyment of the footpaths is being ruined by a constant nervousness about the prospect of encountering cyclists, and if a cyclist approaches, whether they will share the path and accept we have a right to be there too, or scowl at our presence (and us), and make it clear that we get out of the way (often with no forewarning) or they will cycle through us. These fanatics are dangerous. If they wish to test out their speed and skills, there are facilities where they can do this without endangering or ruining the enjoyment of others.

Increasingly, people are cycling on pavements in and out of towns - even in indoor shopping malls. When is something going to be done? It is getting to the point where being a pedestrian cannot walk with ease anywhere; and, as a driver, I know how much they pose a danger to themselves (though any decent driver fears hitting someone without the protection of a car around them) by not sticking to rules of the

road. At the most extreme, I have seen cyclist riding down the wrong side of Parliament Street in the rush hour.

I am sure there is a code of practice for safe cycling, as with any other form of transport. However, these people know that such a code is difficult to police, and I am sure the Council promotion of cycling as an activity and mode of transport in the Nottingham area increases the more irresponsible cyclist to feel on top of the world and get away with anything.

I am sure, as a Council, this is not the spirit in which you are supporting cycling-any more than it is "admired" by the responsible and considerate cyclist I and my friends encounter as we, quietly, attempt to continue to enjoy our healthy pastime. I am sure it is only a matter of time before another fatality/serious injury (if it has not already occurred) happens again. I am sure that, as a Council, this is not what you intended to support. However, I would like to know what you as a Council who has shown support to cycling, is prepared to do about the rest of us, who want to safely and considerately enjoy walking/shopping and generally go about our business in Nottingham safely?

The fact that some of the crazy cyclist (as opposed to the fanatical keep fit lot) put themselves in danger on roads is a matter from them; however, when they decide to ride on pavements, that becomes a matter for others. With consideration and respect for the rights of all to share space, there is no problem. However, this is not the view shared by all, and as a Council who has, and increasingly is, supporting cycling, I would like to know what you are prepared to do for the rest of us?

Councillor Nick McDonald provided the following response:

Thank you again Lord Mayor. So in response to the question, which is a long question, I don't know whether you all have a copy of it in front of you. If you do, it says a number of different things, and the response is as follows. Firstly, thank you for your email and I am deeply sorry to hear about a pedestrian you knew being killed by a cyclist. Fortunately this is a rare occurrence, with pedestrians and cyclists being at far greater risk from motor vehicles than the other way round.

At Nottingham City Council we recognise that all modes of transport have a part to play and we want to ensure that we enable people to make choices about sustainable transport so far as possible we want them to feel safe when travelling around the City.

We want to enable people to cycle as part of the day to day business of the city and for it to be seen by everyone as more than just a pastime. We recognise in order to do this, we need to provide high quality cycle facilities, which give cyclists and pedestrians sufficient space and allow cyclists to feel safe around motor traffic. There is also a need for mutual respect between all types of transport user including pedestrians. We are currently talking to partners from a range of groups with various transport interests in order to develop a road user protocol supported by a campaign around respect for all users of all forms of transport.

We are also currently embarking on a major investment programme to update, upgrade and construct new cycle facilities. In doing so we are looking to provide

cycle facilities which also encourage less confident cyclists, not just those who cycle all the time, we want all people in the city to be able to cycle and feel safe. We are also very keen that these facilities allow cyclists and pedestrians to have their own space in areas where cyclists are looking to travel at speed. Although there will always be locations where we authorise cyclists to share the footway with pedestrians to provide a safe and convenient route, we do want to see segregated cycle ways in addition. In doing so, we want to ensure both cyclists and pedestrians feel safe and are safe. The key here is to make the paths wide enough for the volume of pedestrians and cyclists. In relation to this we have worked up and are consulting on a Nottingham Cycle Design Guide, this includes sections on wide paths, shared use and segregation. My team developing the Guide would welcome any comments you have on these elements in the draft.

If there is a particular location where you feel there is a problem with dangerous cycling, we always want to hear that, we always want to know. In the short term one of my officers will speak to the Police and arrange for a PCSO to monitor the area and speak to cyclists who are cycling illegally and dangerously, and deal with those issues where they're spotted. I am aware that the Police gave out fixed penalty notices recently to cyclists on London Road. We have undertaken this in other areas of the City as well, and whilst we recognise that some cyclists are intimidated by road conditions, it does help to emphasise that they also have the same effect on pedestrians. We will also consider the locations of unauthorised pavement cycling for future investment to see what measures we can implement to create a better environment for both cyclists and pedestrians.

45 PETITIONS FROM COUNCILLORS ON BEHALF OF CITIZENS

Councillor Gul Khan presented a petition signed by 41 citizens, requesting a new bus stop near Nottingham Academy's main entrance on Greenwood Road.

Councillor Pat Ferguson presented a petition signed by 300 citizens, requesting that the Council do not close Laura Chambers Lodge.

46 TO CONFIRM THE MINUTES OF THE LAST MEETING OF COUNCIL HELD ON 14 SEPTEMBER 2015

The minutes of the meeting held on 14 September 2015 were confirmed as a correct record and signed by the Lord Mayor.

47 TO RECEIVE OFFICIAL COMMUNICATIONS AND ANNOUNCEMENTS FROM THE LEADER OF THE COUNCIL AND/OR THE CHIEF EXECUTIVE

The Deputy Chief Executive reported the following official communications:

I am pleased to report that the SCORE project won the Public Sector Environmental Initiative of the Year Award at the Nottingham Post Environment Awards. The SCORE project offers all schools and community groups across Nottingham the opportunity to receive expert support, advice and finance to deliver behavioural change and energy efficiency measures.

Secondly, our school attendance gig competition – the Get In:involved campaign – also won a Gold Award at the Media Week Awards 2015 in London. These are the leading awards for creative media. Global Media (Capital FM) were shortlisted with us in the category ‘Best Owner Media Idea (under £250k)’... we were up against Top Shop, Coca Cola, Cancer Research UK and Sainsbury’s! This adds to the Municipal Journal Award presented to the campaign in June this year. Congratulations to all teams involved and thank you for your part in raising the profile of Nottingham City Council nationally.

48 QUESTIONS FROM COUNCILLORS - TO THE CITY COUNCIL'S LEAD COUNCILLOR ON THE NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AND RESCUE AUTHORITY

None.

49 QUESTIONS FROM COUNCILLORS - TO A MEMBER OF EXECUTIVE BOARD, THE CHAIR OF A COMMITTEE OR THE CHAIR OF ANY OTHER CITY COUNCIL BODY

Robin Hood Energy

Councillor Georgina Culley asked the following question of the Deputy Leader:

What impact on this Council’s finances and future services will the introduction and continuance of Robin Hood Energy have?

Councillor Graham Chapman replied as follows:

Can I thank councillor Culley for her question. Executive Board on 17 March 2015 agreed a loan facility of up to £11,000,000 for Robin Hood Energy, to fund the set up and early running costs. The loan was on commercial terms, to be repaid within 10 years. The modelled loan repayments to the Council would mean repayments of £407,000 in 2016/17, and £1,630,000 per annum in subsequent years. This is a much higher rate than anything we would get on the open market, and it isn't because we're exploiting Robin Hood Energy, it is because it is a market rate which is dictated by the EU.

In addition to this, support staff are being provided to Robin Hood Energy by the Council, and they are being recharged. Robin Hood Energy is a not-for-profit company however, and the Council will not be receiving any dividends from the firm. In terms of liability, most of the loan is issued for the refurbishment of a City Council premise, for IT equipment, and for the purchase of energy, all of which are fairly easily redeemable in the unlikely event of liquidation. Perhaps less so for the IT equipment.

So I appreciate her concerns, and I know they are genuine, and I don't want to sound too optimistic, but at the moment my view is that this is a good deal for the city. It is a good deal for the Council tax payers because we're getting a rate of return, and it's an even better deal for the consumers of the city, and particularly as we have created a firm which has got a national reputation which is taking on the oligopoly of the big 6,

which it is about time it should do, and is doing it for the benefit of Nottingham citizens and some of the least well off Nottingham citizens.

School Performance

Councillor Georgina Culley asked the following question of the Portfolio Holder for Schools:

Given the poor performance of our schools in the league tables, does the Portfolio Holder recognise the need for our junior and infant schools under this Council's control to significantly improve their standards in order to improve their children's chances in secondary school?

Councillor Sam Webster replied as follows:

Lord Mayor, can I thank Councillor Culley for her question. I must point out however that primary education in Nottingham City is no longer separated into infant and junior schools as she describes. All infant and junior schools in Nottingham have merged in recent years to become through primary schools. The last schools to go through this transition were Fernwood infant and junior schools, in her own ward, following the consultation, of which she was notified. I would have hoped that the opposition group leader would have been aware of this significant change across the city, and especially in the local schools that serve her residents.

However, the questions gives me the opportunity to draw her attention to the fact that in most cases our primary schools are effective in ensuring that children are well equipped to achieve in secondary school. Of course there are several ways to monitor the effectiveness of schools, including inspection ratings, examination and test outcomes, and the progress that children make. My view is that we can do better, and all our efforts are focused on securing the best possible outcomes for every Nottingham child in all phases of education. If we look beyond the simple headline figure that league tables tell, we can see that Nottingham primary schools are in fact very effective in ensuring that children make good progress between entering primary school at 4 and leaving at age 11. Their learning progresses at a rate that is at least as good as the national average and often better than that of children in other Local Authority areas.

If we look at the league table for the progress pupils make between the age of 7 and the age of 11, we see that in writing 94% of Nottingham pupils made the expected progress; and in maths 90%, which is line with national averages. This ranks the city as 74th out of 152 Local Authority areas for writing and 69th out of 152 for maths. On these measures Nottingham sits in the top half of the national league tables. Whilst I would argue that of course Nottingham should sit higher still in all of the education league table, it is also important that we do recognise and praise the excellent job city primary schools are doing in increasing the life chances of children; many of whom live in families that are dealing with very challenging economic and social circumstances. In the same time that our primary schools have been increasing both overall attainment and the progress made the proportion of disadvantaged pupils living in the city has also increased. It is 11% above the national average. The number of pupils eligible for pupil premium funding has gone up by 603 over the last

2 years. Primary free school meal eligibility in 2015 was 26% of the pupil population compared with a national average of 15.6%.

I also want to recognise and praise the massive increase in attainment that our very youngest children have demonstrated this year. The percentage of pupils in the Early Years Foundation Stage, that is at age 5, assessed to be gaining a good level of development improved significantly this year, from 46% in 2014 to 58% in 2015. A renewed focus on the foundation stage and prioritising improvement programmes such as 'Getting to Good' has helped schools to secure these improvements. I expect this improvement to be sustained and reflected in 2016.

Of course we must continue to expect and demand the very best for our early years and primary age pupils. And that is why we have made a commitment to ensure that every city child is educated in a school graded good or outstanding by Ofsted. We currently stand at 78.9% of pupils doing so, which is well above the East Midlands average, but the Council will support and challenge when necessary all schools and academies to ensure we reach our target during the life of this Council. The Council has commissioned a team of 5 outstanding primary phase improvement advisors, linked to every LA maintained primary school and primary academy in the city, to ensure that our commitment is met and that children are fully prepared to excel at secondary school and beyond.

Laura Chambers Lodge

Councillor Andrew Rule asked the following question of the Portfolio Holder for Adults, Health and the Community Sector:

In light of the objective in the Adults, Health and Community Plan for the forthcoming year to "make life better for the 35,000 older persons in the City enabling choice and confidence in the care they receive" would the Portfolio Holder update the Chamber on the outcome of the recent consultation regarding the closure of the Laura Chambers Lodge and what decision has been made on the suggestion that rather than closing Laura Chambers outright it incorporates a unit catering for needs of those with adult learning difficulties alongside the excellent care it currently delivers for those who currently reside in it and in doing so avoiding the resulting upheaval for current residents and their families in finding alternative care elsewhere if it is closed outright?

Councillor Alex Norris replied as follows:

Thank you Lord Mayor, and can I thank Councillor Rule for his question. Scouring my records as I did over the weekend, I think that this is my 3rd year of leading for Council on Adults issues, and this is the first time I've been asked a question by the opposition group about older people. So I very much welcome their belated interest, even if it does somewhat make me suspicious. We haven't actually agreed the objectives in the aforementioned plan, and won't do until later in the agenda, but nevertheless, it does bear talking about, and I will go into detail a little bit more about the vision and where it comes from. But suffice to say, that we'll be asking Council to commit to redefining our relationship with our community of older people, to do as they've asked us, and said to multiple times; a complete shift from defining them in terms of the services they receive from us, as if that's all they do, they take from the

state, which we know to not be the case. They outlined to us very strongly that it's not the case. But instead, to focus our effort to ensuring they have choice in their life, they have control over their life and their outcomes, they live independently, and that they get proper engagement and are listened to on issues that affect them, and on other issues also. I'm proud of that vision, and as I say I will commend it to Council later.

This issue, however, has involved consultation. Consultation of a different kind, and of a much more difficult consultation. There's a proposal that came through, passed in our budget in March, around the re-designation of Laura Chambers Lodge, and we've seen a petition at this meeting already, so members will be well aware of it, but again I think the background is important for those who might not be; perhaps those in the gallery.

We're struggling to meet a need at the moment around adults with learning disabilities in this city. I certainly don't believe our facility at Oakdene is fit for purpose, and we're also struggling in terms of capacity. Oakdene isn't big enough, so we end up placing people in expensive single placements, often out of the city which isn't fair on them or on their families. So then, we need to change something, we have to adapt, modify, in order to meet this growing need happily; a growing need as medical science improves, and as life expectancy improves also.

If we were properly funded as an organisation, we'd set about developing either a new facility at Oakdene, depending on the current facility and the grounds, or we'd find another suitable site. However, due to incredibly tight finances that we've discussed in this chamber at length, we've instead come to the proposal that we have to find somewhere within our current estate to develop, because that way we can make the finances stack up. So we had to look at something that we already owned, and that was in a community that we felt the needs of current residents could be met nearby. That's why, with the available options in Clifton, Laura Chambers has been the option that has been presented. So we believe that the current need can be met there, and that we can re-designate Laura Chambers for adults with learning disabilities, to develop an improved and an enlarged scheme.

This has been an incredibly, enormously difficult proposal to make. I am very clear, having read all the consultation responses and having attended a very fiery public meeting, of the strength of feeling. I've had that in no uncertain terms. But this is the territory that the government has forced us into; choosing between needy groups is just not what any of us came to do and not what we should be doing as public services. It's like being asked: which hand do you want to punch yourself with? And it has felt impossible at times, and has been enormously difficult. The consultation is now closed, a decision is imminent, however I am not in a position to share that here until we've shared it properly with the residents, their families, and their carers. That seems to me to be the right way to do it.

What is really unwelcome here is opposition members trying to make political capital out of this. This first came to the attention of this chamber in March, as part of the budget proposals. There was no amendment to that; there wasn't a follow up question, or even a question in the pre-consultation in December when it was out then as well to say what this would mean. There were no further questions in this chamber about it. Similarly, we've just closed a consultation that lasted for several

weeks, was extended because there was a request to do so, so that the strength of feeling was properly displayed. But I've had no response to that consultation on behalf of opposition members.

The first thing we see is today, for the first time, an alternative articulated. One that could have been shared with Officers, and we could have had a proper pounds and pence analysis of. So that leaves me to conclude that this is here today not because it's of interest for residents of that community, but because it's here for narrow political advantage. And I think even by their standards, that's pretty feeble. They cry crocodile tears, and pretend they think the state should run services like care services, all the while they cheerlead their government, who think we should be doing the exact opposite of that, who are desperate to squeeze us out of anything the private sector might be able to do. Conservative Councils up and down the country have quit this field years ago, and we're supposed to believe that actually they think that we should do this? Well they've never said that before, they obviously don't think we should be running energy companies, clearly from the previous question they don't think we should be running schools! So I find it revelatory, and I find it illustrative, that today they pretend that they think that we ought to be running care services. Well I look forward to you articulating that to your ministers, to your Prime Minister, and making sure that funding reflects that. However, I shall not wait holding my breath.

In contrast, Labour members have met with me multiple times over the last year, asking searching questions, offering alternatives. I don't think it's breaking a great omelette to say that there are many who are very unhappy with this proposal. But I will take that from them, and I will take the personal criticism from them, because they've earned the right to do it, because they've done it properly. But what I won't do is be preached to by opposition members who haven't cared before, and only do now because they think it will help them win an election.

Forced Sale of High Value Council Houses

Councillor Gul Khan asked the following question of the Portfolio Holder for Planning and Housing:

Will the Portfolio Holder for Planning and Housing please tell us of the implications of forcibly selling High Value council properties as proposed by the Government?

Councillor Jane Urquhart replied as follows:

Thank you Lord Mayor, and thank you Councillor Khan for your question. I was just reflecting there as Councillor Norris answered his question about the willingness with which Conservative government seem to like the notion of the private sector running things; how relevant that is to this policy too. Because of course, the forced sale of high value Council housing in order to pay for the Right to Buy in Housing Associations is another example of a massive privatisation of assets. It is a transfer of publicly held assets, or assets that have been built by charitable donation for the benefit of many, into the hands of those few who can afford to buy them, and potentially, eventually into the hands of those few private landlords who may well end up being their owners.

That is likely to affect the social mix and diversity of communities on our remaining social housing estates, increase ghettoization of our Council areas, and of course the forced sale of high value Council assets affects councils who have retained their housing stock as we have in this city. Some transferred their stock some time ago to Housing Associations, and therefore of course places such as Nottingham, councils like ours who have not done that, will not only be contributing to replace monies for Housing Associations for the houses that they need to rebuild here, but also paying our share, as it's seen by the government, to replace stock in other places too.

From the legislation of course, and again this is a feature of the whole of the Housing and Planning Bill, it's not yet clear what the definition of "high value" might be. We've got some information, we've got some indication of what it might be, of what kind of values we might be looking at across our city, but that's not yet clear. It's also not yet absolutely clear whether we will actually be forced to sell those properties, or whether there'll be a formula, whereby Local Government, that's us, our council, will be required to pay a levy to central government; an annual contribution based on a formula about theoretically how many vacant high value properties we might or might not have. Of course if it's a formula approach, we know what formula approaches do, and again, Councillor Norris has just outlined that for us. We know what this government's approach to a formula will mean for us. We also know that if there is a formula approach, and we're required to give a certain amount per annum, that does of course give us a choice: ooh great, we don't therefore have to sell the stock, do we? We could retain it. But guess what? We'll still have to pay the money to government, and we know what's happened to our finances over the last few years. So, it will put greater pressure on our already over-pressurised revenue budgets.

So this policy reduced our housing stock, further privatises housing, and squeezes our budgets even more, in order that those living in Housing Association properties can have the Right to Buy, and in order that the government doesn't have to legislate for the Housing Associations to sell those properties; it's been able to do it by agreement with the Housing Associations, by promising them the money to rebuild 1 for 1, and it's getting that money from us.

Education Outcomes

Councillor Rosemary Healy asked the following question of the Portfolio Holder for Schools:

Despite the backdrop of Government education policy can the Portfolio Holder for Schools tell us what the Council is doing to improve education outcomes for children in Nottingham?

Councillor Sam Webster replied as follows:

Can I thank Councillor Healy for her question. I must begin by stating my view that the current and previous governments' education policies have not, to date, served the interests of Nottingham children.

There are significant issues facing the education sector currently, not least the national teacher recruitment crisis, which the government has failed to tackle. Sadly,

the government is obsessively focused on a quest of mass enforced academisation, rather than dealing with such issues; a quest that isn't backed by evidence of improved standards or better outcomes for children, rather it's purely ideologically driven. Worse still, evidence points in the opposite direction, with Ofsted figures showing 17,000 more children attend academies or free schools deemed to be inadequate, than local authority maintained schools. The focus on schools' structures, rather than standards is misplaced.

As government policy has reduced the ability of councils to intervene in failing and underperforming schools, we've seen exam results for Nottingham children fall. The correlation is stark. In 2012, prior to government reforms, over 80% of Nottingham children achieved 5 good GCSEs or equivalent. Now on provisional data that level has dropped to around 50%. We now have a fragmented education system, featuring aggressive competition, ballooning bureaucracy, and a lack of proper local democratic oversight. Qualification and examination reform has also been detrimental for Nottingham pupils, with vocational subjects side-lined in favour of traditional academic qualifications that don't necessarily provide the best preparation for working life, and don't necessarily suit the learning style of vast swathes of young people.

When the previous government acted on the recommendations of the Wolf Review, it swept aside the views of the teaching profession, the unions that represent teaching staff, and business leaders. The Confederation of British Industry's Director General has said "for too long, the education debate has been a battle between 2 opposing camps; false choices between academic achievement or vocational skill, between the right marks or the right mentality. A false choice that we've allowed to determine the course of the education debate. I want a system that doesn't just work for some young people, but for all of them.

I think you're spot on; I agree that current education policy is only serving to widen inequality. I'd go so far as to say that the government is failing in its duty to offer an education system that serves all young people. They've put ideology before evidence, and have been determined to reduce local authority influence and resources, to the extent that the Council is working with 1 arm tied behind its back. Despite this backdrop, I will reiterate now: this Council has an absolute focus and determination to improve education outcomes for Nottingham children, working with schools, not against them. We seek to have the strongest possible relationships with all Nottingham schools, whether they be maintained, academies, or free.

A huge amount of work is underway to ensure that exam results return to a trajectory of positive improvement year on year as soon as possible. As a Labour Council, we have been and always will be the champions for Nottingham children; supporting schools to improve, challenging them when it's needed. Nottingham's Education Improvement Board has been instigated, facilitated, and resourced by the Council. It's chaired by the University of Nottingham's Vice-Chancellor, and includes education experts and Head teachers. The board recently launched a document for public consultation called "Ambition 2015: the 10 year programme". The board believes a long-term vision and plan is required for Nottingham to deliver a world-class education service. The document outlines the first three priorities which are teacher retention and recruitment, mathematics as a driver for improved outcomes, and improved transition from primary to secondary school.

The Council alongside all partners delivering education in the city has a key role to ensure that these priorities are met. So for example, in terms of the priority to improve maths, Local Authority officers have developed a programme working with primary and secondary maths teachers to ensure that there is better transition when children move up to secondary school and that the good progress being demonstrated at primary level is accelerated and not lost at secondary level.

We are fully committed to ensuring that we attract and retain the best teachers, as we recognise that high quality teaching and school leaders are the single most important way of improving outcomes. Our ability as a Council to offer incentives for housing and transport, and in offering as a city opportunities for career and professional development are all being explored as part of a comprehensive recruitment and retention package.

In recent months the Council has introduced a Governors' Academy, to better train and prepare school governors for their vital role. We've introduced a city-wide behaviour charter, setting out rights and responsibilities of teachers, children and parents. We've invested in improving work readiness and employability skills by launching Aspire, the Nottingham education business partnership, and this week we will launch a new employability strategy known as "education is everyone's business", with the ambition of achieving 10 employer related interventions for every young person during their education.

In addition, the Council commissioned a review of special educational needs provision, and a review of alternative provision, both of which will lead to citywide changes. Our focus is clearly on improving outcomes for all Nottingham children, and there are many areas of improvement to be proud of, and which set a solid foundation for future sustainable success. Improvements such as school attendance, where we have seen huge strides forward, I think we'd all welcome the fact that Nottingham city currently has the most improved rate of school attendance. Only by being in school every day can our children achieve to their full potential. We've also made great progress with Ofsted inspection ratings recently, and our rate of success for supporting schools out of the "requires improvement" category, and into a good rating is currently the best in the East Midlands.

We continue to invest in upgrading school buildings, and expanding school place numbers to keep pace with population growth. Our local schools are popular, and to meet local need we're partway through a £33,000,000 investment programme.

So there are challenges. Challenges that we can only overcome by working collaboratively and in partnership. Improving education outcomes is a challenge to the city, and all who live, work and do business here. But we're also seeing progress, and we have real areas of success to build on. Our focus is on a long term plan, with a clear goal: a good school. Close to home, for every Nottingham child.

Cut to the Public Sector Health Grant

Councillor Ginny Klein asked the following question of the Portfolio Holder for Adults, Health and the Community Sector:

Could the Portfolio Holder for Adults, Health and Community Sector comment on the proposed in year cut to the Public Health Grant?

Councillor Alex Norris replied as follows:

Thanks Lord Mayor, and I thank Councillor Klein for her question. I think I mentioned this the last time I was in this chamber, that it was floating around almost immediately after the general election that the government intended to make an in-year cut to the public health grant that we receive as a public authority, that everyone else does, and our concern there. Well those concerns have been borne out, and the dismal reality has been dropped on us that they intend to cut about £2,000,000 from us in-year, which represents a 6.2% reduction; a flat reduction up and down the country, for once actually.

It's been dressed up as a non-NHS, non-frontline cut. This however, is patently untrue. So, non-NHS; well this money is almost completely tied up in contracts, which I'll get to shortly. But the great deal of them are with NHS providers. A good example, the single biggest chunk, goes on sexual health services that are provided by Nottingham Universities Hospitals Trust. I don't think you get much more NHS than that. These are very close to home, and anything that doesn't go directly to NHS providers probably goes to GPs. So these are very much cuts to the NHS. Supposedly protected, obviously not.

So is it perhaps not frontline? Are these some secondary functions that maybe we could live without in these very challenging times? Well no, it's not that either. These are critical services that prevent escalating health needs. Whether that's sexual health, whether it's smoking cessation, health visiting, breast feeding support services, or maintaining a healthy weight.

I would very much commend to people reading The Five Year Forward View, by the Chief Executive of NHS England, Simon Stevens. His great tome, and you know he's not without fault, this is his great tome on how we can have a viable NHS, which is very much within our political choices, very much within our control, and what we'd do, how we'd engineer that system. And one of the major planks in there is around having proper preventative services, to say that we can't spend all of our lives, as we spend so much time doing, saying "how can we make everything cost 5% less?" "How can we make everything cost 10% less?" Eventually you have to say; well it's not about making the ambulance 5% cheaper, it's about having a 5%, 10%, or 15% fewer people coming to hospital. If you can put those early interventions in place, then you can really make that difference down the line, and that's what public health is for, that's what this money is for, that's what we're being expected in-year to stop. You don't have to take my commendation for The Five Year Forward View; Jeremy Hunt was doing victory laps with it, saying what a wonderful vision for the service. So once again, we see that they talk out of one side of their mouth, and then out of the other, and the money never matches up with the rhetoric.

In terms of the flat cut, 6.2%; it's based on some notional calculation someone has done, it could only have been done in the finest traditions on a fag packet, to say how much they think that this grant is somehow underspent across the country. And then they've levied that as a flat cut, to say "well you mustn't need this money in the

system, as it wasn't spent". Well first of all, how you can do a flat cut to deal with pockets of underspend? That's bizarre, it makes no sense at all, it's Early Learning Centre mathematics. Also it gets away from, and it's incredible that these people run multiple billion pound departments, because we know from running multiple million pound departments that it doesn't always, these are big sums of money, but also big needs to meet, they fluctuate. So what you spend in 1 year does not necessarily match up to what you need, and sometimes rather than say "oh I'd better spend it all or some wise Etonian will come along and take it later" if you say "well you know what, we want to hold off, because we haven't quite had the demand, but we want to pump prime another project that we think will be even more preventative, even more effective for the system". That's how grown-ups run organisations, and this is the most infantile cut you'd ever hope to see, and the fact it's a flat cut is incredible.

So, that's putting aside putting the politics into it, and there will be people who sit there thinking they don't actually think this works, they don't think that should be the role, maybe even some people who think we shouldn't have an NHS. I mean, unbelievable, but some people do hold that view across the political spectrum. So putting aside that politics element; in-year cuts, how does it work? Well we're now at the beginning of November, the financial year starts at the beginning on April, so we're well over half way through this year, so actually when they say they want us to take this money from your annual budget, they mean they want to take it from less than half a year's budget, which means that actually in real terms it's more than doubled in its impact. These are in contracts, signed in some cases multiple years ago, but in the best case before Christmas. Signed contracts where we said to providers that this is the money that we have for these services, and can they please plan their staffing cohort, can they please plan their buildings, and can they please plan their activities to make sure that they meet this need over the next year? And then we've got to call them up in November and say "well back then we said we had that much money, Jeremy Hunt now says we don't, so if you could possibly get in your time machine and not make those decisions, that would be great". You can't run a bath on that basis; it is beyond the pale to think that that is a reasonable thing.

We are put under incredibly unreasonable pressure around budgets, but to try and do this is genuinely miracle-maker sort of stuff. So I asked Officers what the mechanics of this was, and they forwarded it to me, as I thought how does someone do this with the money that comes in the grant? Well our grant comes in payments, and they simply won't make the last payment. They'll just say "well you haven't got the money so you'll have to do it!" I mean it's incredible. I get it, it highlights the contrast. And this is why we see DCLG get clobbered again, because Eric Pickles gets a knighthood for his service tenure at DCLG because they said "what a great job he did! Eric made all these cuts, whereas all these other departments said they'd make their cuts, but they didn't make them all, and we didn't make our cuts projection by almost a half, but Eric? He can do it". That's because Eric just went "well these are the cuts I have to make" and then handed on to the competent people in local councils, who have to make the budgets balance. Because they gave the work to someone who hasn't got a choice but to make it work, and there were knighthoods all round, backslaps down the private clubs. And it was absolutely incredible.

But as if you needed anymore grist to the mill that this is Through the Looking Glass stuff, I'll give you a final really sad example, something that if you proposed it for Yes Minister or The Thick of It, they'd rule it out for being too bizarre to be a viable

storyline. And you might have seen me looking at Councillor Chapman when I said £2,000,000 is 6.2%, because I think he was doing the maths, thinking “that’s more than the £27,000,000 Public Health grant we get?” Well that’s because on 1 October, over 5 weeks ago, we were given control over the £5,000,000 budget for Health Visitors and general competence over commissioning for 0-5 year olds. This was very good, we own the rest of the system, so it makes sense that we have this final piece so that we can commission and integrated service. This is the very Health Visiting service that in 2008, David Cameron as part of his nice-guy shtick, talked about doubling the number. He didn’t get there, but at least he tried. When in government, this was his attempt to show they were the compassionate Conservatives, they believe in Health Visiting, Early Intervention, helping everyone out. And not only would they do that, but they’d give it to local government, so they’ve boosted the numbers, done the press releases, handed it to local government; because we said that whatever these cuts are, they certainly won’t relate to Health Visiting, because we’ll only have had them 5 weeks, we didn’t even commission the contracts! There’s no way we’d be expected to be asked the question. So what’s the expectation with Health Visiting? It’s the same. Cut 6.2% out of it. So they’ve spent the last 5 years desperately trying to boost the numbers, handed it over to us, and said “can you now cut them?” Again, I’ve used the running a bath metaphor, which usually gets 1 laugh, not 2, but I find it incredible, it’s sad. And we know where this goes, this is an in-year cut, but we know that they’ll then say “oh you managed the in-year cut, because somehow you’ll have to, well next year you’ve got the 6.2% cut as well, as well as the other cuts you’re making”. We know where this goes. This is a government with no interest in the NHS, and it’s the same conclusion I draw every time I talk about it, whether in here or elsewhere: They want the National Health Service to fail. The idea that we would come together collectively to meet our population’s needs, they want that idea to fail. So they just keep, by a thousand little whittles, on the hope that it’ll all collapse and they’ll say “well we tried so hard on the National Health Service, now it’s going to have to be delivered for you by private providers, get your insurance now. And if you haven’t got it, well good luck!”

50 TO CONSIDER A REPORT OF THE LEADER ON DECISIONS TAKEN UNDER THE URGENCY PROCEDURES

The Leader submitted a report on decisions taken under urgency procedures, as set out on pages 19 to 24 of the agenda.

RESOLVED to note the urgent decisions taken:

| <u>Decision reference number</u> | <u>Date of decision</u> | <u>Subject</u> | <u>Value of decision</u> | <u>Reasons for urgency</u> |
|----------------------------------|-------------------------|---------------------------------|--------------------------|---|
| 2159 | 09/09/2015 | Cost of child in care placement | Exempt | To allow for a timely implementation of the decision. |
| 2160 | 09/09/2015 | Cost of child in care placement | Exempt | To allow for a timely implementation of the decision. |
| 2161 | 09/09/2015 | Cost of adult in care placement | Exempt | To allow for a timely implementation of the decision. |

| <u>Decision reference number</u> | <u>Date of decision</u> | <u>Subject</u> | <u>Value of decision</u> | <u>Reasons for urgency</u> |
|----------------------------------|-------------------------|---|--------------------------|---|
| 2166 | 14/09/2015 | Cost of child in care placement | Exempt | To allow for a timely implementation of the decision. |
| 2167 | 14/09/2015 | Cost of child in care placement | Exempt | To allow for a timely implementation of the decision. |
| 2177 | 22/09/2015 | Sale of Houses in Multiple Occupation Properties to Nottingham City Homes | £588,500 | Any delay would impact the delivery of the scheme. |
| 2180 | 22/09/2015 | 24 Hour Domestic and Sexual Violence Helpline | £50,000 | To allow for the urgent release of funding. |
| 2183 | 24/09/2015 | Electoral Registration Software - Mobile Canvassing Application | £39,667 | Due to the time constraints for starting the annual canvass. |
| 2197 | 08/10/2015 | Sale of freehold interests in 47 and 49 Gwenbrook Avenue, 51 Fletcher Road and 136 Cator Lane, Beeston Nottingham | Exempt | The residential property market at auction is changing at present and there is a concern of receiving a lesser sale price if there is a delay, plus the potential issue |
| 2199 | 08/10/2015 | Cost of child in care placement | Exempt | To allow for a timely implementation of the decision. |
| 2203 | 08/10/2015 | Units 9 and 9A Poulton Drive Nottingham, NG2 4BN | £24,718 | Contractors are already onsite and to ask them to leave and return would incur more costs |
| 2208 | 14/10/2015 | Cost of adult in care placement | Exempt | To allow for a timely implementation of the decision. |
| 2215 | 08/10/2015 | Direct Contract Award for Metropolitan Briarwood Supported Living Scheme | Exempt | The service is already being delivered at the revised rates and under the implied new contract, for this reason we require exemption from call-in. |

| <u>Decision reference number</u> | <u>Date of decision</u> | <u>Subject</u> | <u>Value of decision</u> | <u>Reasons for urgency</u> |
|----------------------------------|-------------------------|---------------------------------|--------------------------|---|
| 2218 | 22/10/2015 | Cost of adult in care placement | Exempt | To allow for a timely implementation of the decision. |
| 2220 | 22/10/2015 | Cost of adult in care placement | Exempt | To allow for a timely implementation of the decision. |
| 2223 | 23/10/2015 | Cost of child in care placement | Exempt | To allow for a timely implementation of the decision. |

51 TO CONSIDER A REPORT OF THE LEADER ON AMENDMENTS TO THE CONSTITUTION

The Leader submitted a report on amendments to the constitution, as set out on pages 25 to 40 of the agenda.

RESOLVED to:

- (1) note the amendments to the financial limits relating to executive delegated decision making as outlined in paragraph 5.2 of the report;**
- (2) approve the amendments to the financial limits relating to non-executive delegated decision making as outlined in paragraph 5.3 of the report;**
- (3) approve revisions to the Overview and Scrutiny Procedure Rules, revising the decisions to which the Call-in Procedure applies as outlined in paragraph 5.4 of the report;**
- (4) note that the Appointments and Conditions of Service Committee agreed changes to the senior officer structure in September 2015 and approve the replacement of the old senior management structure in Part Three of the Constitution with the current one;**
- (5) note the changes to delegations relating to non-executive and executive delegated decision making to reflect the recently agreed senior officer structure and to approve changes to the constitution to reflect these, as outlined in paragraph 5.5 of the report;**
- (6) approve changes to the terms of reference for the Health and Wellbeing Board and the Planning Committee, as outlined in paragraphs 5.6 and 5.7 of the report;**
- (7) note the changes to Executive Portfolio responsibilities, as outlined in paragraph 5.8 of the report;**
- (8) approve amendments to Standing Orders to reflect the revised procedure and deadlines relating to council questions in Part Four of the Constitution, as outlined in paragraphs 5.9 and 5.10 of the report;**

- (9) delegate authority to the Corporate Director of Resilience to agree the changes to the wording of the Constitution necessary to implement the above;
- (10) approve the revised Employment Procedure Rules as outlined in paragraph 5.11 and Appendix 1 of the report, and to replace the existing Employment Procedure Rules in Part Four of the Constitution.

52 TO CONSIDER A REPORT OF THE LEADER ON THE NOTTINGHAM CITY COUNCIL PLAN 2015-19

The Leader submitted a report on the Nottingham City Council Plan 2015-19, as set out on pages 41 to 74 of the agenda.

RESOLVED to approve the Council Plan, as detailed in appendix 2 of the report.

53 TO CONSIDER A REPORT OF THE CHAIR OF THE LICENSING COMMITTEE ON THE REVIEW OF NOTTINGHAM CITY COUNCIL STATEMENT OF GAMBLING POLICY

The Chair of the Licensing Committee submitted a report on the review of Nottingham City Council statement of gambling policy, as set out on pages 75 to 136 of the agenda.

RESOLVED to

- (1) renew the Council’s previous “No Casino” resolution pursuant to S166 of the Act so, that with effect from 31 January 2016, no casino licences will be issued within the administrative area of the City of Nottingham;
- (2) adopt the Statement of Gambling Policy in Appendix 1;
- (3) authorise the Corporate Director of Commercial and Operations to comply with the relevant statutory requirements in respect of the advertisement and publication of the Statement.

54 TO CONSIDER A MOTION IN THE NAME OF COUNCILLOR ROSEMARY HEALY

Moved by Councillor Rosemary Healy, seconded by Councillor Steve Battlemuch:

“This Council opposes the Governments attempts to undermine Public Sector industrial relations through the Trade Union bill. Nottingham City Council works closely with its recognised Trade Unions and has not seen strike action not linked to a national dispute in over a decade. Council therefore resolves to:

Lobby Central Government to challenge the Key elements of the bill that will undermine the relationship this council has with its staff and their recognised Trade Unions and work with the recognised Trade Unions to maintain subscriptions through

salary, more commonly referred to as “Check off” or “DOCAS”, as an option for staff employed by Nottingham City Council for as long as possible.”

RESOLVED to carry the motion.

55 TO CONSIDER A MOTION IN THE NAME OF COUNCILLOR GRAHAM CHAPMAN

Moved by Councillor Graham Chapman, seconded by Councillor Linda Woodings:

“This council believes it is in the best interests of business, residents and the whole city of Nottingham for the UK to continue its membership of the European Union, while seeking reform on a number of key issues.”

RESOLVED to carry the motion.

56 TO CONSIDER CHANGING THE DATE OF THE JANUARY 2016 MEETING OF COUNCIL FROM MONDAY 11 JANUARY 2016 TO MONDAY 25 JANUARY 2016

Councillor did not reach agreement during discussion to change the date of the January meeting to 25 January 2016. An alternate date of 188 January 2016 was suggested.

RESOLVED to agree a new date for the next meeting of Council, by agreement of the group whips, and to send an update to all attendees and interested parties.

CITY COUNCIL – 18 JANUARY 2016

REPORT OF THE LEADER

DECISIONS TAKEN UNDER URGENCY PROCEDURES

1 SUMMARY

- 1.1 As required by the Council's Constitution, this report informs Council of urgent decisions taken under provisions within both the Overview and Scrutiny Procedure Rules and Access to Information Procedure Rules.

2 RECOMMENDATIONS

- 2.1 To note the urgent decisions taken, as detailed in the appendix.

3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 3.1 To ensure compliance with the procedures detailed in the Council's Constitution.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 None.

5 BACKGROUND

- 5.1 Call-in and Urgency (Overview and Scrutiny) Procedure Rules: Councillors will be aware that the call-in procedure does not apply where the decision taken is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. Part 4, paragraph 15, of the Constitution requires that where a decision is taken under the urgency procedure, that decision needs to be reported to the next available meeting of Council, together with the reasons for urgency. The urgency procedure requires that the Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and that it should be treated as a matter of urgency. In the absence of the Chair, the Vice-Chair's consent is required. In the absence of both, the Chief Executive or his nominee's consent is required. Details of the decisions made where the call-in procedure has not applied due to urgency are set out in Appendix 1.
- 5.2 Special Urgency – Access to Information Procedure Rules: The Local Authorities Executive Arrangements (Access to Information) (England) Regulations 2012 introduced a requirement for 28 clear days public notice to be given of all proposed key decisions. Where it is not possible to give the full 28 days notice, but there is time to give at least 5 clear days notice, then the General Exception procedure (as set out in Part 4 of the Constitution, paragraph 13 of the Access to Information Procedure Rules) applies. Where 5 clear days notice is also not possible, the above regulations provide for a Special Urgency Procedure (Part 4 of the Constitution, paragraph 14).

- 5.3 An urgent key decision may only be taken under the Special Urgency procedure where the decision taker has obtained agreement that the decision is urgent and cannot reasonably be deferred from:
- (i) the Chair of the Overview and Scrutiny Committee or
 - (ii) if there is no such person, or if the Chair of the Overview and Scrutiny Committee is unable to act, the Lord Mayor (as Chair of the Council) or
 - (iii) where there is no Chair of either the Overview and Scrutiny Committee or Lord Mayor, the Sheriff (as Vice Chair of Council).
- Once agreement has been sought and as soon as reasonably practicable, the decision maker must publish a notice at the Council's offices and on the Council's website that the decision is urgent and cannot reasonably be deferred.
- 5.4 In addition the procedure requires that the Leader submits quarterly reports to Council containing details of each executive decision taken during the period since the last report where the making of the decision was agreed as a case of special urgency (paragraph 16.2, Part 4 of the Constitution).
- 5.5 Details of key decisions taken under the special urgency procedures are set out in appendix 2.

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

6.1 None.

7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)

7.1 None.

8. EQUALITY IMPACT ASSESSMENT (EIA)

8.1 An EIA is not required as the report does not relate to new or changing services or policies.

9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

9.1 None.

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 The City Council's Constitution

10.2 The delegated decisions and committee reports detailed in the appendix to this report.

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**

URGENT DECISIONS (EXEMPT FROM CALL-IN)

| <u>Decision reference number</u> | <u>Date of decision</u> | <u>Subject</u> | <u>Value of decision</u> | <u>Decision Taker</u> | <u>Consultee on urgency</u> | <u>Reasons for urgency</u> |
|---|--------------------------------|---|---------------------------------|---|------------------------------------|--|
| 2225 | 03/11/2015 | This Girl Can Swim | £161,490.00 | Portfolio Holder for Leisure and Culture | Chair of Overview and Scrutiny | Acceptance of funding was required within a month of being awarded. Exemption from call in was required in order to allow for approval to be granted and completion of relevant paperwork after the funding being awarded. |
| 2226 | 04/11/15 | Approval for additional, independent capacity to undertake focussed work within the Education Directorate | up to £13,200 | Portfolio Holder for Schools | Chair of Overview and Scrutiny | It was imperative that an investigation into Denewood was conducted swiftly |
| 2233 | 06/11/15 | Commercial Opportunity for Energy Services | Exempt | Portfolio Holder for Resources and Neighbourhood Regeneration | Chair of Overview and Scrutiny | In order to meet the submission target date within tight timescales. |
| 2234 | 09/11/15 | Approval of the costs of an Adults Care Package | Exempt | Portfolio Holder for Adults and Health | Chair of Overview and Scrutiny | Retrospective decision |
| 2236 | 10/11/15 | Approval of the costs of an Adults Care Package | Exempt | Portfolio Holder for Adults and Health | Chair of Overview and Scrutiny | Retrospective decision |
| 2239 | 12/11/15 | Continuation of the Neutral Vendor Solution | £2,000,000 over 6 months | Portfolio Holder for Resources and Neighbourhood Regeneration | Chair of Overview and Scrutiny | Imminent end of existing contract and need to agree new contract |

| <u>Decision reference number</u> | <u>Date of decision</u> | <u>Subject</u> | <u>Value of decision</u> | <u>Decision Taker</u> | <u>Consultee on urgency</u> | <u>Reasons for urgency</u> |
|----------------------------------|-------------------------|--|--------------------------|---|--------------------------------|--|
| 2241 | 13/11/15 | Approval of the costs of an Adults Care Package | Exempt | Corporate Director of Children and Adults | Chair of Overview and Scrutiny | Retrospective decision |
| 2257 | 25/11/15 | Approval of the costs of an adult care package | Exempt | Corporate Director of Children and Adults | Chair of Overview and Scrutiny | Retrospective decision |
| 2258 | 25/11/15 | Approval of the costs of an adult care package | Exempt | Corporate Director of Children and Adults | Chair of Overview and Scrutiny | Retrospective decision |
| 2260 | 26/11/15 | Approval of the costs of an Adults Care Package | Exempt | Corporate Director of Children and Adults | Chair of Overview and Scrutiny | Retrospective decision |
| 2261 | 26/11/15 | Approval of the costs of a placement for a child in care | Exempt | Corporate Director of Children and Adults | Chair of Overview and Scrutiny | Retrospective decision |
| 2264 | 30/11/15 | Broadmarsh Car Park | Exempt | Leader of the Council and Portfolio Holder for Strategic Regeneration, Development and Community Sector | Chair of Overview and Scrutiny | Nottingham City Council is obliged to complete the refurbishment of the car park in a timely manner and within Intu's specification. |

| <u>Decision reference number</u> | <u>Date of decision</u> | <u>Subject</u> | <u>Value of decision</u> | <u>Decision Taker</u> | <u>Consultee on urgency</u> | <u>Reasons for urgency</u> |
|----------------------------------|-------------------------|--|--------------------------|---|--------------------------------|--|
| 2267 | 04/12/15 | Skills Hub | £2.825m | Leader of the Council and Portfolio Holder for Strategic Regeneration, Development and Community Sector | Chair of Overview and Scrutiny | To enable immediate release of funding |
| 2269 | 07/12/15 | Procurement of Radio System | £200,000 | Portfolio Holder for Community Services | Chair of Overview and Scrutiny | To enable infrastructure installation to proceed immediately on site. |
| 2271 | 09/12/15 | Approval of the costs of a placement for a child in care | Exempt | Portfolio Holder for Early Intervention and Early Years | Chair of Overview and Scrutiny | Retrospective decision |
| Page 27 2279 | 18/12/15 | Funding for legal support | Exempt | Portfolio Holder for Resources and Neighbourhood Regeneration | Chair of Overview and Scrutiny | Delay would jeopardise engagement of the expertise and experience required of both a particular barrister and a solicitor previously involved in the case. |
| 2280 | 18/12/15 | Broadmarsh Car Park - Emergency Works | £110,000 | Portfolio Holder for Resources and Neighbourhood Regeneration | Chair of Overview and Scrutiny | Retrospective decision, works started due to imminent health and safety risk. |
| 2281 | 18/12/15 | Approval of the costs of an Adults Care Package | Exempt | Portfolio Holder for Adults and Health | Chair of Overview and Scrutiny | Retrospective decision |
| 2282 | 18/12/15 | Approval of the costs of an Adults Care Package | Exempt | Portfolio Holder for Adults and Health | Chair of Overview and Scrutiny | Retrospective decision |

| <u>Decision reference number</u> | <u>Date of decision</u> | <u>Subject</u> | <u>Value of decision</u> | <u>Decision Taker</u> | <u>Consultee on urgency</u> | <u>Reasons for urgency</u> |
|----------------------------------|-------------------------|--|--------------------------|---|--------------------------------|--|
| 2283 | 21/12/15 | Property Investment Acquisition - Nottingham | Exempt | Leader of the Council and Portfolio Holder for Strategic Regeneration, Development and Community Sector | Chair of Overview and Scrutiny | Tight timescales in order to exchange |
| 2287 | 23/12/15 | Corporate travel and accommodation contract | £925,000 | Portfolio Holder for Resources and Neighbourhood Regeneration | Chair of Overview and Scrutiny | Due to time limitations re outstanding November invoices |
| 2289 | 23/12/15 | Property Investment Acquisition - Nottingham | Exempt | Portfolio Holder for Resources and Neighbourhood Regeneration | Chair of Overview and Scrutiny | To avoid delay in acquisition |

KEY DECISIONS – SPECIAL URGENCY PROCEDURE

| <u>Date of decision</u> | <u>Subject</u> | <u>Value of decision</u> | <u>Decision Taker</u> | <u>Reasons for special urgency</u> |
|--------------------------------|--|--|------------------------------|---|
| 24/11/2015 | Voluntary Sector Grant Aid - Area Based and Communities of Identity Grants from 2016 onwards | £2,024,761.00 | Deputy Leader of the Council | Notice was originally given for this decision to be taken at the 14 October meeting of the Commissioning and Procurement Sub Committee. This meeting was inquorate, so no decision could be taken. The decision cannot wait till the November meeting due to tight timescales with the application process. |
| 12/11/2015 | Continuation of the Neutral Vendor Solution | Exempt | Leader of the Council | The decision is urgent and the business cannot be deferred because the current contract ends on 16th October 2015. Lengthy discussions have taken place with Procurement and Legal and given the timelines, we now require an urgent decision |
| 08/11/2015 | Commercial Opportunity for Energy Services | Exempt | Leader of the Council | The decision is considered urgent in order to meet the submission target date within tight timescales. |
| 04/12/2015 | Skills Hub | £175,000.00 (plus potential exposure of up to £2,650,000.00) | Leader of the Council | The business cannot be deferred as this would delay the immediate release of funding for the project, as well as impacting negatively on delivery. |

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CITY COUNCIL - 18 JANUARY 2016

REPORT OF THE PORTFOLIO HOLDER FOR RESOURCES AND NEIGHBOURHOOD REGENERATION

CITY OF NOTTINGHAM COUNCIL TAX SUPPORT SCHEME

1 SUMMARY

- 1.1 This report seeks approval to retain the local Council Tax Support Scheme (“CTSS”) for the City of Nottingham which will be called the ‘Council Tax Support Scheme 2016/17’ (CTSS 2016/17). A copy of the CTSS is available on the Council’s website.
- 1.2 The local CTSS will continue to impact on all working age people who are currently in receipt of Council Tax Support (CTS) and working age households who may need to claim CTS. In Nottingham, an estimated 22,300 CTS claimants are of working age.
- 1.3 The CTSS 2014/15 was considered by the Executive Board on 17 December 2013 and adopted by Council on 27 January 2014. It has been retained since then and the council is proposing to continue to retain the system currently in operation for the 2016/17 financial year.
- 1.4 The Equality Impact Assessment (EIA) is in Appendix 1.

2 RECOMMENDATIONS

- 2.1 To retain the CTSS currently in operation, for the 2016/17 financial year, and refers to it as the Council Tax Support Scheme 2016/17, having regard to its Public Sector Equality Duty and noting the Equality Impact Assessment in Appendix 1

3 REASONS FOR RECOMMENDATIONS

- 3.1 It is recommended that in light of the Council’s wider budget challenges with the need to help the most financially vulnerable members of the community, NCC retains the CTSS currently in operation for 2016/17 and provides a maximum support of 80% to low income working age households.
- 3.2 In order to comply with Government regulations for a local CTSS the scheme will continue to guarantee that low income pensioners will see no change to the help they currently get with their Council Tax bills.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 NCC considered a number of options based on modelling of different levels of contribution from all working age households up to 25%. As a result of this modelling, options to raise the contribution to 25% were found to be unaffordable at the present time.

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 5.1 In Autumn 2013, NCC conducted a 4 week comprehensive formal public consultation exercise on proposals to revise the CTSS 2013/2014. The revised Scheme was adopted by Council for the 2014/15 financial year with the following change from the 2013/14 scheme: the maximum amount of support that can be provided for low income, working age households is set at 80% of their council tax liability.
- 5.2 This was the only change to the Scheme for 2014/15 and means that everyone of working age pays at least 20% towards their Council Tax bill. Low income pensioners were not affected by the change to the CTSS.
- 5.3 In December 2013 the Executive Board approved a recommendation to support the key terms of a CTSS for 2014/15 and recommended them to Full Council.
- 5.4 The CTSS for 2014/15 was adopted by Full Council on 27 January 2014 and took effect from 1 April 2014. The Scheme includes the following elements:
- Putting a maximum limit on the amount of CTS that can be paid to all working age people – where everyone would pay at least 20% towards their Council Tax bill.
 - Setting a maximum level of Council Tax support
 - No Second Adult Rebate
 - Backdating of awards
 - A minimum award level of 50p
- 5.5 Schedule 1A of the Local Government Finance Act 1992 provides that for each financial year, each billing authority must consider whether to revise its scheme or to replace it with another scheme. This report addresses this and recommends that there is no change to the scheme for 2016/17.
- 5.6 Council tax powers relating to empty properties: The Council will continue to take advantage of existing powers relating to empty properties to generate additional income. In Nottingham this is estimated to generate up to £2.637m per annum and reduces the contribution required from working age recipients of Council Tax Support to make the scheme affordable.

6 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)

- 6.1 The cost of the CTSS is estimated to be £28.3m in 2016/17.
- 6.2 The localisation of CTSS in 2013/14 transferred the financial risk of the scheme to the City Council. As the funding has been rolled into the RSG and localised share of business rates it is not possible to calculate the amount of funding that has been specifically included in the settlement to finance CTSS. The implied Government grant assumed for 2016/17 based on historic data is estimated to be £21.105m.
- 6.3 The Council has taken advantage of the powers relating to empty properties to generate additional income. This is estimated to generate £2.740m per annum towards the cost of the scheme. The Council took the decision on 26 January 2015 to set a local CTSS that set a maximum limit on the amount of CTS that can be paid to all working age people, so that working age households receive a maximum of 80% help. The decision recommended in this report is to maintain this scheme for 2016/17. This is estimated to generate £3.817m in 2016/17 towards the cost of the scheme.

6.4 The estimated cost of the scheme is as follows:-

| Estimated cost of CTSS assuming 80% maximum support | 2016/17 £m |
|--|-----------------------|
| Total cost of CTSS | 28.300 |
| Less estimated increased contribution from working age claimants | (3.817) |
| Implied Government Grant | (21.105) |
| Reduction in empty property discount | (2.740) |
| Scheme cost | 0.638 |
| Impact on City Council General Fund (85.6%) | 0.546 |

6.5 The cost of CTSS is used in the calculation of the taxbase for 2016/17 that will be presented to Executive Board on 19 January 2015 for approval as an essential part of the formula for calculating the council tax for 2016/17. The proposed tax base and council tax calculation figures therefore assume that this scheme is approved for 2016/17.

6.6 The cost of the scheme is contained within the overall budget proposals to be considered at Executive Board in February 2016. Savings have been identified from other Council services to fund the impact on the General Fund.

7 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

7.1 As outlined above, Schedule 1A of the Local Government Finance Act 1992 provides that for each financial year, each billing authority must consider whether to revise its scheme or replace it with another scheme. This report addresses this and recommends that there is no change to the scheme for 2016/17.

8 EQUALITY IMPACT ASSESSMENT (EIA)

8.1 An EIA is attached as Appendix 1, and due regard will be given to any implications identified in it.

9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

9.1 None.

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 Local Government Finance Act 1992

10.2 The Equality Act 2010

10.3 "Council Tax Support Scheme 2014/15 – key decision" report to Executive Board, 17 December 2013:

<http://committee.nottinghamcity.gov.uk/documents/s526/CouncilTaxSupportScheme.pdf>

10.4 “Council Tax Support Scheme 2014/15” report to Council, 27 January 2014:
<http://committee.nottinghamcity.gov.uk/documents/s1421/Report%20of%20the%20Deputy%20Leader.pdf>

10.5 City of Nottingham Council Tax Support Scheme:
<http://www.nottinghamcity.gov.uk/article/23899/What-is-the-Council-Tax-Support-Scheme>

COUNCILLOR: GRAHAM CHAPMAN

PORTFOLIO HOLDER FOR RESOURCES AND NEIGHBOURHOOD REGENERATION

Equality Impact Assessment – Nottingham City Council Tax Support Scheme

This Equality Impact Assessment relates to the 2014/15 CTSS for Nottingham City.

Section 1 – Background

In April 2013, the Government abolished Council Tax Benefit and gave responsibility for Council Tax Support (CTS) to Council's but cut the money given to do this by at least 10%. The change meant that everyone, except low income pensioners, had to pay something towards their Council Tax bills from 1 April 2013.

In 2012, the DCLG published an Impact Assessment for Localising Council Tax which can be viewed here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8464/2063707.pdf

The Local Government Finance Act (LGFA) 2012 inserted a new Schedule 1A into the LGFA 1992 which provides that for each financial year, each billing authority must consider whether to revise its scheme or to replace it with another scheme. The local scheme must be adopted by 31st January.

The CTSS for the City of Nottingham will impact on all working age people in Nottingham. There are an estimated 22,300 claimants of working age in Nottingham.

Section 2 - Information used to analyse the effects on equality

The localisation of CTS is one part of the wider Welfare Reform programme which also includes reforms to out of work benefits, housing benefits and disability benefits. Analysis carried out by the Council to quantify and map at cumulative impacts of welfare reform in Nottingham shows that the reform to Council Tax benefit will have the widest impact on households in the City (currently approximately 22,300 claimants), while the financial impact will be relatively small. In contrast, a reform such as the benefits cap will have the largest financial impact on individual households but affects the smallest number of households. There are potentially a large number and wide range of households likely to be at risk of some degree of financial impact and vulnerability due to welfare reform changes. The impact of changes to council tax support will inevitably be felt most by those people who are in receipt of more than one benefit affected by the welfare reform programme.

Section 3 - Name and brief description of policy being assessed

In 2016/17 NCC will retain the current CTSS which seeks, as far as possible, to balance the significant cut to the council's resources for CTS and the Council's wider budget challenges with the need to help the most financially vulnerable members of the community with their Council Tax bills.

The CTSS will include the following elements

- Putting a maximum limit on the amount of CTS that can be paid to all working age people – where everyone would pay at least 20% towards their Council Tax bill.
- Setting a maximum level of Council Tax support
- No Second Adult Rebate
- Backdating of awards
- A minimum award level of 50p

The CTSS will meet the parameters set by government for local CTSS's. See Table 1 below:

Table 1

| Scheme parameters | Scheme design proposed 2014/15 CTSS | Mechanism used | NCC actions following consultation |
|--|--|--|--|
| Continue to help low income pensioners | No change to the amount of help that low income pensioners currently receive | No mechanism used as scheme parameters are prescribed by government. | Scheme complies with Government parameters so no actions needed |
| Consider needs of families, disabled people and those who receive war pensions | The Council will recognise the needs of those with children, disability or caring responsibilities by retaining features of the current scheme that address those needs as listed opposite | <ul style="list-style-type: none"> - Disregard Child Benefit and childcare costs in the applicable amount -Recognise caring responsibilities by premiums in the applicable amount. - Premiums in the applicable amount, disregarding Disability Living Allowance and other disability benefits as well as those receiving War Disablement Pension and War Widows Pension. | <p>Recognising the needs of particular households:</p> <p>At the moment, when we calculate CTS, we look at the amount of money the household has to live on. Certain benefits, such as Child Benefit and Disability Living Allowance, are not taken into account. Under the proposed scheme, this will not change.</p> |
| Encourage people to work | The Council will recognise the needs of those with children, disability or caring responsibilities by retaining features of the current scheme that address those needs as listed opposite | - Retain earnings disregards and a tapered approach to the calculation of CTS that avoids the sudden drops – “cliff edges” – inherent in a stepped or banded approach to entitlement. | <p>Scheme complies with Government parameter so no actions needed.</p> <p>The Council proposes to retain earnings disregards and a tapered approach to the calculation of CTS that avoids the sudden drops – “cliff edges” – inherent in a stepped or banded approach to entitlement.</p> |

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| | Could particularly benefit (X) | May adversely impact (X) | How different groups could be affected: Summary of impacts | Details of actions to reduce negative or increase positive impact (or why action not possible) |
|--|-------------------------------------|-------------------------------------|--|--|
| People from different ethnic groups | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <p>The financial arrangements for the CTSS must be affordable to the Council and ultimately to the Council Tax payers whilst supporting protection for pensioners since the Government has outlined that there should be no change in the amount of benefit low income pensioners receive.</p> <p>One group with 'protected characteristics' that will see no change are older people who are low income pensioners and the scheme will fully protect low income pensioners from the changes.</p> <p>Given the significant cut to the council's resources for CTS and the Council's wider budget challenges, working age households who currently receive Council Tax reduction will be affected.</p> <p>The overall impact for different equality groups are summarised in Table 2 below.</p> | <p>The Council will continue to disregard war pensions in full in the CTSS.</p> <p>The CTSS seeks as far as possible, to balance the significant cut to the council's resources for CTS and the Council's wider budget challenges with the need to help the most financially vulnerable members of the community with their Council Tax bills.</p> <p>The CTSS seeks to limit the impact on low income households by taking the approach to evenly distribute a reduction in support for working age people and not allow this reduction in support to have a disproportionately negative affect on any sub-group within the working age population.</p> <p>The Government's wider welfare reform agenda seeks to make sure that work pays and that increases in earnings are not undermined by similar or greater reductions in other income. The Council proposes to retain earnings disregards and a tapered approach to the calculation of CTS that avoids the sudden drops – "cliff edges" – inherent in a stepped or banded approach to entitlement.</p> |
| Men, women (including maternity/pregnancy impact), transgender people | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | |
| Disabled people or carers | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | |
| People from different faith groups | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | |
| Lesbian, gay or bisexual people | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | |
| Older or younger people | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | |
| Other (e.g. marriage/civil partnership, looked after children, cohesion/good relations, vulnerable children/adults) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | |
| Outcome(s) of equality impact assessment: No major change needed <input checked="" type="checkbox"/> Adjust the policy/proposal <input type="checkbox"/> Adverse impact but continue <input type="checkbox"/> Stop and remove the policy/proposal <input type="checkbox"/> | | | | |

Arrangements for future monitoring of equality impact of this proposal / policy / service:

The CTSS will be reviewed annually.

Approved by (manager signature):

Date sent to equality team for publishing:

Table 2 – Outline of potential impacts and measures taken to minimise impact for different protected groups

The following is an equality impact assessment carried out for proposals set out in the Council's Council Support Scheme 2014/15 consultation to change support scheme. It summarises the impact for each group of protected characteristics and notes actions taken to minimise adverse impacts.

Details of how individual proposals have been adjusted to minimise impact are set out in this equality impact assessments for affected groups.

| Equality Group | Reasons for positive / negative impact | Actions needed to reduce/mitigate impact for the CTSS |
|---|--|--|
| People from different ethnic groups | <p>Ethnic group data is available for approximately 30% of the total number of working age claimants. The 2015 data shows that the African and Black Other groups are the most overrepresented amongst CTS claimants followed by White and Black Caribbean and Caribbean. The group which are underrepresented in terms of claimants is the Other Ethnic group. (see Table 4 in Appendix 2).</p> <p>Race and ethnic group are not relevant to the calculation of CTS and data on the ethnicity of CTS claimants is limited.</p> <p>The analysis of the formal consultation does not highlight any specific adverse impacts on ethnic groups other than those within these groups who are of working age.</p> | <p>The Council has considered all responses to the formal consultation and has taken account of the available demographic and caseload data relating to race and ethnicity.</p> <p>The Council is supporting the CTSS because it considers that this scheme seeks, as far as possible, to balance the significant cut to the council's resources for CTS and the Council's wider budget challenges with the need to help the most financially vulnerable members of the community with their Council Tax bills.</p> <p>The CTSS evenly distributes a reduction in support for working age people and does not allow this reduction in support to have a disproportionately negative affect on any sub-group within the working age population.</p> |
| Men, women (including maternity/pregnancy impact), transgender people | <p>Men/Women</p> <p>Our modelling showed us that from approximately 22,300 CBT claimants, there are approximately 11,000 households with dependents – 8,000 lone parents and 3,000 couples with children¹.</p> <p>A large proportion of the lone parent households are headed by women.</p> <p>No issues identified. No data is collected in respect of Gender reassignment or transgender people as it is</p> | <p><u>Men/Women</u></p> <p>The CTSS includes considerations of the amount of money a household has to live on and certain benefits, such as child benefit, will not be taken into account as income. In addition, we will continue to disregard child care costs to the same levels as the CTSS and carers will continue to receive an additional allowance towards living costs when we calculate income.</p> <p>Retaining these features of the current CTSS seeks to mitigate the impact on households with children, including</p> |

¹ Working age Council Tax Benefit claimants (3rd December 2015)

| | | |
|------------------------------------|---|--|
| | not relevant to the calculation of Council Tax Reduction. | those headed by lone parents. <u>Pregnancy/Maternity</u> No adverse impacts have been identified within the CTSS. <u>Transgender people / Gender reassignment</u> No adverse impacts have been identified within the CTSS. |
| Disabled people or carers | Limited local data is currently held in relation to Council Tax liabilities of disabled households of working age, although a number of disability related benefits (e.g. income Support: Disability Premium, Employment Support Allowance, Disability Living Allowance, Attendance Allowance and Independent Living Fund) potentially qualify citizens for CTS. <u>Carers</u> No current caseload data is collected in respect of caring responsibilities and consequently it is difficult to draw any firm conclusions in terms of equality impact on carers, however the Council recognises the needs of those with caring responsibilities | <u>Disabled People</u> The CTSS will continue to disregard in full certain benefits such as Disability Living Allowance and attendance allowance etc. Recipients will continue to benefit from the enhanced premiums and personal allowances to which they are entitled to claim as a result of their disability. Retaining these features of the current scheme seeks to mitigate the impact on households with disability. The current intentions for the CTSS are to continue to retain these features. This seeks to mitigate any potential adverse impact on more vulnerable households, especially those where there is poor mental or physical health and to prevent hardship. <u>Carers</u> The CTSS design recognises the needs of those with caring responsibilities by retaining features of the 2013/14 scheme that address those needs. It looks at the amount of money a household has to live on and recognises those with caring responsibilities by the inclusion of premiums in the applicable amount. The CTSS will retain this feature. |
| People from different faith groups | No issues identified. The data available in respect of religion or belief as it is not relevant to the calculation of CTS. | No adverse impacts have been identified within the CTSS. |
| Lesbian, gay or bisexual people | No issues identified. No data is collected in respect of sexual orientation as it is not relevant to the calculation of Council Tax Reduction. | No adverse impacts have been identified within the CTSS. |

| | | |
|---|--|---|
| Older or younger people | People over pension age will not be affected by the proposals because they are excluded from the changes. The Government has determined that people over the state pension age for women and younger people with a partner over the state pension age for women will receive help with Council Tax under a national scheme as now. The Council has no power to change this. Pensioners who are protected make up 36.87% of our current caseload (13,030 pensioners). | <p>Older People:- Low income pensioners are protected and therefore No adverse impacts have been identified within the CTSS.</p> <p>Working Age People:- Nottingham City Council is delivering a number of targeted initiatives to support vulnerable working age residents back into work:</p> <ul style="list-style-type: none"> • The Integrated Employer Hub in partnership with JCP links unemployed city residents to vacancies and opportunities secured through employer engagement, public sector partners and planning and procurement obligations. • The Nottingham Jobs fund is a grant to employers creating roles for unemployed city residents • The Apprenticeship Hub works with employers to create apprenticeships in the City • NCC funds community based employment and skills provision through the Area Based Grant programme • The Council supports PATRA by providing apprenticeship opportunities. <p>The Council has also secured £3 million through the youth contract to tackle unemployment amongst 18-24 year olds.</p> |
| Other (e.g. marriage/civil partnership, looked after children, cohesion/good relations, vulnerable children/adults) | <p><u>Marriage / Civil Partnership</u> No issues identified. No data is collected in respect of Marriage and civil partnership. Same sex partners are treated the same as opposite sex partners for the purposes of Council Tax Reduction and this will be the case for the CTSS.</p> | <p><u>Marriage / Civil Partnership</u> No adverse impacts have been identified within the CTSS.</p> |

Overall, the CTSS will protect low income pensioners so there will be no impact on this group. This complies with the Government's requirement that there should be no change in the amount of benefit low income pensioners receive. The Council will continue to disregard war disablement pensions and pensions for war widows and widowers. The Council uses a discretionary power to disregard the full amount of these pensions and will continue to disregard these pensions in full both the CTSS.

Other vulnerable citizens' impact

During the development of a local scheme the Council has tried as far as possible to balance the significant cut to our resources for CTS with the need to protect the most vulnerable members of the community. The CTSS limits the impact on people of different equality groups as listed in Table 2 above by:

- evenly distributing a reduction in support for working age people
- not allowing for a disproportionately negative affect on any sub-group within the working age population.

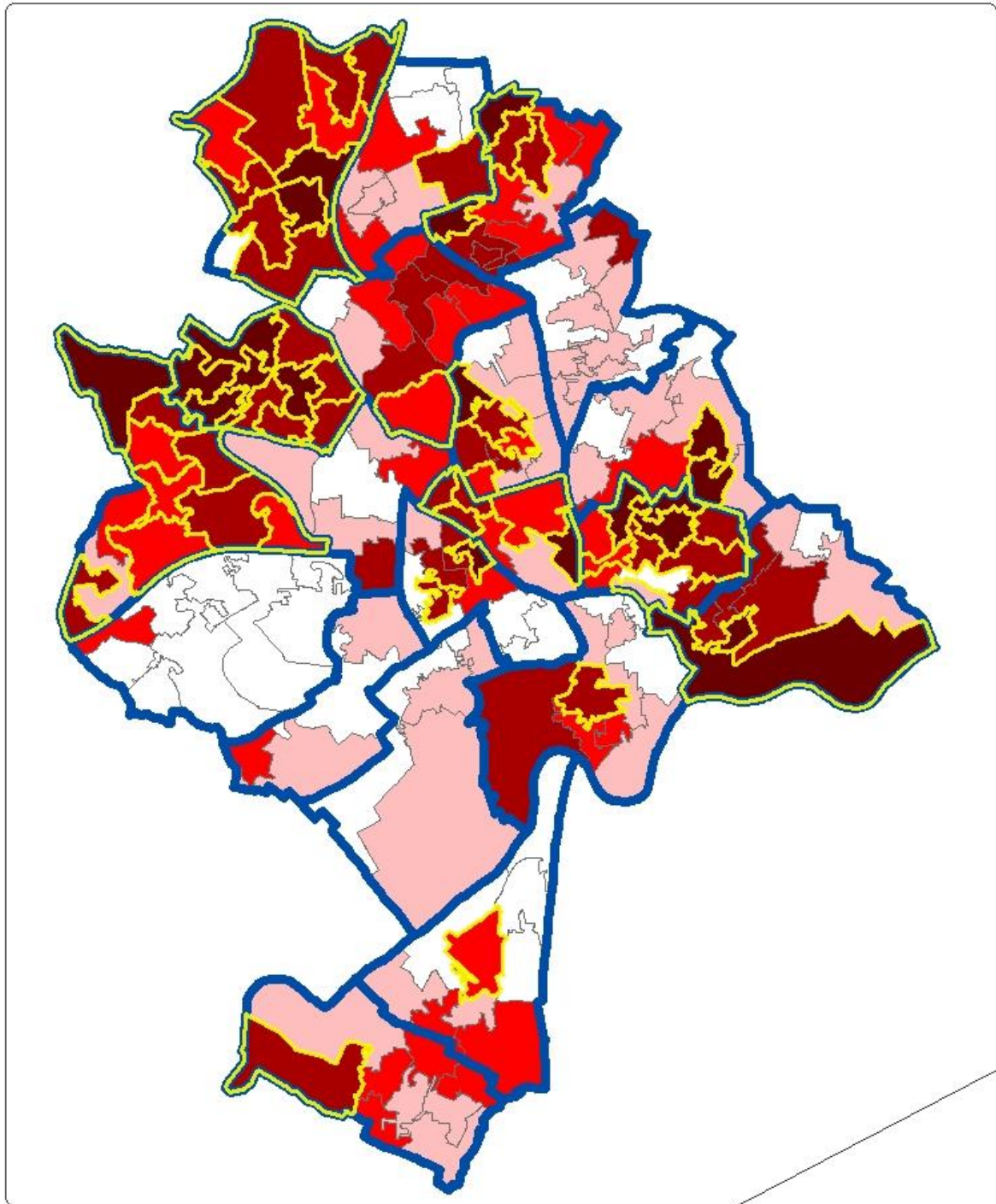
NCC recognise that there were concerns expressed within the consultation about the affordability for many low income working age households. The CTSS seeks, as far as possible, to balance the significant cut to the council's resources for Council Tax Support and the Council's wider budget challenges with the need to help the most financially vulnerable members of the community with their Council Tax bills.

In the design of the CTSS, the Council has recognised the needs of those with children, disability or caring responsibilities by including features that address those needs. The CTSS will make a wide range of provision to recognise the needs of:

- those with children: in the applicable amount, in disregarding Child Benefit and in disregarding childcare costs.
- those with disabilities: by premiums in the applicable amount, disregarding Disability Living Allowance and other disability premiums as well as those receiving War Disablement Pension and War Widows Pension.
- those with caring responsibilities: by premiums in the applicable amount.

Affordability: Affordability for both NCC and citizens is a concern for NCC. By retaining the current CTSS, NCC will comply with the Government CTSS parameters while evenly spreading the reduction in support across all citizens of working age and therefore not allowing for a disproportionately negative affect on any sub-group within the working age population.

Working Age Council Tax Support claimants by SOA - December 2015



Key

- 3 - 50
- 51 - 100
- 101 - 150
- 151 - 200
- 201 - 348
- 10% most deprived
- Wards

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EIA Appendix 2

Table 4 – Council Tax Benefit client breakdown by ethnicity as at December 2015

| | % of working age claimants | % of working age population | Under/overrepresentation * |
|---------------------------|----------------------------|-----------------------------|----------------------------|
| British | 70.6 | 65.2 | 1.1 |
| Irish | 0.8 | 0.8 | 0.9 |
| Gypsy or Irish Traveller | 0.0 | 0.1 | 0.2 |
| Other White | 5.3 | 5.8 | 0.9 |
| White and Black Caribbean | 3.8 | 3.2 | 1.2 |
| White and Black African | 0.3 | 0.5 | 0.6 |
| White and Asian | 0.5 | 1.0 | 0.5 |
| Other Mixed | 0.5 | 0.7 | 0.7 |
| Indian | 0.9 | 3.7 | 0.2 |
| Pakistani | 3.8 | 4.9 | 0.8 |
| Bangladeshi | 0.5 | 0.3 | 1.6 |
| Chinese | 0.4 | 2.6 | 0.1 |
| Other Asian | 2.1 | 2.2 | 1.0 |
| African | 5.0 | 3.4 | 1.5 |
| Caribbean | 3.3 | 3.0 | 1.1 |
| Other Black | 2.1 | 0.8 | 2.7 |
| Arab | 0.1 | 0.8 | 0.1 |
| Other ethnic group | 0.0 | 0.8 | 0.0 |

Source: Claimant data from November 2012, Nottingham City Council.
 Population data from the 2009 ONS mid year estimates by ethnic group (experimental statistics)
 Notes: Ethnic group data is available for 12,904 working age claimants, 50% of the total.

CITY COUNCIL - 18 JANUARY 2016

REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITY SERVICES

PAY POLICY STATEMENT 2016-2017

1 SUMMARY

- 1.1 This report introduces the Council's pay policy statement for 2016-17 as required by the Localism Act. The Statement sets out information on pay and conditions for chief officers in comparison to the bulk of the workforce employed on 'Local Government Scheme' (LGS) terms and conditions.

2 RECOMMENDATIONS

- 2.1 To approve and endorse the Council's pay policy statement for 2016-17.
- 2.2 To note that the statement may need to be amended in-year for any necessary changes the Council may wish to adopt. Any such changes will be presented to Full Council for approval.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The pay policy statement is being presented to Full Council in order to demonstrate that decisions on pay and reward packages for chief executives and chief officers are made in an open and accountable way.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 As the production of a pay policy statement is a requirement under the Localism Act, no other options were considered.

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 5.1 The Localism Act requires local authorities to prepare and publish an annual pay policy statement.
- 5.2 The Act requires that the statement must be approved formally by the Council meeting itself (it cannot be delegated to a sub-committee); must be approved by the end of March each year and must be published on the Council's website. "Chief Officer" is widely defined through adopting the definitions in the Local Government and Housing Act 1989.
- 5.3 In more detail, the matters that must be included in the statutory pay policy statement are as follows:
- the Council's policy on the level and elements of remuneration for chief officers;
 - the Council's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition);
 - the Council's policy on the relationship between the remuneration of its chief officers and other officers;

- the Council's policy on other specific aspects of chief officers' remuneration, such as remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency.
- 5.4 The Act defines remuneration widely, to include not just pay, but also charges, fees, allowances, benefits in kind, increases in enhancements of pension entitlements, and termination payments.
- 5.5 The pay multiple of the average chief officer's pay (£85,698) to that of the non-chief officer average earner (£25,960) including guaranteed payments¹ is 1:3. The relationship between the Chief Executive's pay (£160,000) to that of the Council's non chief officer average earner excluding allowances (£22,449) is a pay multiple of 1:7.
- 5.6 The total sum of additional payments claimed by the Council's chief officers from 1 April 2015 to 30 September 2015 was £33,845. These related to claims for expenses and allowances, including travel and additional responsibilities.
- 5.7 As at 30 September 2015, there were no chief officers in receipt of bonus payments, increments, performance related pay, and other pay enhancements (overtime, weekend, evening, night working, etc.). However, there was a chief officer pay award in 2015, for the first time in five years. This was for 2% from 1 January 2015.
- 5.8 The pay gap between the Chief Executive and lowest paid employee has stabilised this year. The Council now pays a Living Wage supplement to all colleagues on Grade A and the majority of Grade B (£13,614-£14,338), of the difference between their grade and £7.85 per hour. It should be noted that, due to the dates of the reporting period, the figures contained within the Pay Policy Statement reflect the position prior to the latest increase in the Living Wage supplement, as this was implemented from 1 December 2015 (backdated to 1 October 2015).

6 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)

- 6.1 The average and median pay figures included in the report are based on data for 2015/16 up to 31 October 2015 increased to an annual figure.
- 6.2 The pay policy statement will assist Chief Officers in the discharge of their responsibilities relating to staffing numbers and payments to employees as set out in the Council's Financial Regulations and Corporate Financial Procedures.

7 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 7.1 The statement proposed for approval has been prepared in accordance with Sections 38 to 43 of the Localism Act 2011 which require the City Council to prepare, approve and publish a pay policy statement in the terms described in this report.

¹ Includes basic FTE salary, pension – employer contribution on FTE basic pay, single status incentive payments, allowances and enhancements paid between 01/04/2015 to 30/09/2015

8 EQUALITY IMPACT ASSESSMENT (EIA)

- 8.1 An EIA is not required as the pay policy statement does not include proposals for new or changing policies, services or functions.

9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 9.1 Local Government Association and Association of Local Authority Chief Executives (ALACE), Localism Act: Pay Policy Statement Guidance for Local Authority Chief Executives.

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 10.1 Hutton, W., 2011. Hutton Review of Fair Pay. London
- 10.2 One Society, 2012. Leading the Way on Fair Pay: An Assessment of Principal Local Authorities in England & Wales. London
- 10.3 Communities and Local Government, Openness and accountability in local pay: Guidance under section 40 of the Localism Act.
- 10.4 Department for Communities and Local Government, 2013. Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011. Supplementary Guidance. London

COUNCILLOR NICOLA HEATON

PORTFOLIO HOLDER, COMMUNITY SERVICES

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Nottingham City Council

Pay Policy Statement 2016-2017



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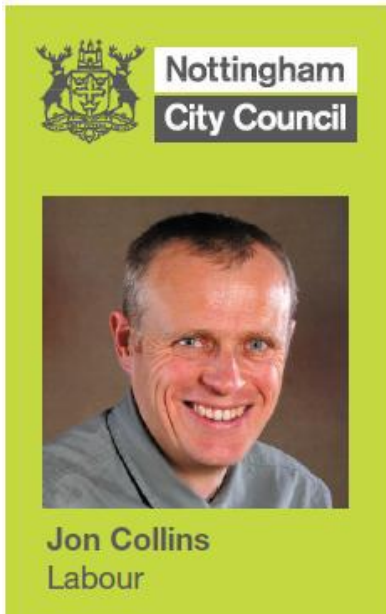
Nottingham
City Council

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Introduction from the Leader of Nottingham City Council, Jon Collins



Welcome to Nottingham Council's annual Pay Policy Statement. The statement sets out the Council's approach to setting pay and conditions for Chief Officers and those for the workforce.

This year's statement once again demonstrates how we are continuing to ensure that our employees can expect a reasonable wage. I am pleased to confirm that the Living Wage supplement continues to form part of all our lowest paid employees' salaries, and that the Council has increased the hourly rate to £7.85 from 1 October 2015. Furthermore, we continue to pay increments to our employees on the lowest four pay bands, as agreed last year for a period of two years (2014/15 and 2015/16). Future decisions regarding increments are currently under consideration but have yet to be confirmed.

We are committed to providing quality services which offer value for money in a way that balances concern for our lower paid employees with job security and affordability. We continue to strive to deliver high-quality essential services to Nottingham citizens in an increasingly challenging financial climate.

Work continues to be under way to identify further ways to reduce costs whilst keeping citizens at the heart of everything we do. Recent work on establishing complex partnerships with other sectors have provided exciting prospects for the Council to pursue increased income from commercial opportunities through working with these partners, in-sourcing services to provide more cost-effective and value for money approaches and to win new work where others are struggling to maintain services.

A handwritten signature in black ink, appearing to read 'J.N.C.', is positioned above the name and title of Jon Collins.

Jon Collins
Leader of the Council

Introduction from Chief Executive, Ian Curryer



Welcome to Nottingham City Council's annual Pay Policy Statement.

This statement outlines the Council's approach to setting pay and conditions for colleagues including senior staff (chief officers). It sets out how we are spending public funding appropriately and demonstrates our commitment to openness and transparency about pay and allowances.

As our funding from Central Government continues to reduce, we have had to take some difficult decisions across the whole organisation to ensure that we deliver our key priority of providing essential services for the people of Nottingham, including those who work, study, invest and visit here.

Last year we implemented a new Operating Model from 01 April 2014, which was designed to place the citizen at the heart of our organisation. In September this year, we made some additional changes to our management structure in order to further support the Council in discharging its duties in the current financial climate; in particular with relation to supporting vulnerable children and adults, facilitating more complex partnership working, and looking into the possible benefits of Devolution.

The Council's new and exciting agenda has the potential to provide opportunities to secure formal arrangements with other sectors that could reduce bureaucracy and duplication, thereby reducing costs and enabling the Council to provide better services to local people.

As a Council we remain committed to ensuring that the benefits of our pay policy are felt by colleagues whose wages have gradually fallen in value. This has included the introduction of the Living Wage supplement and the payment of an increment to our lowest paid colleagues, both of which continue to be in place in this financial year. The situation regarding increments for colleagues on higher levels of pay is under review, but at present these continue to be frozen. The position regarding Living Wage will also require further consideration following the recent Government decision to introduce a compulsory National Living Wage from April 2016, but at present the Council continues to pay Living Wage at the rate suggested by the Living Wage Foundation, which this year has increased to £7.85.

A handwritten signature in black ink that reads "Ian Curryer". The signature is written in a cursive, flowing style.

Ian Curryer
Chief Executive

1 BACKGROUND

- 1.1 Section 38 (1) of the Localism Act 2011 requires English and Welsh local authorities to produce a pay policy statement for each financial year (starting from 2012/13).
- 1.2 The pay statements must articulate the Council's own policies on a range of issues relating to the pay of its workforce, particularly its senior employees (or 'chief officers' as defined by the Local Government and Housing Act 1989) and its lowest paid employees.
- 1.3 The Act requires the policy to be considered by a meeting of Full Council and cannot be delegated to any sub-committee. All decisions on pay and reward made in 2016/17 must comply with the pay policy statement. The statement may be amended in year but must be agreed again by a meeting of Full Council.
- 1.4 This pay policy statement provides information on Nottingham City Council's pay and conditions for chief officers in comparison to the bulk of the workforce employed on 'Local Government Scheme' (LGS) terms and conditions. It also sets out the approach that will be taken during 2016/17. It should be noted that the Council is currently in the process of considering its future pay model; therefore this statement may be subject to change as a result of this once decisions have been taken.
- 1.5 Sections 2, 4 and 7 and appendix 7 use retrospective pay information. Due to reporting pressures at Full Council in March 2016, this report will be taken in January 2016 and has, therefore, been produced earlier. The effect of this is a shorter period of data has been used than in previous years' statements (April-September as opposed to April-December).
- 1.6 The Council's structure currently consists of four main departments; Children and Adults, Development, Commercial & Operations, and Resilience; delivering specific functions for its citizens.

2 DEFINITIONS AND SCOPE

2.1 Definition of Chief Officer at Nottingham City Council

Appendix 2 provides a structure chart of all the Chief Officers as defined by the Local Government and Housing Act 1989 employed at the Council as at 31 October 2015. In April 2014, the City Council adopted a new operating model, which made some considerable changes to the Council's management structure. Consequently there are now more Chief Officers and Deputy Chief Officers captured by the statement.

An extract from the Local Government and Housing Act, outlining the definition of Chief Officers and Deputy Chief Officers, is included at Appendix 3.

2.2 'Lowest Paid' Employee

The bulk of the workforce is employed on Local Government Scheme (LGS) terms and conditions. The 'lowest paid employee' is defined as LGS employees employed on Greater London Provincial Council (GLPC) Grade A, spinal point 5, equating to £13,500 basic pay.

This is the lowest pay point and salary offered for a substantive post at the Council excluding apprentices and casual workers.

- 2.3 Since 1 April 2013, the Council has paid a Living Wage supplement to all employees, schools' employees and casual workers on Grade A (£12,266 - £12,915 at that time). This

was initially an increase of their hourly rate to £6.83 (£13,177 per annum). As of 1 April 2014, the Council increased this supplement to £7.65 (£14,759), meaning many employees on Grade B have benefited too.

The Council has increased the Living Wage supplement again, to £7.85 (£15,145) with effect from 1 December 2015, backdated to 1 October 2015. Due to the dates of the reporting period, the figures contained within this report reflect the position prior to this latest increase in the Living Wage supplement.

2.4 The pay policy statement has excluded:

- Apprentices;
- Colleagues on NHS terms and conditions;
- Colleagues on Enviro Energy terms and conditions;
- Colleagues on East Midlands Council's terms and conditions;
- Colleagues on protected terms and conditions under TUPE (JAC, Action for Children)
- Colleagues on Teachers' terms and conditions
- Non chief officer Heads of Services and managers on Senior Leadership Management Group (SLMG) terms and conditions; and
- Colleagues on Soulbury and Hay terms and conditions;
- Colleagues on the House Agreement for the Theatre Royal and Royal Concert Hall (TRCH).

The reason for excluding these groups is because apprentices are not on permanent contracts, the majority of Heads of Services are not chief officers as defined by the Local Government and Housing Act, and there are a very small number of colleagues employed on the other types of terms and conditions (18 on NHS, 30 on Enviro Energy, 36 on East Midlands Councils, 3 on protected terms under TUPE, 39 on Teachers' terms and conditions, 34 on Soulbury, 1 on Hay and 106 on TRCH). There are 112 Apprentices.

Furthermore, the lowest paid employee for each of the excluded groups (except Apprentices) is paid higher than LGS employees; for example NHS (£15,851), Enviro Energy (£16,352), East Midlands Council (£19,742), Teachers (£32,509), Soulbury (£36,805), Hay (£35,662) and SLMG (£48,960) is higher than LGS employees. The exception is the House Agreement for the TRCH, for which group the minimum salary is the same as that for LGS.

2.5 Schools' Employees

As specified in the Localism Act, the pay policy statement does not include information on, or apply to, chief officers and employees based in schools.

2.6 Public Health Employees (transferred to Nottingham City Council under Statutory Transfer during 2013)

A number of colleagues transferred into the Council from the PCT with effect from 1 April 2013.

Some of the aforementioned Public Health employees may come under the definition of 'chief officers', however as this was a Statutory Transfer under a 'Cabinet Officer Statement of Practice' their pay and conditions were determined and governed by the provisions of their previous contract and terms and conditions, i.e. Agenda for Change. It is important to note that for this reason, some or all of this pay policy statement does not apply to such officers.

3 HOW PAY AND CONDITIONS ARE AGREED FOR CHIEF OFFICERS

3.1 Chief Officers' pay and conditions are ratified by the Council's remuneration committee; Appointment and Conditions of Service (ACOS). The responsibility for this function is set out in Appendix 4 which provides an extract from the Council's Constitution. In summary, the main responsibilities of ACOS relating to chief officers' pay and conditions are:

- To undertake the appointment process in respect of the Chief Executive, Deputy Chief Executive and Corporate Directors, making recommendations to Full Council;
- To determine the terms and conditions of City Council employees and procedures for disciplinary action and dismissal;
- To receive reports on action taken in respect of terms agreed for the Chief Executive, Deputy Chief Executive, Corporate Directors and the Senior Leadership Management Group (SLMG) leaving the employment of the Council where those terms included compensation;
- Determine redundancies, ill health retirements, flexible retirements and terminations of employment (including payments over £30,000 relating to efficiency) and any exercise of discretions to increase total LGPS pension and award additional LGPS pension for the Chief Executive, Deputy Chief Executive, Assistant Chief Executive, Corporate Directors, Strategic Directors and Directors;
- To approve any proposals for significant restructuring of the Council's management structure.
- To approve any proposals from the Chief Executive for changes to salary levels (including ranges of salaries) for Corporate Directors, the Deputy Chief Executive and Assistant Chief Executive.

3.2 The Committee is accountable to Council, has eleven members (politically balanced (one place is reserved for the relevant Portfolio Holder (or their substitute) in relation to matters in respect of the appointment process for the Chief Executive and Corporate Director and the dismissal process for the Chief Executive)). The Committee meets on a monthly basis.

3.3 Chief officers have no power to negotiate their own terms and conditions outside of the Council's policies and procedure either during recruitment, throughout employment, or upon termination of their contract. The degree of responsibility exercised by chief officers in return for their basic pay is restricted to established pay grades (Appendix 5) or with regards to other pay such as market supplement or acting up allowances in accordance with the provisions contained within the Council's pay policy (Appendix 6).

4 PAY, TERMS AND CONDITIONS AT NOTTINGHAM CITY COUNCIL

4.1 The majority of chief officers working at Nottingham City Council belong to a group referred to internally as the 'Senior Leadership Management Group (SLMG)'. Colleagues employed as Heads of Services and other senior managers are also part of SLMG and its associated terms and conditions; however the majority are not chief officers as defined by the Local Government and Housing Act.

- 4.2 7 6 provides a comprehensive breakdown of all the terms and conditions offered to the Council's chief officers in comparison to LGS employees as at 30 September 2015, including pay range, allowances, fees and other benefits in kind. The table also provides information on which pay and condition is contractual.
- 4.3 The table highlights that many of the terms and conditions offered to LGS employees, such as overtime, incremental progression, travel expenses within County of Nottinghamshire, weekend/evening allowances etc are not available to the Council's chief officers. It should be noted that, whilst the Council continues to pay increments to employees on the lowest four pay bands for a period of two years (2014/15 and 2015/16), the situation regarding increments for colleagues on higher levels of pay continue at present to be frozen. Future decisions regarding increments are currently under consideration but have yet to be confirmed.
- 4.4 The Chief Executive is paid on a spot salary of £160,000 as agreed by the Council's appointing committee (Appointment and Conditions of Service).
- 4.5 The total additional payments made to the Council's Chief Officers between 1 April 2015 and 31 September 2015 are listed in the table below:

| Pay Element | Total for Chief Officers* |
|--|----------------------------------|
| Total year to date additional payments (1 April 2015 to 31 September 2015) Additional payments include: Car mileage, allowances for additional responsibilities, general expenses (e.g. subsistence, parking etc), and travel expenses. | £33,845 |

* as defined by the Local Government and Housing Act 1989

This is has decreased from last year, when the total additional payments were £39,527.

5 ELECTION DUTY PAYMENTS

- 5.1 The Returning Officer's fee is a payment made to a nominated chief officer (at Nottingham City Council, this is the Chief Executive) for being in charge of the running of Local, European, Parliamentary elections in addition to National Referenda.
- 5.2 The National Referendum, European and Parliament elections are funded and paid for by central government and are therefore not related to Nottingham City Council's terms and conditions. The Council does not govern the fee payable to the Chief Executive for these elections and therefore the Chief Executive can retain any fee paid to them from these funds.
- 5.3 There was a Parliamentary election during 2015-2016 so the Chief Executive has received an additional fee during this financial year, but as outlined in 5.2 this is an independent payment and is not paid or funded by the City Council and is not part of Nottingham City Council's terms and conditions.
- 5.4 The funding for any local election comes from local authority funds and follows the same principles as those for a central government funded election. The new Chief Executive is not contractually entitled to a payment for local elections and therefore received no payment for the local election that occurred during this financial year.

6 MONITORING OFFICER'S FEE

6.1 The Monitoring Officer has the specific duty to ensure Nottingham City Council, its officers, and its elected Councillors maintain the highest standards in all they do. The monitoring officer's legal basis is found in Section 5 of the Local Government and Housing Act 1989, as amended by Schedule 5 paragraph 24 of the Local Government Act 2000.

The Monitoring Officer's three main roles are:

1. To report on matters they believe are, or are likely to be, illegal or amount to maladministration.
2. Matters relating to the conduct of councillors and officers.
3. Responsibility for the operation of the Council's Constitution.

6.2 The monitoring officer has a duty to write a report if they consider any proposal, decision, or omission made by the Council, or on behalf the Council, is illegal or would be illegal. The duty is a personal duty, and the monitoring officer cannot delegate it to someone else unless they are ill or away, in which case a deputy monitoring officer can take over the role.

6.3 There is no longer an additional payment for the role of Monitoring Officer. When this statutory role was created it was agreed that remuneration would be based on an approximate 10% loading on salary of the employee holding the post, to be funded by the Council. This year, the Monitoring Officer role has been incorporated into the job description for the Corporate Director for Resilience, and therefore now forms part of the salary for that post.

7 PAY RELATIONSHIPS

Without Allowances

7.1 The relationship between the Chief Executive's basic pay (£160,000) to that of the Council's non chief officer¹ average earner excluding allowances (£22,449) is a pay multiple of 1:7.

7.2 The pay multiple of the Chief Executive's basic pay (£160,000) to that of the Council's non chief officer median earner excluding allowances (£19,742) is 1:8.

With Guaranteed Payments²

7.3 The relationship between the average chief officer's pay including guaranteed payments (£85,698) and to that of the Council's non chief officer average earner including guaranteed payments (£25,960) is 1:3.

7.4 The relationship between the median pay of chief officers including guaranteed payments (£78,428) and to that of the Council's non chief officer median earner including guaranteed payments (£23,899) is 1:3.

¹ The definition of 'non chief officer' in section 7 includes colleagues on Greater London Provincial Council (GLPC), non-chief officers on Senior Leadership Management Group (SLMG) pay scales and Local Government Service (LGS) pay scales. It excludes the Chief Executive (CEX) and Corporate Directors' (CDIR). The ratio has been calculated using basic FTE pay, not actual pay.

² Includes basic FTE salary, pension – employer contribution on FTE basic pay, single status incentive payments, allowances and enhancements paid between 01/04/2015 to 30/09/2015

8 THE COUNCIL'S STATEMENT ON PAY AND CONDITIONS FOR CHIEF OFFICERS FOR 2016/17

The section sets out the Council's approach to determining pay and conditions for chief officers for 2016/17.

(NB. Please refer to paragraph 2.7 of this document for the application of the statements below to Public Health employees under Statutory Transfer)

8.1 Remuneration of chief officers on recruitment

The basic all-inclusive pay for new chief officers will fall within the bandings for their job as set out in Appendix 5. New chief officers will normally start on the minimum pay point for their grading and will not be offered more than the maximum for their grade.

In certain circumstances, it may be necessary to offer a higher starting salary within their pay grading in accordance with 5.2 of the Council's Pay Policy (Appendix 6).

Full council will be provided with an opportunity to vote before any salary package over £100,000 is offered for new appointments.

8.2 The level and elements of remuneration for each chief officer

Any changes or amendments to SLMG pay grading will be subject to consultation with chief officers, their trade union representatives and formal ratification by ACOS. Any decision to pay market supplements or acting up allowances to chief officers will be subject to a business case put forward to the Strategic Director of Organisational Transformation for approval in accordance with section 8 of the Council's Pay Policy.

8.3 Increases and additions to remuneration for each chief officer

There is currently no incremental progression through the pay band for chief officers. Annual pay awards are negotiated nationally with the trade unions. There was a pay award of 2% for chief officers from 1 January 2015, which is the first chief officer pay award in five years.

8.4 The use of performance related pay for chief officers

The Council does not offer performance related pay to chief officers due to budget constraints.

8.5 The use of bonuses for chief officers

The Council will not offer bonus payments to chief officers.

8.6 Earn Back Pay

The Council is not intending to introduce the policy of 'earn back pay' which requires chief officers to have an element of pay 'at risk' to be earned back each year through meeting pre-agreed objectives.

The Council is confident that it has robust performance management procedures in place through its Performance Appraisal Framework to deal with poor performance. The Council's Performance Appraisal system requires a number of mandatory competencies and objectives (team and individual) to be met which are reviewed throughout the year. In addition to this,

Chief Officers are not excluded from the application of the Council's formal policies on Performance Management and Disciplinary, and will be managed under the appropriate procedures should there be sufficient underperformance or misconduct concerns, up to and including dismissal, should this be necessary.

8.7 The payment of chief officers on their ceasing to hold office under or to be employed by the Council

The Council's payment to chief officers leaving the Council under the following types of termination is set out below:

- Redundancy Dismissal – Contractual notice and redundancy pay as set out in the Council's Local Government (Early Termination of Employment) Regulations 2006 (DCR Policy). See Appendix 8 for policy details. Note that if the chief officer is aged 55 or over, under Pension regulations they automatically access their pension benefits without any reduction.
- Efficiency - Efficiency payment as set out in the Council's Local Government (Early Termination of Employment) Regulations 2006 (DCR Policy). See Appendix 8 for policy details.
- Retirement – Under Pension Regulations, chief officers may automatically access their pension benefits from age 65, when they leave employment. The Council does not operate a default retirement age whereby employees are dismissed at age 65.
- Early Retirement – Chief Officers can request access to their pension from age 55 with the Council's consent, and the Council may choose to waive the actuarial reduction. Chief Officers may retire from age 55 without consent but will leave with a reduced pension unless they are protected by the 85 year rule, which will be phased out by 2016.
- Flexible Retirement – Chief Officers may apply to access their pension from age 55 but remain working at the Council either under reduced pay or reduced hours. Any flexible requirement requests for chief officers would need to be approved by ACOS.
- The Council has the power to grant additional pension to chief officers at the discretion of ACOS supported by a business case. See Appendix 9 for policy details.

It should be noted that at the time of writing, the Government has announced its intention to introduce a cap on Public Sector exit payments in order to restrict these to a maximum of £95,000. This is anticipated to be in place from 1 April 2016.

8.8 Re-employment of former chief officers

Former chief officers will be permitted to apply for vacancies at the Council by following the normal competitive recruitment process.

Where former chief officers are applying for work under a contract for services with the Council (e.g. as a Consultant or casual worker), the Leader of the Council along with the Strategic Director of Organisational Transformation will scrutinise and decide whether to approve such requests following a consideration of the skills required and an assessment of value for money.

It should be noted that at the time of writing, the Government has announced its intention to introduce a legislative change under the Small Business, Enterprise & Employment Bill to recover exit payments made to Chief Officers if they leave the public sector & return to the same part of the public sector within 12 months of leaving. This is anticipated to be in place from 1 April 2016.

8.9 The Council's Internal Jobs Market

With effect from August 2013, the Council implemented an internal jobs market called 'People Plus' which gives existing employees and trainees priority access to vacancies. It focuses on the Council utilising its internal talent pool, deploying strengths, skills, knowledge and experience from one post to another across the organisation.

8.10 The appointment of former chief officers in receipt of a pension (pension abatement)

The Council is not in a position to abate pension payments (the act of reducing or suspending pension payments) if a chief officer is re-engaged or re-employed. The Council's pension fund is administered by Nottinghamshire County Council who set the rules for employers to follow on abatement.

Therefore until the policy is amended by Nottinghamshire County Council, the City Council cannot enforce pension abatement for current or former employees.

8.11 Tax Avoidance

The Council takes its obligations for ensuring compliance with relevant taxation legislation very seriously and does not actively engage in or endorse any form of tax avoidance. Therefore, the Council has policies and procedures in place to ensure that the correct amount of taxes are accounted for and paid at the correct time.

All individuals employed or engaged by the Council are treated equally and the level of seniority does not allow for differential treatment in the engagement process, or in the method of remuneration.

The Council recognises that by paying employees through private companies it allows the individual to manage their own tax arrangements, and potentially reduce the amount of tax and national insurance they are obliged to pay, thus implicating the Council in tax avoidance schemes. Therefore, the Council does not and will not remunerate any employee at any level through a private company; all payments will be made through the Council payroll system and PAYE applied accordingly.

In addition the Council has processes and policies in place in order to check the employment status of individuals who are engaged by the Council, ensuring that it is the terms and conditions of the engagement which determine the employment status of the individual. This reduces the risk of employees being engaged in a self employed capacity and making their own tax arrangements, thereby reducing the risk of potential tax avoidance. Only contracts that fully satisfy the self employed criteria will be paid as self employed; all deemed contracts of employments will be remunerated through the payroll system and PAYE applied accordingly

8.12 Shared Senior Management

Currently, the Council has no shared management arrangements with other organisations.

8.13 Pay and Conditions of Lowest Paid Employees

The pay and conditions of lowest paid employees are set out in the Council's Pay Policy (Appendix 6). In addition the Council pays, as a separate element, to all colleagues on Grade A and majority of Grade B (£13,500 - £14,338) a Living Wage supplement which increases their hourly rate to £7.85. This applies to all employees, schools employees and casual workers. In November 2015, the Living Wage Foundation announced a new Living Wage rate of £8.25. In addition to this, in the Summer Budget for 2015, the Government announced its intention to introduce a compulsory National Living Wage with effect from April 2016, at an initial hourly rate of £7.20, to increase to £9.00 per hour by 2020. The Council will need to give further consideration to how it will proceed in light of these developments, but a decision on this is yet to be made.

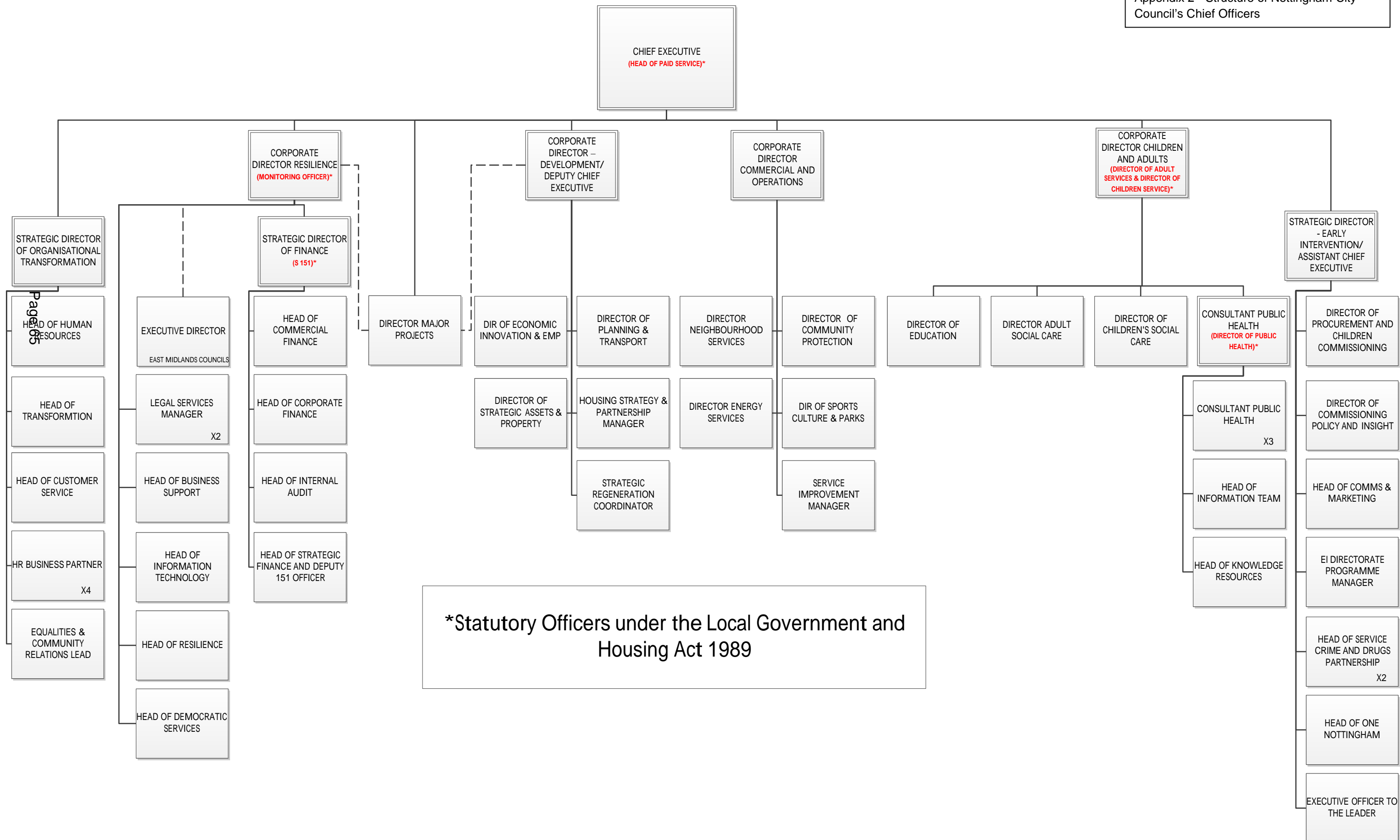
8.14 Local Government National Pay Award

A National Pay award has been agreed which increases the value of the spinal column points from 1 January 2015 to 31 March 2016. The majority of LGS employees received an increase of 2.2% and a non-consolidated payment for those occupying spinal column points 5 to 49 applies for those in post on 1 December 2014. The revised payscale is attached at Appendix 5.

9 PUBLISHED DOCUMENTS AND PAPERS REFERRED TO IN THE PAY POLICY STATEMENT

- 9.1 Hutton, W., 2011. *Hutton Review of Fair Pay*. London
- 9.2 Communities and Local Government, 2012. *Openness and accountability in local pay: Guidance under section 40 of the Localism Act*. London
- 9.3 Department for Communities and Local Government, 2013. *Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011. Supplementary Guidance*. London
- 9.4 Local Government Association and Association of Local Authority Chief Executives (ALACE), *Localism Act: Pay Policy Statement Guidance for Local Authority Chief Executives*
- 9.5 One Society, 2012. *Leading the Way on Fair Pay: An Assessment of Principal Local Authorities in England & Wales*. London

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*Statutory Officers under the Local Government and Housing Act 1989

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Localism Act 2011

43 Interpretation

(2) In this Chapter “chief officer”, in relation to a relevant authority, means each of the following-

- (a) the head of its paid service designated under section 4(1) of the Local Government and Housing Act 1989;
- (b) its monitoring officer designated under section 5(1) of that Act;
- (c) a statutory chief officer mentioned in section 2(6) of that Act;
- (d) a non-statutory chief officer mentioned in section 2(7) of that Act;
- (e) a deputy chief officer mentioned in section 2(8) of that Act.

Local Government and Housing Act 1989 – Section 2

6) In this section “the statutory chief officers” means—

[(za) the director of children's services appointed under [section 18](#) of the Children Act 2004 and the director of adult social services appointed under section 6(A1) of the [Local Authority Social Services Act 1970](#) (in the case of a local authority in England);]

[(zb) the director of public health appointed under [section 73A\(1\)](#) of the National Health Service Act 2006;]

(a) the chief education officer . . . appointed under [[section 532](#) of the Education Act 1996] . . . [(in the case of a local authority in Wales)];

(b) *the chief officer of a fire brigade maintained under the [Fire Services Act 1947](#) and appointed under regulations made under section 18(1)(a) of that Act;*

(c) the director of social services [(in the case of a local authority in Wales)] or [chief social work officer] appointed under [section 6](#) of the Local Authority Social Services Act 1970 or [section 3](#) of the Social Work (Scotland) Act 1968; and

(d) the officer having responsibility, for the purposes of [section 151](#) of the Local Government Act 1972, [section 73](#) of the Local Government Act 1985, [section 112](#) of the Local Government Finance Act 1988[, [section 127\(2\)](#) of the Greater London Authority Act 1999] or section 6 below or for the purposes of [section 95](#) of the Local Government (Scotland) Act 1973, for the administration of the authority's financial affairs.

(7) In this section “non-statutory chief officer” means, subject to the following provisions of this section—

- (a) a person for whom the head of the authority's paid service is directly responsible;

(b) a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the head of the authority's paid service; and

(c) any person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the local authority themselves or any committee or sub-committee of the authority.

(8) In this section "deputy chief officer" means, subject to the following provisions of this section, a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers.

(9) A person whose duties are solely secretarial or clerical or are otherwise in the nature of support services shall not be regarded as a non-statutory chief officer or a deputy chief officer for the purposes of this Part.

(Extract from Nottingham City Council's Constitution Part 2: Responsibility for Functions and Terms of Reference)

(a) To undertake the appointment process (long listing, short listing and formal interviews) (or to appoint a politically balanced panel to undertake long listing and short listing) in respect of the Chief Executive, Deputy Chief Executive and Corporate Directors, subject to having ascertained the views of the Executive Board in accordance with Standing Orders, to make recommendations to Council;

(b) to determine the terms and conditions of City Council employees and procedures for disciplinary action and dismissal;

(c) to designate Proper Officers;

(d) to designate officers as Head of Paid Service, Section 151 Officer and as Monitoring Officer and to ensure the provision of sufficient staff and other resources;

(e) to exercise any other personnel functions which cannot be the responsibility of the Executive;

(f) to receive reports on action taken in respect of terms agreed for the Chief Executive, Deputy Chief Executive, Corporate Directors and the Senior Leadership Management Group (SLMG) leaving the employment of the Council where those terms included compensation;

(g) to determine redundancies, ill health retirements, flexible retirements and terminations of employment by mutual agreement on grounds of business efficiency, under the 85 year rule, in the interests of the efficient exercise of the Council's functions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 ('the DCR') and any exercise of discretions to increase total LGPS pension and award additional LGPS pension for the Chief Executive, Deputy Chief Executive, Corporate Directors and Directors subject in the event of a proposed dismissal to relevant notification to the proper officer, and the Executive and relevant consultation with nominated elected members and relevant approval as specified in the Officer Employment Procedure Rules (Part 4);

(h) to determine flexible retirements and terminations of employment by mutual agreement on the grounds of business efficiency, terminations of employment under the 85 year rule, in the interests of the efficient exercise of the Council's functions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 ('the DCR') and any exercise of discretions to increase total LGPS pension and award additional LGPS pension for any employee who is part of the Senior Leadership Management Group below the level of Director.

The Committee also determines terminations of employment by mutual agreement, and following consultation with the appropriate Portfolio Holder(s), on the grounds of business efficiency under the DCR for employees where any proposed compensation payment is in excess of £30,000;

(i) to appoint an independent person to investigate matters of misconduct and capability involving the Head of Paid Service, Section 151 Officer and Monitoring Officer;

(j) to approve any proposals for significant restructuring of the Council's management structure;

(k) to approve any proposals from the Chief Executive for changes to salary levels (including ranges of salaries) for Corporate Directors and the Deputy Chief Executive.

NB - "Significant restructuring"

(i) the transfer of a significant function between Council departments, or to an external body, or

(ii) the addition or deletion of a Corporate Director or Director post to or from a department.

The Committee is accountable to Council, has 11 members (politically balanced (one place is reserved for the relevant Portfolio Holder (or their substitute) in relation to matters in respect of the appointment process for the Chief Executive and Corporate Director and the dismissal process for the Chief Executive).

From 1 April 2014, a Living Wage Supplement will be applied to SCP 5-10 which increases the hourly rate to £7.65

| Local Government Scheme | | | | |
|-------------------------|--------|--------------|------------------------|-------------|
| Tier | Grade | Spinal Point | Salary (from 1 Jan 15) | Hourly Rate |
| 6 | GLPC-A | *06 | £13,614 | £7.0565 |
| | | *07 | £13,715 | £7.1089 |
| | GLPC-B | *08 | £13,871 | £7.1897 |
| | | *09 | £14,075 | £7.2955 |
| | | *10 | £14,338 | £7.4318 |
| | | 11 | £15,207 | £7.8822 |
| | GLPC-C | 12 | £15,523 | £8.0460 |
| | | 13 | £15,941 | £8.2627 |
| | | 14 | £16,231 | £8.4130 |
| | | 15 | £16,572 | £8.5897 |
| | | 16 | £16,969 | £8.7955 |
| | GLPC-D | 17 | £17,372 | £9.0044 |
| | | 18 | £17,714 | £9.1816 |
| | | 19 | £18,376 | £9.5248 |
| | | 20 | £19,048 | £9.8731 |
| | | 21 | £19,742 | £10.2328 |
| | GLPC-E | 22 | £20,253 | £10.4977 |
| | | 23 | £20,849 | £10.8066 |
| | | 24 | £21,530 | £11.1596 |
| | | 25 | £22,212 | £11.5131 |
| | | 26 | £22,937 | £11.8889 |
| GLPC-F | 27 | £23,698 | £12.2833 | |
| | 28 | £24,472 | £12.6845 | |
| | 29 | £25,440 | £13.1862 | |
| | 30 | £26,293 | £13.6284 | |
| | 31 | £27,123 | £14.0586 | |
| 5 | GLPC-G | 32 | £27,924 | £14.4738 |
| | | 33 | £28,746 | £14.8998 |
| | | 34 | £29,558 | £15.3207 |
| | | 35 | £30,178 | £15.6421 |
| | | 36 | £30,978 | £16.0567 |
| | GLPC-H | 37 | £31,846 | £16.5066 |
| | | 38 | £32,778 | £16.9897 |
| | | 39 | £33,857 | £17.5490 |
| | | 40 | £34,746 | £18.0098 |
| | | 41 | £35,662 | £18.4846 |
| GLPC-I | 42 | £36,571 | £18.9557 | |
| | 43 | £37,483 | £19.4285 | |
| | 44 | £38,405 | £19.9064 | |
| | 45 | £39,267 | £20.3532 | |
| | 4 | GLPC-J | 46 | £40,217 |
| 47 | | | £41,140 | £21.3240 |
| 48 | | | £42,053 | £21.7972 |
| 49 | | | £42,957 | £22.2658 |
| 50 | | | £43,874 | £22.7411 |
| GLPC-K | | 51 | £44,794 | £23.2179 |
| | | 52 | £45,701 | £23.6881 |
| | | 53 | £46,624 | £24.1665 |
| | | 54 | £47,577 | £24.6604 |
| | | 55 | £48,532 | £25.1555 |

| SLMG | | | | | |
|------|-------|----------------|----------------|---------------------|---------------------|
| Tier | Grade | Minimum Salary | Maximum Salary | Minimum Hourly Rate | Maximum Hourly Rate |
| 3 | SLMG6 | £44,794 | £48,532 | 23.2179 | £25.1555 |
| | SLMG5 | £48,960 | £51,816 | 25.3800 | £26.8600 |
| | SLMG4 | £51,819 | £58,430 | 26.8600 | £30.2900 |
| 2 | SLMG3 | £58,434 | £68,097 | 30.2900 | £35.3000 |
| | SLMG2 | £68,100 | £79,450 | 35.3000 | £41.1800 |
| | SLMG1 | £79,453 | £90,797 | 41.1800 | £47.0600 |

| Strategic Director | | | | | |
|--------------------|-------|----------------|----------------|---------------------|---------------------|
| Tier | Grade | Minimum Salary | Maximum Salary | Minimum Hourly Rate | Maximum Hourly Rate |
| 1 | SDIR | £93,000 | £106,000 | 48.3368 | 55.0936 |

| Corporate Director | | | | | |
|--------------------|-------|----------------|----------------|---------------------|---------------------|
| Tier | Grade | Minimum Salary | Maximum Salary | Minimum Hourly Rate | Maximum Hourly Rate |
| 1 | CDIR | £120,000 | £144,653 | 62.3701 | 75.1835 |

| Chief Executive | | | | | |
|-----------------|-------|----------------|----------------|---------------------|---------------------|
| Tier | Grade | Minimum Salary | Maximum Salary | Minimum Hourly Rate | Maximum Hourly Rate |
| 1 | CX | £165,000 | £185,000 | 85.7588 | 96.1538 |

| | | |
|--|-------|-------------|
| | £7.85 | Living Wage |
|--|-------|-------------|

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PAY POLICY

Appendix 6

Paragraphs (3) (6) and (9) of this Pay Policy are, where applicable, incorporated into individual employees' contracts of employment.

1. Scope of the Policy

This Policy applies to all employees whose terms and conditions are governed by the National Joint Council for Local Government Services (the 'Green Book') as supplemented and/or amended by the policies and provisions of the Council's People Management Handbook.

Paragraphs (2), (4.2), (5.2 – 5.3), (7 -11) of this Policy will also apply to employees covered by the following National Agreements:

- the Joint Negotiating Committee for Youth and Community Workers (JNC);
- the Soulbury Committee - Inspectors, Organisers and Advisory Officers of Local Education Authorities.

Paragraphs (2), (4.2), (5.2 – 5.3), (7 – 11) of this Policy will also apply to employees within the Strategic Leadership Management Group (SLMG).

Paragraphs (2), (4.2), (5.2 – 5.3), (7, 8, 10 and 11) of this Policy will also apply to employees covered by the following National Agreements:

- the National Agreement for Local Authority Craft and Associated Employees;
- the Theatrical Management Association / the Broadcasting Entertainment Cinematograph and Theatre Union (TMA/BECTU);

2. Principles

- 2.1 The purpose of this Policy is to ensure a fair, transparent and equitable pay system that is free from unlawful discrimination. All decisions made in respect of the Policy will be based on these principles.
- 2.2 The Policy will be applied in accordance with the roles and responsibilities of officers as set out in the Council's Constitution.

3. Pay System

- 3.1 The Council has adopted the Greater London Provincial Council (GLPC) system as its method to value all posts covered by the Green Book. The GLPC system measures all jobs on a systematic basis against a set number of factors. All relevant posts are evaluated under this system, and the job evaluation score then determines which pay grade and band a job is assigned to. The pay and grade structure is set out in the table below:

| Band | Grade | SCP Min | SCP Max |
|------|-------|---------|---------|
| 6 | A | 4 | 7 |
| 6 | B | 8 | 11 |
| 6 | C | 12 | 16 |
| 6 | D | 17 | 21 |
| 6 | E | 22 | 26 |
| 6 | F | 27 | 30 |
| 5 | G | 31 | 35 |
| 5 | H | 36 | 40 |
| 5 | I | 41 | 45 |
| 4 | J | 46 | 50 |
| 4 | K | 51 | 55 |

3.2 All grades A – K are assigned to one of three bands (4, 5 or 6). Bands 1, 2 and 3 are reserved for SLMG posts.

3.3 Each grade contains a range of spinal column points (scp) which defines the minimum and maximum pay range for each grade. The current values of each scp are available on the intranet and in Appendix 1 of the Pay Policy.

4. Grading of posts

4.1 All jobs are assigned to a grade following a job evaluation.

4.2 Where there is a business need to establish a new role or to fill a vacancy that has been empty for a significant period, the line manager will draft the job description, business case and the organisational chart in conjunction with the Job Evaluation Team who will advise whether there is an appropriate generic job description for the role available.

4.3 If a new evaluation is required then the job description will be sent to the Job Evaluation team for grading.

4.4 Where a regrade of an existing post is considered necessary, the revised job description, together with a summary of what changes have occurred to the job, should be sent to the Job Evaluation team.

5. Appointments to new grade

5.1 Subject to paragraph 5.2, employees will normally start in a new grade on the minimum scp for the grade. No employee will be allowed to move above the maximum for their grade. New starters in grade who start between the 1st April and 30th September will receive an increment on 1 April the following year; new starters in grade between 1 October and 31 March will receive an increment after six months' employment in that grade. Thereafter, they will receive increments on 1 April each year until the maximum of the grade is reached.

- 5.2 In seeking to recruit from outside the organisation it is possible that there may be the need to offer more than the minimum of the grade. Where such pressures are acute, managers will have to make a judgement based on the relevant experience of the candidate, their potential value to the organisation against the impact on current staff, job description and the pay range for the role. Where a manager needs to offer more to attract the preferred candidate this will need to be detailed and approved in the business case. Factors such as the current salaries of other employees performing that role must also be detailed and considered as part of the business case. A record of all such decisions will be kept and discussed at Central Panel.
- 5.3 The Council will act in accordance with the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002. Managers should ensure there is no difference in treatment to permanent employees regarding pay.

6. Allowances

- 6.1 The following allowances (a – o) are the agreed adopted interpretation of those outlined in Part 3 paragraph 2 of the National Joint Council for Local Government Services, National Agreement on Pay and Conditions of Service (Green Book). These allowances apply to all employees covered by this part of the policy and cannot be varied on a local basis.

a) Overtime

- i Employees at or below scp 30 will receive the following enhancements for work undertaken beyond the normal working week:
- Monday – Saturday – Time and a half at basic rate
- Sunday and Bank Holidays – Double time at basic rate
- (Part-time employees must work 37 hours before they are entitled to overtime payments).
- ii In exceptional circumstances, there is discretion to pay overtime to employees above scp 30, but only where the overtime is planned. The rate to be paid for this overtime will be the normal hourly rate for the duties performed. Where managers are required to exercise this discretion the prior approval of the appropriate Head of Service and the HR Business Partner will be required in advance of the overtime being undertaken.

b) Saturday and Sunday Working

- i Employees above scp 11 but at or below scp 30 who are required to work on Saturday and/or Sunday as part of their normal working week are entitled to be paid at time and a half of basic pay for such hours worked.
- ii Employees at or below scp 11 who are required to work on Saturday and/or Sunday as part of their normal working week are entitled to the following enhancements:

Saturday – Time and a half at basic
Sunday – Double time at basic

c) Night working

- i Employees at or below scp 30 who work at night as part of their normal working week are entitled to receive an enhancement of time and one third for all hours worked between 11.00pm and 6.00am.

d) Public Holidays

- i Employees at or below scp 30 who are required to work on a public holiday as part of their normal working week shall, in addition to the normal pay for that day, be paid additional plain time rate for all hours worked within their normal working hours for that day. In addition, at a later date time off with pay shall be allowed as follows:

Time worked less than half the normal working hours on that day – half a day

Time worked more than half the normal working hours on that day – full day

- ii Overtime worked on a public holiday shall be paid at normal overtime rates.
- iii. For employees above scp 30, time off in lieu only will be applicable.

e) Sleep-in Duty

Employees who are required to sleep-in on the premises shall receive the nationally agreed rate set by the National Joint Council from time to time. This allowance covers the requirement to sleep-in and up to 30 minutes call out per night, after which the additional hours provisions will apply.

f) Shift working

No enhancement for shift working will be paid. Shifts that fall into unsocial hours (i.e. after 8.00pm and before 6.00am) or over a weekend will attract the appropriate enhancements as above for employees at or below scp 30.

g) Free and rest day working

Overtime rates will apply for employees at or below scp 30 who are required to work on a free or a rest day.

h) Evening working

Employees at or below scp 30 who are required to work after 8.00pm and before 11.00pm as part of their normal working week will be paid at basic rate plus five percent for all hours worked between those times.

i) Recall to work

- i Employees at or below scp 30 will receive a minimum of two hours pay at basic rate for the first call-out session. Any hours worked over the first two hours (including travel time) and subsequent call outs in the same session will receive the appropriate overtime.
- ii Employees above scp 30 will receive time off in lieu for the actual time spent at work in addition to travel time of up to 60 minutes accumulated and calculated to the nearest quarter of an hour.
- iii Where the time spent at work (i.e. any recorded working time) is in excess of the statutory unpaid rest periods set out in the Working Time Regulations 1998, compensatory unpaid time off will be provided.

j) Standby Duty

To return to work

- i The nationally agreed stand-by rate per session will be paid to employees who are on a standby-by duty rota to provide services out of hours. A session equates to any period of 24 hours or less. Employees on standby to return to work must:
 - be directly contactable;
 - remain fit and capable to return to work to undertake duties required;
 - be immediately available to return to work; and
 - be able to arrive at work within 45 minutes of being notified.

On call to provide telephone support

- ii The nationally agreed standby rate per session will be paid to employees on a standby duty rota to provide telephone support out of hours. A session equates to any period of 24 hours or less. Employees on call to provide telephone support must:
 - be directly contactable; and
 - remain fit and capable to undertake the duties required.
- iii The session payment covers the period on call and any calls amounting to less than one hour. Any calls in excess of one hour should be recorded as working time and claimed in accordance with normal additional hours or overtime payments as appropriate for employees at or below scp 30. Time off in lieu will be given for those above scp 30.

iv Where the time spent at work (i.e. any recorded working time) is in excess of the statutory unpaid rest period entitlements defined in the Working Time Regulations 1998, compensatory unpaid time off will be provided.

k) Unavoidable split shift or split duty working

No enhancement for split shift or split duty working will be paid.

l) Irregular Hours working

No irregular hours payments will be paid.

m) Lettings

Payments will be made to those responsible for opening and closing school premises let out after normal hours in accordance with the arrangements set out in the East Midlands Provincial Council agreement.

n) Client Holidays

An allowance of £50 per day will be paid to employees accompanying clients on holiday.

o) Unpaid Lunchtimes/Provision of Meals

i All lunchtimes will be unpaid unless a business case exists for employees to eat with clients sufficient to provide a Genuine Material Factor defence for the payment and such activities have received prior approval from the employee's manager.

ii Meals will not be provided to any member of staff unless a clear business case exists for the employee to eat a meal with the client sufficient to provide a Genuine Material Factor defence for the provision of the meal and such activities have received prior approval from the employee's manager.

6.2 In the event that more than one allowance could be applied, then it is only the highest allowance that applies.

6.3 Allowances for unsocial hours will not be payable for periods of sickness absence or for contractual annual holidays (over and above the statutory minimum under the Working Time Regulations) so as to avoid creating equal pay liabilities.

6.4 No other allowances will be paid to employees covered by the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (Green book).

7. Allowances for temporary additional duties or responsibilities / acting up allowances

7.1 This section sets out the principles under which additional payments should be made to employees who temporarily undertake additional duties and responsibilities or act up in a higher graded post. The opportunity to act-up

can provide employees with a valuable opportunity to develop skills and gain experience in preparation for possible future promotion. For this reason the process for acting up arrangements needs to be transparent, fair and in keeping with the Council's responsibilities for equality, and in line with the principles of People Plus. Employees are entitled to be fairly rewarded on the basis outlined below for being asked to undertake additional responsibilities which are above and beyond the scope of the grade of their post.

7.2 In many cases, the absence of a senior officer means that additional duties are shared by a number of employees. Payment of an allowance is only appropriate where additional responsibilities of a higher grade have been undertaken, not simply an increase in the volume of work. The process set out below must be followed.

7.3 Employees who undertake agreed additional duties and responsibilities for longer than one month will be entitled to a temporary allowance as follows:

- If undertaking 100% of a higher graded post then an allowance equivalent to the minimum point of the higher graded post.
- If undertaking less than 100% of the responsibilities of the higher graded post then a job evaluation exercise will be required to determine whether the additional responsibilities justify a temporary allowance equivalent to a higher grade.
- If the additional responsibilities of a higher graded post are shared between a number of employees then a job evaluation exercise for each affected employee will need to be undertaken by the Job Evaluation Team to determine whether the additional responsibilities justify a temporary allowance equivalent to a higher grade.

7.4 Acting up allowances are payable only where an employee takes on the full duties and responsibilities of a higher graded post for a continuous period of at least one month. This may occur as a result of:

- temporarily filling a post until a substantive appointment can be made;
- filling a key post while another employee is on maternity leave;
- filling a key post to cover long term sickness absence;
- filling posts due to other temporary extended leave arrangements e.g. secondments.

Authorisation and payment

7.5 Where a manager believes that payment of a temporary allowance for additional duties and responsibilities or an acting-up payment is appropriate, they should seek the authorisation of their Director and HR Business Partner to check that the conditions outlined above have been met. In addition, the manager must confirm this in writing with the employee and the employee must be asked to sign the letter to indicate their acceptance of the temporary change to their contract of employment. The letter should indicate an end date for the payment of the allowance if known, or the circumstances on which the allowance is likely to end, e.g. when a certain employee returns to work.

7.6 Subject to 7.7, payment will be based on the difference between the employee's substantive pay and the bottom point of the grade of the new duties being undertaken and, if less than 100%, the percentage time spent on

these new duties. Where an employee is undertaking 100% of the duties of a higher graded post (i.e. acting up arrangements) payment should be based on the salary which would apply were the employee to be promoted to the higher level post, which would normally be the bottom point of the higher graded post.

- 7.7 Employees who are on protected salaries who undertake duties of a higher grade than their evaluated grade, but not higher than their protected salary are not entitled to receive any additional pay. They should still be encouraged to undertake the opportunity of acting up/additional duties and responsibilities as part of their development to assist them in improving their promotion prospects.
- 7.8 Temporary allowances should be implemented without unreasonable delay once the qualifying conditions are met, and will be backdated to the agreed start date of the additional duties and responsibilities/acting up arrangement. However, where possible the authorisation process should take place in advance of the arrangement commencing.
- 7.9 Payments should be funded from cost centres' employee budgets and therefore managers are reminded to be aware of the financial implications of any decisions in relation to how they cover for employee absences. In particular they should consult HR and Finance before making any decisions

Timescales and ending the arrangement

- 7.10 Wherever possible, the likely duration of the additional duties and responsibilities / acting up arrangement should be indicated before it commences. If this is not possible, the arrangements should be regularly reviewed. It must be remembered that this is a temporary arrangement and should not normally be allowed to exceed 12 months.
- 7.11 Performance of the additional duties and responsibilities or in the acting up position should be regularly reviewed in conjunction with the employee who may need additional training and support, and in line with good management practice. If concerns regarding performance do arise then these should be discussed before the decision is taken to end the arrangement.
- 7.12 At least one week's notice of the end of the arrangement should be given and a further letter confirming the change of circumstance needs to be issued by the manager. In addition, the manager needs to confirm the end of the arrangement with the Employee Service Centre (ESC) to ensure that the temporary allowance for undertaking additional duties and responsibilities/acting up is ended. Settling back in to their original role can be difficult for an employee and managers need to be sensitive to potential problems in this respect. There is no automatic right to the substantive post for employees who have acted up. However, employees who have acted up in a post who are not subsequently appointed following competitive interviews must receive constructive feedback as to why they were not successful.

Subsequent promotion to the higher grade following acting-up arrangement

- 7.13 If an employee is subsequently promoted to the higher graded post they have been acting up into, periods of acting up will be taken into account when deciding the point on the salary scale on which they are appointed.

Covering the workload of the person acting up

- 7.14 Options for this include redistributing duties, appointing a temporary employee, looking for another employee to act up or second into their post. These options should be discussed with Human Resources before they are implemented.

8. Market Supplementation

- 8.1 This section derives from the need to consider market forces in relation to the pay and grading arrangements. Market supplementation is a means of making additional payments or providing enhanced benefits to employees without breaching equal pay legislation or deviating from the principles of job evaluation.
- 8.2 This policy explains the circumstances in which market payments or other recruitment and retention based benefits may be applied and the process for discharging them.

Compiling a case

- 8.3 Market supplementation will only be applied where there is strong evidence that pay for a specific role(s) is impacted by an inability to recruit or in some cases is a cause of high turnover.
- 8.4 Cases must be put forward to the Strategic Director of Organisational Transformation by the appropriate Director or Head of Service (2nd or 3rd tier) and must have been endorsed by their Corporate Director (or Chief Executive for Corporate Directors).
- 8.5 The case presented should address as a minimum the following criteria and should also present details of the level of payment and/or benefit proposed:
- a) Evidence of difficulty in recruiting, which may include:
- Number of times a post has been advertised unsuccessfully
 - Media used
 - Cost incurred
 - Number of responses
 - Summary of gap between the person specification requirements and the quality of applicants
 - A particular skills shortage in the Nottingham area for that type of job.
- b) Evidence for high turnover, which may include:
- Exit interviews indicating pay as a significant reason for leaving
 - Turnover as actual figures as a percentage in comparison with turnover rates with other comparable organisations.
 - Average length of service of leavers compared with average length of service for organisation.
 - Evidence of high internal staff turnover.
- 8.6 The manager will, in all cases, need to present evidence from current pay surveys to demonstrate that the level of pay for comparable posts in other locally comparable organisations is significantly higher than in Nottingham

City Council. For example, the manager should be able to provide examples of comparable jobs with similar duties, competence requirements, management span, location in structure and budgetary responsibilities. It is not enough for the title alone to be compared. Comparisons must be based on the whole package (i.e. including leave entitlement, pension, bonus and other benefits) not just salary. Where exact comparisons are not possible, the case should state that data does not exist and provide the best data available as part of a robust business case. Geographical evidence on a comparable regional basis would normally only be appropriate to Band 4's and higher.

- 8.7 Evidence that other measures have been considered to support retention, for example, development opportunities will be useful and should be included to support the business case. Further advice on compiling a case is available from HR Business Partners.
- 8.8 Submitted cases must include details of the numbers of posts affected, the types and mix of supplementation proposed, the proposed level of supplementation, the methodology for discharging the supplementation, the basis for withdrawal and the total cost implication (to include equivalent cash value for non-pay benefits).
- 8.9 Submitted cases must state how it is proposed to fund the cost of supplementation. There is no central budget for market supplementation. Costs must be accommodated within existing departmental budgets.

Financial Considerations

- 8.10 The salary for the post, together with any market payments and/or benefits that are of a recurring nature, must not exceed 15% above grade maximum when equated to an annual sum in any one year. Examples of recurring market supplementation include regular payments added to substantive pay and increased annual leave. It will therefore be necessary to calculate the equivalent cash value for non-pay benefits to ensure that the 15% maximum is not exceeded.
- 8.11 Market supplementation that is of a 'one-off' nature such as 'Golden Hellos' must not exceed 15% above grade maximum when equated to an annual sum in any one year.
- 8.12 Managers should be aware that it is unlikely that market payments of a recurring nature that amount to a cash value in excess of £5000 pa will be approved.
- 8.13 Market supplements will be paid as a percentage amount on top of the appropriate scp. The percentage applies to the whole of the scp range for the post and the position of the employee within that should be in line with the normal rules for appointment i.e. normally to the minimum of the scp range. The percentage amount will be calculated as a premium and applied equally to all posts covered by the market supplement (subject to the requirements in para. 8.22) whichever scp within the pay grade individuals happen to be on at the time the market supplement is approved.
- 8.14 Under no circumstances must spinal column points be used as a means of paying a market supplement.

- 8.15 Market supplement payments of a recurring nature will usually be paid in equal instalments in addition to basic pay. Arrangements for discharging other payments and/or benefits will be as incorporated and approved in the original case put forward by the Head of Service.
- 8.16 Pay awards will not apply to the market supplement. The value of market supplementation can only alter following review and approval. All market supplements must be reviewed on an annual basis to ensure that the Genuine Material Factor defence still exists for the payment.

Contractual considerations and review

- 8.17 Market supplements are non-contractual discretionary payments and are subject to review. Employees should be made aware of the fact that they have no contractual entitlement to the market supplement and that receipt of the market supplement in one year does not entitle them to receive a market supplement in a subsequent year.
- 8.18 The market supplement will be subject to a review between 12-24 months after commencing, alongside any new cases. This is to ensure that any changes that occur in the job market are reflected. The review may result in no change, an increase, decrease or cessation. The contractual position must make this clear and specify the review period. Due to the nature of one-off payments, such as 'Golden Hellos', review may not be appropriate unless they are linked to other requirements such as; remaining in post for a minimum length of time. Any such linked requirements should be stated clearly in the submitted case and in the contractual documentation.
- 8.19 The full case, together with up to date salary and any other change data, must be submitted for the review. It is the Head of Service's responsibility to re-submit the case – reminders will not be sent. The supplementation will cease automatically if the case is not re-submitted.

Withdrawing the market supplement

- 8.20 If following review it is decided that recurring market-based supplementation, including any pay and benefits should cease, this should be withdrawn on an immediate basis.

General

- 8.21 The appropriate trade unions should be consulted when agreeing and terminating a market supplement.
- 8.22 Market supplementation will apply to all identical posts across the organisation, unless specific locations are identified in the case put forward. Supplementation will not just apply to vacant posts. However, the fact that a post has been awarded market supplementation will not be justification for related posts to receive additional pay. Individual cases for individual posts must be made.
- 8.23 When advertising a post that is in receipt of market supplementation, the advert must indicate the actual grade salary of the role plus the additional market supplementation element(s) on top of this. Advice should be sought from HR if any clarification is required.

- 8.24 Individual recipients of market supplementation may raise concerns over the process as described in this policy, using the grievance procedure.

Roles and responsibilities

- 8.25 Heads of Service and above (Bands 1, 2 and 3) are responsible for compiling and submitting cases, resubmitting them on an annual basis if required and consulting with the trade unions. In completing their cases the Head of Service can call on their HR Business Partners to provide advice and guidance.
- 8.26 The decision for considering and approving cases rests with the Strategic Director of Organisational Transformation and is final.
- 8.27 The ESC are responsible for implementation of the market supplement. Market supplementation requests should be submitted to the ESC together with a copy of the relevant business case, signed off by the Strategic Director of Organisational Transformation.

Monitoring and evaluation

- 8.28 Evaluation, decision making and monitoring will be the responsibility of the HR Function and will be shared at Central Panel.

9. Pay Protection

- 9.1 Employees who are redeployed into a lower graded post as a result of a formal restructuring or because they are at risk of redundancy may receive pay protection for a period of not more than one year (the 'protection period'). Pay protection will only apply where the employee is redeployed into a job not more than two grades below the employee's previous grade. (Where an employee is redeployed because they are unable to fulfil the duties of their existing job because they are disabled within the meaning of the Equality Act 2010 (and any reasonable adjustments have been considered), they will be treated no less favourably in terms of the pay protection than employees who are redeployed because they are at risk of redundancy.)
- 9.2 Employees will be moved to the maximum point of their new grade and will receive the difference in salary between the two roles as a protected element in addition to their new basic salary. Employees will receive pay awards on their new basic salary but not on the protected element.
- 9.3 Pay protection will be calculated on contracted hours and will only be payable while the employee performs the post to which the pay protection element applies.
- 9.4 Where an employee's normal working hours are decreased during the protection period, the pay protection element will be pro rated accordingly.
- 9.5 In certain circumstances, where an employee temporarily reduces their hours the pay protection element will be temporarily reduced. If the employee increases their hours again within the pay protection period, the pay protection element will increase in line with the employee's increase in hours with the proviso that the employee's overall pay (inclusive of the pay protection element) will not increase to a level that is higher than the initial pay protected salary. Such cases may include situations where a woman returning

from maternity leave wishes to return on reduced hours temporarily gradually increasing her hours over a defined period.

- 9.6 Subject to 9.5 and 9.10, where an employee's normal working hours are increased during the protection period the pay protection element will not change. However, where the increase in hours allows the employee to maintain their former basic salary, the pay protection element will cease.
- 9.7 Where an employee is promoted to a higher grade during the protection period the employee shall be placed on the SCP in the grade which is equal to the protected salary and pay protection will cease. (Where no such SCP exists, the employee shall be placed on the lowest SCP in the grade which has a salary greater than the protected salary. Where neither of these is possible, the employee shall be placed on the highest available SCP in the grade and any pay protection element remaining shall be paid for the remainder of the protection period.)
- 9.8 Pay protection will cease automatically when the protection period ends. If pay protection is continued beyond the protection period in error, the Council reserves the right to recover any overpayment made in accordance with Section 10 of this policy.
- 9.9 Where an employee undertakes additional duties and responsibilities over and above their new grade the pay protection element must be taken into account in accordance with paragraph 7.7 of this policy before any additional payment is considered.
- 9.10 Only an employee's basic salary will be protected. An employee's previous terms and conditions, including any contractual allowances and market supplementation payments, will not be protected. Similarly, an employee's previous hours will not be protected. Where an employee is redeployed into a lower-graded post which carries more hours, protection will not apply where the increase in hours enables the employee to maintain their former basic salary.
- 9.11 Pay protection will not apply where an employee is downgraded due to misconduct or capability.
- 9.12 Nothing in this Policy shall entitle an employee to receive any pay protection which amounts to a sum greater than their actual financial loss.

10. Overpayments

- 10.1 On occasion, overpayments of salary or expenses may occur as a result of administrative oversight, error or late notification of payroll changes. After an investigation of the facts, recovery of the overpayment will be the normal approach taken where an overpayment of salary or expenses is discovered.

Is the overpayment recoverable?

- 10.2 Under the Employment Rights Act 1996, an employer is entitled to deduct from an employee's wages (even without the consent of the employee) an overpayment of wages made to the employee as long as recovery is lawful under general legal principles. In order to decide whether recovery is lawful there needs to be an investigation of the cause and surrounding

circumstances of the overpayment including the wording of any contractual documentation.

- 10.3 Overpayments are normally recoverable. There may be circumstances where the Council considers writing off an overpayment, but these will be rare and, as a minimum, the following would need to apply:
- The employer has led the employee to believe that he or she is entitled to treat the money as his/her own, **and**
 - The employee has, in good faith, changed his or her position (i.e. spent the money believing it to be his or her own), **and**
 - The overpayment was not caused primarily by the fault of the employee.
- 10.4 An example might be where an employee has queried their pay with the ESC and been assured that the calculation is correct and the money due to the employee. Another example where the employee may have acted in 'good faith' is where an overpayment is made consistently over a substantial period, and the amount overpaid each month is a relatively small amount and not reasonably identifiable to the employee as an overpayment.

Guidelines for recovery

- 10.5 Recovery of overpayments will be the normal approach in the majority of cases. There may be circumstances when partial repayment or writing off the overpayment is considered, for example, where the employee can demonstrate that they did not know, nor could reasonably have known, that an overpayment had occurred.
- 10.6 However an overpayment comes to light, the ESC must be notified in all instances. The ESC will write to the employee's manager with a written explanation of the overpayment which will detail, where relevant:
- How the overpayment occurred
 - Over what period overpayment occurred
 - The total amount overpaid
 - The net amount to be repaid once deductions for tax and NI are taken into account.
- A letter, containing the same information, will be sent to the employee enclosing an Overpayment Recovery Option (ORO) Form.
- 10.7 The employee's manager, having sought advice from HR, should (where the need arises) meet with the employee to discuss the overpayment and how this is to be resolved. An employee may choose to be accompanied at this meeting by a trade union representative or a work colleague if they wish.
- 10.8 The method of recovery of the overpayment could be decided at this meeting having regard to the options which are:
- (a) A one-off payment for the full amount via salary deduction;
 - (b) A cheque payment for the full net value payable to Nottingham City Council; or,
 - (c) In regular instalments via salary deduction.

In discussing the options with the employee, managers should have regard to Financial Regulations which stipulate that the maximum recovery period for

overpayments should not exceed 12 months unless the Chief Finance Officer has agreed an extended period in exceptional circumstances.

- 10.9 The employee should return the ORO Form to the ESC with their preferred recovery method. Although the employee's written consent to the recovery of the overpayment is not legally required, it is good practice to try and obtain written agreement for overpayments. Where the employee does not return their ORO Form or indicate their preferred recovery method within the timescales specified, recovery of the overpayment will proceed on a default basis. The default recovery method is option (c).
- 10.10 In implementing an overpayment recovery arrangement, Nottingham City Council will act reasonably and in all cases of recovery, the amount being repaid must not result in the employee's basic hourly rate falling below the national minimum wage.
- 10.11 It is important that overpayments are handled fairly and consistently to avoid any hint of favouritism or unlawful discrimination. It is not acceptable to pursue overpayments for some employees but agree to 'write them off' for others. Managers should not allow employees to work additional hours and receive paid overtime as a way of 'paying off' the overpayment. If overtime is necessary and approved this is a separate matter and should not be used to offset the amount owed by the employee who has been overpaid.
- 10.12 If there are compelling reasons why the overpayment is not to be recovered the manager should discuss the reasons for non-recovery with the ESC and prepare a report outlining the rationale to be forwarded for consideration by the Chief Finance Officer. The ESC will need to be advised by the appropriate manager not to pursue the overpayment until the report has been considered and a decision communicated.

The process for school-employed staff

- 10.13 While it is expected that the principles of this guidance are followed for school-employed staff, the method of recovery may differ depending on the nature of the buy-back arrangements for HR/Payroll Services with the school in question.

Disputes

- 10.14 Where an employee disputes the overpayment or the proposed recovery arrangement, legal advice may be sought on the matter.

Overpayments where the employee is no longer employed or is on notice

- 10.15 Where an employee leaves the employment of the Council within the period of an overpayment recovery arrangement, where appropriate any outstanding balance will be deducted from their final pay. Where final pay is not enough to cover the amount of the overpayment, then the outstanding amount will be due to be repaid to the Council within one month after termination of employment.
- 10.16 Where an employee has been overpaid and has subsequently left the employment of the City Council, any outstanding balance will be dealt with as a sundry debt.

Confidentiality

10.17 The confidentiality of employees will be strictly preserved in any overpayment situation and the details of the overpayment and the recovery arrangement will be released on a strict need-to-know basis.

11. Responsibilities in applying the pay policy

Directors

11.1 The day to day operational management of pay rests with Directors who are accountable for their budgets. It is therefore the Director's responsibility to ensure that all pay decisions are equitable, reasonable, and affordable, within the existing budget and within Nottingham City Council's pay policy.

Managers

11.2 Due to the risk that equal pay poses managers must apply the pay policy in all cases and must not make payments that do not accord with it. Any proposals to make payments outside of this policy must be agreed by the Strategic Director of Organisational Transformation and be signed off by CLT and Central Panel.

The Employee Service Centre

Appendix 1 - Pay Scales

| Local Government Scheme | | | | |
|-------------------------|---------|--------------|------------------------|-------------|
| Tier | Grade | Spinal Point | Salary (from 1 Jan 15) | Hourly Rate |
| 6 | GLPC-A | *05 | £13,500 | £6.9974 |
| | | *06 | £13,614 | £7.0565 |
| | | *07 | £13,715 | £7.1089 |
| | GLPC-B | *08 | £13,871 | £7.1897 |
| | | *09 | £14,075 | £7.2955 |
| | | *10 | £14,338 | £7.4318 |
| | GLPC-C | 11 | £15,207 | £7.8822 |
| | | 12 | £15,523 | £8.0460 |
| | | 13 | £15,941 | £8.2627 |
| | | 14 | £16,231 | £8.4130 |
| | GLPC-D | 15 | £16,572 | £8.5897 |
| | | 16 | £16,969 | £8.7955 |
| | | 17 | £17,372 | £9.0044 |
| | GLPC-E | 18 | £17,714 | £9.1816 |
| | | 19 | £18,376 | £9.5248 |
| | | 20 | £19,048 | £9.8731 |
| | | 21 | £19,742 | £10.2328 |
| | GLPC-F | 22 | £20,253 | £10.4977 |
| | | 23 | £20,849 | £10.8066 |
| | | 24 | £21,530 | £11.1596 |
| | | 25 | £22,212 | £11.5131 |
| | | 26 | £22,937 | £11.8889 |
| | GLPC-G | 27 | £23,698 | £12.2833 |
| | | 28 | £24,472 | £12.6845 |
| | | 29 | £25,440 | £13.1862 |
| | | 30 | £26,293 | £13.6284 |
| | | GLPC-H | 31 | £27,123 |
| | 32 | | £27,924 | £14.4738 |
| | 33 | | £28,746 | £14.8998 |
| | 34 | | £29,558 | £15.3207 |
| 35 | £30,178 | | £15.6421 | |
| 5 | GLPC-I | 36 | £30,978 | £16.0567 |
| | | 37 | £31,846 | £16.5066 |
| | | 38 | £32,778 | £16.9897 |
| | | 39 | £33,857 | £17.5490 |
| | GLPC-J | 40 | £34,746 | £18.0098 |
| | | 41 | £35,662 | £18.4846 |
| | | 42 | £36,571 | £18.9557 |
| | | 43 | £37,483 | £19.4285 |
| 4 | GLPC-K | 44 | £38,405 | £19.9064 |
| | | 45 | £39,267 | £20.3532 |
| | | 46 | £40,217 | £20.8456 |
| | | 47 | £41,140 | £21.3240 |
| | GLPC-L | 48 | £42,053 | £21.7972 |
| | | 49 | £42,957 | £22.2658 |
| | | 50 | £43,874 | £22.7411 |
| GLPC-M | 51 | £44,794 | £23.2179 | |
| | 52 | £45,701 | £23.6881 | |
| | 53 | £46,624 | £24.1665 | |
| | 54 | £47,577 | £24.6604 | |
| | 55 | £48,532 | £25.1555 | |

| SLMG | | | | | |
|------|-------|----------------|----------------|---------------------|---------------------|
| Tier | Grade | Minimum Salary | Maximum Salary | Minimum Hourly Rate | Maximum Hourly Rate |
| 3 | SLMG6 | £44,794 | £48,532 | 23.2179 | £25.1555 |
| | SLMG5 | £48,960 | £51,816 | 25.3800 | £26.8600 |
| | SLMG4 | £51,819 | £58,430 | 26.8600 | £30.2900 |
| | SLMG3 | £58,434 | £68,097 | 30.2900 | £35.3000 |
| 2 | SLMG2 | £68,100 | £79,450 | 35.3000 | £41.1800 |
| | SLMG1 | £79,453 | £90,797 | 41.1800 | £47.0600 |

| Strategic Director | | | | | |
|--------------------|-------|----------------|----------------|---------------------|---------------------|
| Tier | Grade | Minimum Salary | Maximum Salary | Minimum Hourly Rate | Maximum Hourly Rate |
| 1 | SDIR | £93,000 | £106,000 | 48.3368 | 55.0936 |

| Corporate Director | | | | | |
|--------------------|-------|----------------|----------------|---------------------|---------------------|
| Tier | Grade | Minimum Salary | Maximum Salary | Minimum Hourly Rate | Maximum Hourly Rate |
| 1 | CDIR | £120,000 | £144,653 | 62.3701 | 75.1835 |

| Chief Executive | | | | | |
|-----------------|-------|----------------|----------------|---------------------|---------------------|
| Tier | Grade | Minimum Salary | Maximum Salary | Minimum Hourly Rate | Maximum Hourly Rate |
| 1 | CX | £165,000 | £185,000 | 85.7588 | 96.1538 |

| | | |
|--|-------|-------------|
| | £7.85 | Living Wage |
|--|-------|-------------|

Appendix 2 – Variations to the Policy

In certain circumstances, the Council will agree a variation to the above policy for certain groups of staff. These variations will be agreed by Central Panel or such other body as agreed. They must comply with Equal Pay law and have no taint of discrimination for the basis of them or their application.

All requests for any variations to the policy must have a full business case provided and have been agreed with the relevant HRBP and the appropriate HR Corporate team.

The current agreed variations are:

Market Supplementation – Exemptions to Section 8 of the Pay Policy

Commercial & Operations

Aerobics Instructors

A market supplement will apply to pay an overall rate of £16.07 per hour inclusive of any enhancements for evening and weekend working. This supplement is subject to review in accordance with Section 8 of this policy.

(Review 1 November 2015).

Tree Officer/Tree Manager

To pay a market supplement of between £3,554 and £3,943 to the Officer post and between £4,646 and £5,000 to the Manager post, depending on which SCP the post holder is appointed to, in order to increase salary by 15% to bring it in line with the external market.

(Review 30 September 2017).

Plant Operations Engineer

To pay a market supplement of £3,754 per annum to increase salary in line with the external market and facilitate recruitment into this post.

(Review 30 November 2016).

Children and Adults

Approved Mental Health Practitioners

A market supplement of £1750 per annum (pro rata for part time workers) will be paid to Approved Mental Health professionals whose duties include participation in an AMPH rota to undertake mental health assessments and, where necessary, admit clients to hospital for compulsory psychiatric assessment. This market supplement is subject to review in accordance with Section 8 of this policy.

(Review 23 January 2017).

Social Workers

A market supplement will be applied to Level 2 and Level 3 Social Worker posts within Children's Services to increase them to levels that are more competitive with the wider market. The market supplement provides for a percentage increase, on a sliding scale that would bring the salary in line with market rates at a starting point of £29,558 at Level 2 and £33,857 at Level 3. This market supplement is subject to review after 18 months.

(Review 31 August 2016).

Independent Reviewing Officers (IROs)

A market supplement will be applied to the IRO post to increase the salary to £39,500. The amount of the market supplement will vary depending on the level of individual post holders' substantive salaries.

The Market Supplement has been agreed on the following basis:

- It is reviewed alongside the Social Worker market supplement listed above
- Any changes made to the pay policy would potentially over-ride the decision taken to pay a market supplement
- As part of the broader workforce review for Children's Services, consideration is given to create capacity through job redesign and focus to enable available resources to be sufficient to meet current and future demand.

(Review 31 August 2016).

Priority Families Co-ordinator

A market supplement of £5,000 per annum, payable quarterly on the basis of performance targets having been met.

Approval for future payments of this market supplement in quarterly instalments will be granted subject to the provision of further evidence that targets continue to be met at the end of each quarter.

(Review – end of each quarter)

Junior Attendance Centre (JAC) Instructors

A market supplement has been agreed so that the Council can continue to pay JAC Instructors £25.77 per hour in line with the nationally-agreed JAC Instructor pay rate, in order to preserve service provision. This is on the clear understanding that steps are taken to review the operation of the JAC to resolve this issue as soon as possible. This agreed rate will be inclusive of any and all enhancements that may otherwise apply.

(Review 12 September 2015)

Development

Portfolio & Investment Manager and Portfolio Development Manager

A market supplement has been agreed to pay holders of these posts £42,053 per annum in line with market rates. This amount will be subject to cost of living and pay award increases.

(Review 9 October 2017)

Strategic Regeneration Co-ordinator

A market supplement has been agreed to increase the salary for this post to SLMG1 in line with market rates.

(Review 12 November 2017)

Resilience

Electoral Register Canvassers

A market supplement has been agreed so that the Council can continue to pay casual door-to-door canvassers for the electoral register at a piece rate per action completed, rather than a standard hourly rate. Canvassers will be reimbursed 30p per leaflet delivered where no response from the property, 60p per leaflet delivered where the canvasser has also had a conversation with the resident and encouraged them to respond to the canvass, and £1.50 for every completed Household Enquiry Form or completed registration. This approach exceeds the National Minimum Wage as long as at least 23 leaflets are delivered. This is a temporary exception to the Pay Policy to continue the status quo whilst work is done to review the method of payment with a view to regularising it going forward.

(Review 30 January 2016)

Electoral Register Canvassers – Universities

Universities will not allow standard canvassers to visit University halls of residence due to security implications; therefore it is necessary to take on students to undertake casual canvassing work on University grounds. It was not possible to attract students with the above piece rates as they tend to respond better to hourly rates. Therefore, in order to attract student canvassers urgently, it has been agreed for this year only that they can be paid at the hourly rate of National Minimum Wage appropriate to their age, plus 30p per leaflet delivered.

(Review 30 January 2015)

Night Working - Exemptions to Section 6 of the Pay Policy

Children and Adults

Emergency Duty Team

The discretion to pay enhanced rates for night time working will be applied to staff employed in the Emergency Duty Team in the form of a 20% plussage.

(Review 1 August 2016.)

Overtime - Exemptions to Section 6 of the Pay Policy

Children and Adults

Social Work Practice Educators

Social Workers engaged in Social Work Practice Educator and PQ Mentor/Assessor type work will receive a fixed rate lump sum payment based on completion of work. There will be four levels of payment, depending on the level of assessment undertaken. Payment will be made on completion of an assessment. Assessors are unlikely to undertake more than one or two assessments per year. This agreement is subject to review after 24 months.

(Review 7 October 2017).

Children's Residential Managers above scp 30

Those managers required to work overtime will receive overtime rates in line with the above policy at Section 6.1 (a)(ii) instead of time off in lieu (TOIL).

(Review 23 January 2017)

Emergency Duty Team

Employees below SLMG level and above scp 30 will be able to access overtime in accordance with Section 6.1 (a)(ii) of the Pay Policy for participating in the EDT On Call Rota where the additional hours cannot reasonably be contained within normal TOIL provisions.

(Review 1 August 2016)

Occupational Therapy

All Occupational Therapy Colleagues below SLMG level and above scp 30 to be able to receive overtime payments in accordance with Section 6.1(a)(ii) of the Pay Policy, for a fixed period in order to reduce citizen waiting lists for Occupational Therapy in line with the Adult Social Care Improvement Programme.

(Review 31 March 2016)

CAMHS Team Managers

To allow payment of overtime for Team Managers in CAMHS for a temporary period in order to cover for staff shortages.

(Review 27 January 2016)

Approved Mental Health Practitioners (AMHPs)

To allow overtime payments to be made to AMHPs as TOIL is unsustainable due to amounts accrued. This will be a temporary solution whilst a longer-term strategy is identified and put in place

(Review 30 March 2016)

Commercial & Operations

Tool Allowance

A tool allowance of £30.77 per month is payable to Engineers (Fitter/Technicians) who work in the Commercial Workshops. This will be based upon the following criteria:

1. Engineers must require tools to effect repairs on an everyday, regular basis.
2. Undertaking purely inspections e.g. for MOT purposes, is not sufficient business grounds.
3. Undertaking occasional repair work, when employed in the capacity of Workshop Supervisor, is not sufficient.
4. Apprentices are not required to supply their own tools during their training period and therefore are excluded for their first three years of their Apprenticeship. At the start of their fourth year, Apprentices will be expected to start to take on more inclusive role within workshops starting to work on their own, adding value and returning income back to Fleet Services. Therefore Fourth Year apprentices will qualify for the allowance (cost recovered by income).
5. Engineers who are rostered on call – for out of hours breakdowns and assistance to Internal and external customers will qualify (cost recovered by income).
6. Intermediate Fitter/Engineers/Mechanics (semi-skilled engineers), a new post created within Fleet Services in 2015 will qualify for the allowance.

The amount of the allowance will be increased in line with the national craft worker agreement.

(Review 23 January 2015)

Sports Coaches

(Exemption to Sections 6 and 8 of the Pay Policy)

A market supplement will apply to pay an uplift of 15% to the hourly rate for Sports Coaches, inclusive of any enhancements for evening and weekend working. This supplement is subject to review after 24 months.

(Review 30 September 2016)

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Appendix 7: Matrix of Terms and Conditions

| Terms and Conditions (as at 30 September 2015) | Chief Executive | Other Chief Officers | LGS Employee |
|--|---|---|--|
| Basic Pay ¹ | ✓ Contractual Current pay £160,000 Range £165,000 - £185,000 | ✓ Contractual Range £44,794 - £144,653 <i>Competency pay awarded before competency pay scheme was withdrawn may take pay up to £3000 over maximum salary band</i> | ✓ Contractual Range £13,614 - £48,532 |
| Performance Related Pay ² | X | X | X |
| Incremental progression (frozen since 2011/12; however being paid to colleagues on grades A-D in 2014/15 and 2015/16) | X | X | ✓ |
| Annual cost of living increase (nationally negotiated – frozen for chief officers for 5 years prior to 2015) | ✓ | ✓ | ✓ |
| Market Supplement Payment (Restricted - based on business case requiring evidence. Approval by Director of HR and Transformation. Reviewed every 12-24 months) | ✓ but not in receipt of payment and historically never offered to the Chief Executive | ✓ but no chief officers in receipt of payment | ✓ |
| Overtime, evening, weekend, night working payments | X | X | ✓ Contractual |
| Out of hours, recall to work, standby payments, critical incidents, sleep in duty, shift working, client holidays payments | X | X | ✓ Contractual |
| Acting up allowances, honoraria and ex gratia payments | X | ✓ As at 30 Sep 15, eight Chief Officers were in receipt of payment totalling £31,929 between them. | ✓ |
| Monitoring Officer Payment (statutory duty) ³ | X | X payment no longer made as now incorporated into one Corporate Director role | X |
| Returning/Counting Officer Payment (to run elections) ⁴ or Election Duty Payments | ✓ payment made for European Elections – but not paid by NCC | ✓ if acting as deputy, this payment is paid out of the Returning Officer's personal fee | ✓ if working on elections |
| Bonus payments | X | X | X |

¹ See Appendix 4 for pay bandings

² A competency based pay scheme was in operation for SLMG managers until 1 April 2011 where it was removed

³ This payment is being made to fulfil a statutory obligation and paid to one Chief Officer

⁴ This is a bulk payment made to a nominated chief officer to fulfil the duties of running Local, European or Parliamentary elections.

| Terms and Conditions (as at 30 September 2015) | Chief Executive | Other Chief Officers | LGS Employee |
|--|---------------------------------------|--|---|
| Redundancy Payment (same multiplier criteria used for all groups) | ✓ | ✓ As at 30 September 2015, no redundancy payments had been paid to chief officers | ✓ |
| Efficiency Payment (same criteria used for all groups) ⁵ | ✓ | ✓ | ✓ |
| Relocation Payments | ✓ | ✓ As at 30 Sept 2015, no relocation payments had been made to chief officers | ✓ |
| Essential Car User Allowance (restricted and dependant on role) | x | x | x |
| Company Car | x | x | x |
| Car Parking Allowances (restricted and dependant on role; the majority of employees pay for their own parking) | x | x | ✓ |
| Travel expenses within County of Nottinghamshire | x | x | ✓ |
| Travel expenses outside of County of Nottinghamshire (Must use standard rail fare. mileage capped at 40p per mile for 10,000 miles and 25p per mile thereafter) ⁶ | ✓ | ✓ As at 30 Sept 15, 23 Chief Officers were in receipt of payment totalling £1,714 between them | ✓ |
| Disturbance Allowance (paid up to one year for significant changes to work location) | x | x | ✓ |
| Payment for home telephone line for work purposes | x | x | ✓ however only a small number of employees receive this payment |
| Reimbursement of reasonable expenditure (limits apply equally to all groups and receipts must be provided) ⁷ | ✓ | ✓ As at 30 Oct 14, one Chief Officer was in receipt of payment totalling £201 | ✓ |
| Sickness Pay entitlement linked to length of service – applied equally to all groups | ✓ Contractual | ✓ Contractual | ✓ Contractual |
| Notice Period | ✓ Contractual 3 months | ✓ Contractual 3 months | ✓ Contractual 1-2 months |
| Payment of Membership Fees | x | x | x |
| Access to the Local Government Pension Scheme – employer and employee contribution (Employer rate contribution equal for all groups) | ✓ Contractual Employee rate: 12.5% | ✓ Contractual Employee rate: 8.5-11.4% | ✓ Contractual Employee rate: 5.5-8.5% |

⁵ This is covered in the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (DCR) Policy. See Appendix 7

⁶ See Appendix 9 for details of the Council's Business Travel Scheme

⁷ See Appendix 10 for details of the Council's policy on Reimbursement of Expenditure

| Terms and Conditions (as at 30 September 2015) | Chief Executive | Other Chief Officers | LGS Employee |
|---|------------------------|-----------------------------|---------------------|
| Discretion to enhance pension entitlements ⁸ | ✓ | ✓ | ✓ |
| Salary Sacrifice Benefits allowing NI and Tax relief (purchase of annual leave, bike, childcare, mobile phones etc) | ✓ | ✓ | ✓ |
| Other employee discounts through works perks (e.g. retail discounts etc) applies to all groups equally | ✓ | ✓ | ✓ |

⁸ See Appendix 8 for the Council's policy on in relation to the exercise of discretions under the Local Government Pension Scheme

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THE LOCAL GOVERNMENT (EARLY TERMINATION OF EMPLOYMENT) (DISCRETIONARY COMPENSATION) (ENGLAND AND WALES) REGULATIONS 2006 - POLICY STATEMENT

In accordance with the requirements of Regulation 7(1) of the above Regulations, Nottingham City Council has agreed the following policy statement in respect of the discretions available under Regulations 5 and 6 of the same Regulations (the 'DCR' Regulations).

1. Regulation 5

- 1.1 For employees with two or more years' continuous service with the City Council (or with an organisation covered by the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999) (the 'RPMO'), who are dismissed by reason of redundancy, compensation will be paid equivalent to the statutory redundancy payment to which they are entitled under the Employment Rights Act 1996 (ERA).
- 1.2 In calculating the amount of redundancy compensation to which an employee is entitled under this Regulation, the statutory limit¹ on a week's pay as imposed by section 227 of the ERA will apply.
- 1.3 Continuous service with an organisation covered by the provisions of the RPMO will count towards the redundancy compensation calculation under this Regulation.

2. Regulation 6

- 2.1 For employees who are entitled to a statutory redundancy payment under Regulation 5, no discretionary compensation element will be paid under Regulation 5.
- 2.2 For an employee who is dismissed in the interests of the efficient exercise of the Council's functions, the Council shall have discretion to make a payment to the employee up to a maximum of 52 weeks' pay in circumstances where there is a demonstrable business benefit to the Council arising from the payment. Discretionary compensation payments paid in the interests of the efficient exercise of the Council's functions will not normally exceed £30,000 unless prior approval is obtained from the Appointments and Conditions of Service Committee. It is expected that discretionary payments made in the interests of the efficient exercise of the Council's functions will only be considered in exceptional circumstances.
- 2.3 Discretions under this policy shall be applied in the following manner:
 - Payments to officers below the level of Head of Service and above² in the efficient exercise of the functions of the Council shall be made at the discretion of the Appointments and Conditions of Service Committee.
 - Payments to officers below the level of Head of Service in the efficient exercise

¹ With effect from 6 April 2015, the statutory limit of a week's pay is £475 per week.

² This includes Corporate Directors and officers within the Strategic Leadership Management Group (SLMG).

of the functions of the Council shall be made at the discretion of the Chief Executive.

3. Additional Membership of the Local Government Pension Scheme

- 3.1 Employees who are members of the Local Government Pension Scheme (LGPS) who receive a discretionary compensation payment under Regulation 6 of the DCR, will have the option to convert their discretionary compensation payment under Regulation 6 into additional membership of the LGPS up to a maximum of ten years.
- 3.2 The decision to convert any of the discretionary compensation element into pension must be taken before the employee leaves the employment of the Council.

4. Changes to this policy

- 4.1 In accordance with Regulations 7 (2) and (3), any changes to this policy and its application will not be made until one month after a statement setting out the intended changes has been published. The policy will be periodically reviewed to ensure its continued effectiveness.

Version Control

| | |
|----------------------------|---|
| Current version no. | |
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| Approved by | ACOS / Central Panel (<i>select/add other as appropriate</i>) |
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| Organisation | Nottingham City Council |

Document history

| Revision date | Version number | Author of changes | Summary of changes |
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POLICY DISCRETIONS FOR LOCAL GOVERNMENT PENSION SCHEME (LGPS)**1. Who this policy statement applies to**

- 1.1 The City Council has produced the following policy statement as required by the Local Government Pension Scheme (LGPS).
- 1.2 This policy applies to all employees of the City Council on permanent or temporary contracts who are members of the LGPS, apart from those employed within schools. This policy does not apply to casual workers, consultants, agency workers or any other workers who are not actual employees of the Council.

2. Early release of Pension Benefits**2.1 Pre-1 April 2014 (Ex-employees only)**

- 2.1.1 The LGPS provides for a normal retirement age of 65. Ex-employees who left the Council prior to 1 April 2014 and are members of the LGPS may retire at age 60 and over without permission. Retirements below age 60 require permission from the City Council.
- 2.1.2 An ex-employee who opts to retire at or after age 60 but before the normal retirement age of 65 will have their pension benefits reduced on an actuarial basis to take account of the fact that pensions will be drawn earlier and for longer. The City Council is unlikely to agree to ignore the actuarial reduction. (Note that there are protections available under the old '85 year rule' for employees who were members of the LGPS before 1 October 2006.)
- 2.1.3 Where permission to retire is required, the Chief Executive will consider requests for early retirement for employees below second tier level¹ once a business case has been made that shows what possible net savings would be made taking into account the potential costs on the pension fund, the needs of the service and whether there would be operational benefits to be made that would facilitate a re-organisation.

2.2 Post 1 April 2014 members voluntarily drawing pension benefits

- 2.2.1 Post 1 April 2014 LGPS members may retire at age 55 or over without permission.
- 2.2.2 Under the revised Pensions regulations, the employing authority has the power to “switch on” the 85 year rule for post 1 April members if there is a sufficient business reason.
- 2.2.3 Where a scheme member retires (leaves employment) and elects to draw their benefits at or after age 55 and before age 60 those benefits will be actuarially reduced unless the City Council agrees to meet the full or part cost of those reductions as a result of the member otherwise being protected under the 85 year rule as set out in previous regulations.
- 2.2.4 To avoid the member suffering the full reduction to their benefits the City Council can “switch on” the 85 year rule protections thereby allowing the member to receive fully

¹ Discretionary decisions in respect of first and second tier officers can only be taken by the Appointment and Conditions of Service Committee (ACOS).

Appendix 9 – Policy on exercise of discretions under the LGPS

or partially unreduced benefits but subject to the City Council paying the pensions strain (capital) cost to the Pensions Fund.

- 2.2.5 Decisions on whether to agree to this for employees below second tier would be delegated to the Chief Executive supported by a business case although it is unlikely that the City Council would ordinarily agree to “switch on” the rule of 85 in such instances.
- 2.2.6 Waiving of Actuarial reductions
The City Council is unlikely to ignore actuarial reductions. Decisions on whether to agree to waive the actuarial reduction would be delegated to the Chief Executive supported by a business case.
- 3. Power of employing Authority to award additional pension**
- 3.1 Decisions on whether to award additional pension below second tier level will be delegated to the Chief Executive supported by a business case.
- 3.2 Decisions to award additional pension for first and second tier officer shall be made at the discretion of the Appointments and Conditions of Service committee supported by a business case.
- 3.3 Additional pension that is granted will be at whole cost to the employer.
- 4. Shared Cost Additional Pension Scheme (SCAPC)**
- 4.1 From 1 April 2014, colleagues can voluntarily choose to make Additional Pension Contributions; there is the option for the employer to share this cost under the Shared Cost Additional Pensions Contributions (SCAPC) scheme.
- 4.2 The City Council will consider awarding additional pension by way of a business case to Appointments and Conditions of Service Committee.
- 5. Flexible Retirement**
- 5.1 This discretion was first adopted under the 2008 Regulations and is subject to the relevant section contained within the City Council’s Retirement Policy, within the People Management Handbook.
- 6. Contributions**
- 6.1 The City Council will decide what contribution rate a member is liable to pay:
- a) On first joining the scheme.
 - b) On 1 April each year with a review on 1 October each year to ensure the band is as expected.
 - c) Upon each subsequent contractual change in pay.
 - d) Upon a change of hours either reducing or increasing.
- 7. Injury Allowances**
- 7.1 Any discretionary payments made to colleagues and or ex colleagues where an industrial injury has occurred are dealt with through the Corporate Liability Insurance and group Personal Accident scheme in operation.

Appendix 9 – Policy on exercise of discretions under the LGPS

7.2 The City Council will not formally adopt a separate Injury Allowance Scheme.

8. Transfers in of Earlier Periods of Service - Late Applications

8.1 A request for a transfer of previous pension rights from another scheme or previous service within the LGPS or arrangement into the LGPS must be made within 12 months of joining/re-joining the scheme.

8.2 The City Council's policy is to accept transfers in applied for outside the period of 12 months, provided that, at the time the transfer is being considered, there is no cost to the Council.

Appendix 9 – Policy on exercise of discretions under the LGPS

Version Control

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BUSINESS TRAVEL SCHEME

1. Introduction

- 1.1 Travelling expenses will be paid to colleagues who travel on Nottingham City Council's (NCC) business.
- 1.2 The following expenses will be paid:
- public transport rate (including standard rail fare);
 - mileage allowance payments (where an employee is authorised to use their own vehicle for work purposes);
 - cycle rate (when use own cycle or pool bike/citycard cycle)
 - taxi fares where a suitable alternative (including public transport) is not available.
- 1.3 The purpose of the scheme is to compensate employees for costs they necessarily incur in the course of their duties which are in addition to any travel costs incurred by the employee for non business travel. For example, where an employee purchases a bus pass for home to work and other non business travel purposes and this pass can also be used during working hours for business journeys, no additional expenses have been incurred by the employee and therefore no reimbursement is applicable.

2. Authorised Business Travel

- 2.1 National Conditions of Service state that 'employees required to use their motor vehicles for the efficient performance of their duties will receive allowances for the use of their motor vehicles on business only after being so authorised by the local authority'.
- 2.2 An employee will be authorised to use their own car for work purposes where it is required for the effective performance of their duties and where the use of public transport alternatives is not available or would add significantly to the cost of travel or travelling time.
- 2.3 Where employees use their own car for journeys outside the County boundary, a comparison will be made against the equivalent public transport cost and where this is lower, and it is reasonable for the employee to make the journey by public transport, it is the equivalent public transport cost only that will be reimbursed.
- 2.4 Public transport should be used wherever possible, where this represents better value for money.

3. Journeys to and from home

- 3.1 Expenses will only be paid for journeys that form part of an employee's employment duties (e.g. journeys between clients' premises or attendance at meetings). Journeys to and from an employee's normal place of work and their

home are not covered. Where an employee travels to an alternative work base direct from or to home (e.g. to attend a meeting or meet with a client), only the travel that is in excess of what would normally be incurred (i.e. between the employee's home and normal place of work) may be claimed.

3.2 The following exceptions will apply:

- An employee who is at home on standby to be recalled to work will be eligible to claim for their mileage if they are called out, e.g. an engineer called out at night to attend to a breakdown.
- Where an employee is required to attend to an emergency, an official meeting or other approved official business from home outside of their normal working hours, the maximum mileage that will be reimbursed will be 20 miles per return journey.

3.3 Where an employee's place of work changes the new place of work will be regarded as their normal place of work after four weeks have elapsed.

4. Mileage Allowance Payments

4.1 Where an employee is authorised to use their own vehicle for work purposes, mileage allowance payments (MAPs) may be claimed in accordance with the rules and rates determined by the HMRC from time to time. Current rates are shown in the table below.

Tax – Rates per business mile

| Type of vehicle | First 10,000 miles | Above 10,000 |
|-----------------|--------------------|--------------|
| Cars and vans | 45p | 25p |
| Motorcycles | 24p | 24p |
| Cycles | 20p | 20p |

4.2 Mileage logs should be fully itemised showing exact mileage and a description of the business journey.

5. Car Parking Fees

5.1 Where NCC business requires the payment of car parking fees, actual expenses shall be reimbursed provided that they have been reasonably incurred.

5.2 Where NCC business is carried out within the City boundary, prior arrangements for free parking should be made where possible; where this is impossible, NCC car parks only should be used.

- 5.3 In all claims for reimbursement of car parking expenses, supporting evidence should be provided as to the destination of the employee and the address of the car park used.

6. Receipts

- 6.1 For tax and audit purposes original receipts are required for reimbursement of expenses. Employees will be informed of any additional documentation required from time to time.

- 6.2 Employees will need to submit a VAT receipt (or receipts) with their mileage claim form. It does not matter if the employee purchases fuel for both private and business use; what does matter is that the total on the VAT receipt/s covers the cost of fuel used for the claim. A rough calculation would be to submit VAT receipt/s of at least £10 for every 100 miles of business travel claimed.

7. Approval

All travel expenses claim forms, including mileage claim forms, must be checked and approved by the employee's manager before submitting the form for payment.

8. No Claims Bonus Scheme

- 8.1 NCC operates a No Claims Bonus Scheme to provide a measure of compensation for loss of bonus or payment of excess or both where private motor vehicles are used by employees in the course of their employment duties. The scheme will not give cover for journeys to and from the work base.

- 8.2 NCC's Insurance Section will be able to supply details of the scheme in operation from time to time.

9. Former Essential Users

- 9.1 Those employees who were in receipt of the Essential User Car allowance on 31 August 2014 will be able to apply for a loan to purchase a car in accordance with NCC's Assisted Car Purchase Scheme. NCC's Insurance Section will be able to supply details of how the scheme operates.

10. Disabled Employees

Disabled colleagues who are unable to drive are allowed to use approved taxis for journeys which would otherwise qualify for a mileage allowance payment.

11. SLMG employees

Travel expenses will be paid in accordance with this scheme for authorised travel outside of the County boundary only.

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REIMBURSEMENT OF EXPENDITURE

1. Colleagues necessarily incurring additional expense in the course of their work in respect of travel, meals or overnight accommodation will be reimbursed approved expenses, subject to receipts being produced. (In exceptional circumstances small sums may be reimbursed without receipts provided there is other evidence of the expenditure and the colleague can explain why it was not possible to obtain a receipt.)
2. Colleagues with access to Oracle Self Service will be required to claim online and this will be authorised online by the line manager. Colleagues without access to Oracle Self Service will be required to submit expenses using paper forms which must be completed and signed by the colleague and then approved by their manager. Claim forms are available from the Employee Service Centre (ESC).
3. The fraudulent submission of claims for reimbursement of expenditure will be treated as gross misconduct.
4. It is the settled policy of the Council that expenses payable to colleagues should not exceed those available to councillors (see below).
5. Guidance on the reimbursement of expenses linked to training (other than in respect of meals, travel and accommodation) is set out in the section of the People Management Handbook dealing with training and development.
6. The allowances set out below are the maximum amount which can be claimed in respect of any expenditure. Amounts claimed will still have to be justified and approved as set out above. A receipt must be obtained and the expenditure must be necessary and additional to the colleague's ordinary expenditure on a meal at the relevant time. (A deduction of £1.00 for breakfast and lunch and £2.00 for an evening meal should be made from all claims in respect of a meal taken at that time and the national agreement only allows for the reimbursement for additional costs). Colleagues and managers must ensure these deductions are made prior to claiming online or on the paper form.
7. The amounts will be updated periodically in line with the provisions for councillors.

| | | |
|----|--------------------------|------------------------|
| 8. | | |
| | Breakfast (before 11.Am) | Maximum £5.00 Vat Inc |
| | Lunch (12noon - 2pm) | Maximum £5.00 Vat Inc |
| | Evening Meal (After 5pm) | Maximum £10.00 Vat Inc |

Revised August 2003, January 2013

Appendix 11: Reimbursement of Expenditure

Overnight Accommodation

- 8 Where possible, the cost of overnight accommodation should be contained with the following limits:

| | |
|--|----------------|
| Maximum for overnight accommodation outside Central London | £79.82 Vat Inc |
| Maximum in Central London | £91.04 Vat Inc |

9. If accommodation is not available within these limits then the actual cost will be met provided it is reasonable. Where attendance at a conference or similar event necessitates an overnight stay, accommodation at the conference hotel or a hotel of an equivalent standard will be arranged and paid for by the Council. For meals taken in connection with the event, the reasonable actual cost will be reimbursed, or paid in accordance with the subsistence rates set out above, subject to production of a receipt to the colleague's manager.