

Public Document Pack



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3 March 2017

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **GENERAL PURPOSES COMMITTEE** will be held in the Council Chamber at these Offices on Monday 13 March 2017 at 12.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Rebecca Brough on (01304) 872304 or by e-mail at rebeccabrough@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background.

Chief Executive

General Purposes Committee Membership:

S M Le Chevalier (Chairman)
M D Conolly (Vice-Chairman)
M R Eddy
D P Murphy
P Walker

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 3)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES** (Pages 4 - 5)

To confirm the attached Minutes of the meeting of the Committee held on 5 December 2016.

5 **LOCAL GOVERNMENT PENSION SCHEME 2014** (Pages 6 - 14)

To consider the attached report of the Director of Governance.

6 **EXCLUSION OF THE PRESS AND PUBLIC** (Page 15)

The recommendation is attached.

MATTERS WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

7 **PAY AWARD 2017** (Pages 16 - 31)

To consider the attached report of the Head of Paid Service.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Rebecca Brough, Team Leader - Democratic Support, telephone: (01304) 872304 or email: rebeccabrough@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

Minutes of the meeting of the **GENERAL PURPOSES COMMITTEE** held at the Council Offices, Whitfield on Monday, 5 December 2016 at 3.00 pm.

Present:

Chairman: Councillor S M Le Chevalier

Councillors: M R Eddy
D P Murphy
P Walker

Officers: Director of Governance
Head of Legal Services
HR Advisor
Corporate Services Officer
Team Leader – Democratic Support

1 APOLOGIES

An apology for absence was received from Councillor M D Conolly.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that no substitute members were appointed.

3 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

4 MINUTES

The Minutes of the meeting held on 10 March 2016 were approved as a correct record and signed by the Chairman.

5 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor M R Eddy, duly seconded and

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involve the likely disclosure of exempt information as defined in paragraph 4 of Part I of Schedule 12A of the Act.

6 OFFICERS' TERMS AND CONDITIONS OF SERVICE

The Director of Governance introduced the report outlining the changes to the Terms and Conditions of Service of officers.

Members were advised that the changes to the Employee Handbook, Statement of Particulars and associated policies resulted from updates in legislation, the job evaluation process, alignment with East Kent partner authorities and a need to make the policies more accessible. The changes had been made in consultation with the Trade Unions.

The Director of Governance requested that in addition to the recommendations set out in the report that he be authorised to agree associated procedures for the policies.

Members discussed the documents and Councillor M R Eddy proposed that changes be made to reflect the Council's commitment to development of its staff.

RESOLVED: (a) That the Employee Handbook, Statement of Particulars and associated policies at Appendices 2 to 4 be approved for implementation from 1 January 2017.

(b) That the Director of Governance be authorised to make any future minor changes or amendments to the Employee Handbook, the Statement of Particulars and associated policies that form the Officers' terms and conditions of employment providing that these changes do not change the substance of any of the policies.

(c) That the Director of Governance be authorised to adopt the associated procedures for Disciplinary and Performance, Grievance and Absence Management from 1 January 2017.

(d) That the first paragraph of the Learning and Development section (Page 31) of the 'Handbook for Dover District Council employees' be amended to read as followed:

"Learning is important for everyone. Dover District Council is committed to the maximum development of its staff wherever practicable and as As an employee of Dover District Council you have many opportunities to learn new relevant skills and develop your career. The information below sets out a number of options that are available to you:"

The meeting ended at 3.33 pm.

Subject: LOCAL GOVERNMENT PENSION SCHEME 2014

Meeting and Date: General Purposes Committee – 13 March 2017

Report of: David Randall, Director of Governance

Classification: Unrestricted

Purpose of the report: This report seeks approval of the revised Pensions Discretion Policy Statement which is required under the Local Government Pension Scheme Regulations 2013

Recommendation: That General Purposes Committee:

1. Approve the revised Pension Discretion Policy Statement attached at Appendix 1;
2. Appoint Yunus Garja as the adjudicator for the purposes of Regulation 74 of the Local Government Pension Scheme Regulations 2013;
3. Authorise the Director of Governance to make any necessary minor changes to the Pensions Discretion Policy Statement

1. Summary

The new Local Government Pension Scheme 2014 (LGPS) was introduced on 1 April 2014. This required that all scheme employers review their existing pension policy statements and publish new policy statements in line with the Local Government Pension Scheme Regulations 2014. Members are now asked to approve the revised statement and to appoint an adjudicator in line with these regulations.

2. Introduction and Background

2.1 The Local Government Pension Scheme Regulations 2014 (the Regulations), reg.60, requires all scheme employers to publish and keep under review a written policy statement on how they will apply their discretionary powers in relation to certain provisions of the scheme. The new LGPS came into effect on 1 April 2014.

2.2 By virtue of reg. 60 of the Regulations, the Council was required to publish and send a copy of its revised statement to the relevant administering authority (Kent County Council in this case) by 1 July 2014. There was a slight delay in the preparation of the original statement but it was approved by General Purposes Committee on 22 September 2014.

2.3 The LGPS 2014 Scheme accommodates a number of changes following the Government's fundamental review of public sector pension provision. The main modification to the 2014 scheme was the change from a final salary scheme to a career average re-valued earning scheme. Benefits accrued by members prior to 1 April 2014 are largely unaffected by the new scheme and those benefits will continue to be assessed on a final salary basis rather than a career averaged scheme.

- 2.4 The Pension Discretion Policy Statement now requires review in accordance with the provisions of paragraph 17 of the statement. Members will see a copy of the amended statement at Appendix 1. Appendix 2 is a brief summary of the changes. There are minimal changes and are suggested for the purpose of making the policy more straight forward and for clarification.
- 2.5 The Regulations require that in preparing or making revisions to its statement of policy, a scheme employer must have regard to the extent to which the exercise of any of the functions within its policy could lead to a serious loss of confidence in the public service.
- 3. Identification of Options**
- 3.1 The options for General Purposes Committee are:
- (a) To approve the revised statement of policy and appoint the Mr Yunus Garja as the adjudicator for the purposes of reg. 74.
 - (b) To reject the recommendation
- 3.2 The preferred option is option (a).
- 4. Evaluation of Options**
- 4.1 The statement of policy will ensure compliance with the requirement to prepare and publish a statement of policy in reg. 60 of the Regulations.
- 4.2 To reject the recommendation is not advised as the Council will be acting contrary to its own policy to review its statement of discretions under the Regulations.
- 5. Resource Implications**
- 5.1 Although there are no direct resource implications in relation to the review of the policy, it is possible that the Council may incur costs that are outside of the original budget when exercising a discretion within the policy. Each decision will be made by the relevant director together with the Director of Finance, Housing & Community and in consultation with EK Human Resources. A decision which relates to the exercise of a discretion in respect of a Chief Officer will be referred to this Committee for a decision.
- 6. Corporate Implications**
- 6.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add (SB).
- 6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make
- 6.3 Comment from the Equalities Officer: This report does not specifically highlight any equalities implications however, in discharging their responsibilities members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.
- 6.4 Other Officers (as appropriate):

7. **Appendices**

Appendix 1 – Draft Pension Discretions Policy Statement

Appendix 2 – Summary of Changes

8. **Background Papers**

Dover District Council Early Retirement Policy (Pensions, Redundancy and Efficiency)

Contact Officer: Louise May, Head of Legal Services

Pension Discretions Policy Statement

The Local Government Pension Scheme Regulations 2013

The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014

1. This policy statement is made in accordance with Paragraph 60 of the Local Government Pension Scheme Regulations 2013 ('the 2013 Regulations') and Paragraph 2(2) of Schedule 2 of The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 ("the 2014 Regulations"). It sets out how the Council will apply the discretionary provisions available within those Regulations. The policy is applicable to employees, not to Councillors. This policy will be reviewed annually. If the Council decides to change its policy, it will publish a statement of the amended policy within one month of the date of its decision.
2. The Council has separate Policy statements for exercising discretions pursuant to:
 - 2.1 regulation 66 of the Local Government Pension Scheme 2008 which is applicable to leavers between 1 April 2008 and 31 March 2014;
 - 2.2 regulation 106 of the Local Government Pension Scheme Regulations 1997 which is applicable to leavers between 1 April 1998 and 31 March 2008;
 - 2.3 regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006;
3. In formulating and reviewing its policy, the Council:
 - 3.1 has regard to the extent to which the exercise of their discretionary powers, unless properly limited, could lead to a serious loss of confidence in the public service; and
 - 3.2 is satisfied that the policy is workable, affordable and reasonable having regard to the foreseeable costs.

Purpose of Policy

4. This policy aims to provide fairness and consistency in situations where the Council is considering cases of flexible retirement and increasing pension benefits.
5. **Flexible retirement – Regulation 30(6) of 2013 Regulations**
 - 5.1 The LGPS allows flexible retirement from age 55 with the payment of all or part of accrued pension benefits in situations where the employer agrees to the hours of work or the level of responsibility being reduced and to the release of pension benefits. In most cases pension benefits will be reduced if taken before normal retirement age.
 - 5.2 Flexible retirement can benefit both the employee through enabling a gradual adjustment to retirement and the Council through the ability to retain valuable experience and knowledge and increase the opportunity for succession planning.
 - 5.3 The Council will consider all requests for flexible retirement in response to written requests from eligible employees.
 - 5.4 The Council will approve requests only where it is in their interest to do so, where there will be no detrimental effect on the service and where the costs

are affordable or where there are likely to be costs savings achieved as a result of the proposal:

- A request should typically involve a reduction of at least 20% in salary either through reduced hours or level of responsibility.
- The employee's contract of employment will be amended by mutual agreement to reflect the new hours or grade, as agreed, and continuity of service will be preserved.
- Employees may draw their accrued pension benefits, subject to any actuarial reduction, and continue to pay into the Pension Scheme with a new fund until the age of 75.
- Employees can choose to draw all of their pension benefits or defer payment of all or part of the part of their fund which has accrued since 1 April 2008.
- Any request for flexible retirement will be considered by the Director of Governance together with the Director of Finance, Housing and Community, in consultation with EK Human Resources.

6. Early payment of pension – Regulation 30(5) of the 2013 Regulations

6.1 For the avoidance of doubt, in accordance with regulation 30(5) of the 2013 Regulations, employees can retire from age 55 without employer consent and receive immediate payment of their pension benefits. However the pension benefits payable will be subject to an actuarial reduction to allow for early payment unless Regulation 30(7) is applicable (redundancy or business efficiency termination of employment) or a waiver has been agreed in accordance with Regulation 30(8).

7. Discretion to 'switch on' of 85 Year Rule for 55 – 60 year olds – Paragraph 1(1)(c) Schedule 2 of 2014 Regulations

7.1 It is not the general policy of Dover District Council to 'switch on' the 85 year rule under this regulation. However, consideration may be given in the following circumstances:

- Where there is a demonstrable benefit to the authority;
- Where the request may facilitate further changes within the organisation which could lead to savings in the future;
- Where the employee requests a waiver on compassionate grounds. To be considered under compassionate grounds, the circumstances must be exceptional and not reasonably expected to prevail

7.2 Any request under this regulation will be considered by the Director of Governance together with the Director of Finance, Housing and Community, in consultation with EK Human Resources.

8. Waiver of Actuarial Reduction – Regulation 30(8) of 2013 Regulations

8.1 It is not the general policy of Dover District Council to waive any actuarial reductions required by regulations 30(5) or 30 (6) (early payment of benefits or flexible retirement). However, consideration may be given in the following circumstances:

- Where there is a demonstrable benefit to the authority;
- Where the employee requests a waiver on compassionate grounds. To be considered under compassionate grounds, the circumstances must be exceptional and not reasonably expected to prevail

- Any request under this regulation will be considered by the Director of Governance together with the Director of Finance, Housing and Community, in consultation with EK Human Resources.

9. **Awarding additional Pension – Regulation 31 of 2013 Regulations**

- 9.1 It is not Dover District Council's policy to make use of the provision to award additional pension under this regulation. However, there may be exceptional circumstances where there is a demonstrable benefit to the authority. The maximum figure as at 1 April 2014 is £6,500 and increases annually in accordance with the regulations.
- 9.2 Any consideration of such an award will be made by the Director of Governance and the Director of Finance, Housing and Community, in consultation with EK Human Resources.

10. **Awarding additional pension contributions – Regulations 16(2)(e) and 16(4)(d) of 2013 Regulations**

- 10.1 It is not Dover District Council's policy to fund additional pension contributions, except in circumstances where they are required to do so by Regulations.

11. **Contributions – Regulations 9(1) & (3) of 2013 Regulations**

- 11.1 Dover District Council will make changes to employee contribution rates throughout the year from the effective date of any change in employment or material change to the rate of pensionable pay received.

12. **Shared Cost AVCs – Regulation 17(1) of 2013 Regulations**

- 12.1 It is not the policy of Dover District Council to operate a shared cost AVC scheme for employees.

13. **Merging of Deferred Member Pension Accounts with Active Member Pension Account Regulation 22(7) and 22(8) of 2013 Regulations**

- 13.1 If a scheme member wishes to aggregate the most recent of their periods of previous scheme membership with their current membership, it is the policy of Dover District Council that the election must be made within 12 months of the Pension Section being notified that the employee has again become an active member.

14. **Applications for Adjudication of Disagreements – Regulation 74 of 2013 Regulations**

- 14.1 Each Scheme employer must appoint a person (“the adjudicator”) to consider applications from any person whose rights or liabilities under the Scheme are affected by:
- (a) a decision under regulation 72 (first instance decisions); or
 - (b) any other act or omission by a Scheme employer or administering authority,
- and to make a decision on such applications.

14.2 Responsibility for determinations under this first stage of the Internal Disputes Resolution Procedure (IDRP) rests with “the adjudicator” as named at 14.3 below by the Scheme employer

14.3 For Dover District Council, the appointed adjudicator is:

Name	Mr Yunus Garja
Full Address	Pension Section Invicta House County Square Maidstone Kent ME14 1XX

15. **Inward Transfers of Pension Rights – Regulation 100(6) of 2013 Regulations**

15.1 If a scheme member wishes to transfer any pension benefits they have built up in other schemes to the Local Government Pension Scheme, it is Dover District Council's policy that this election must be made within 12 months of the Pension Section being notified that the employee has become an active member of the Kent Scheme.

16. **Chief Officers**

16.1 Any application by a Chief Officer of the Council (as defined within Article 12.01(b) of the Council's Constitution) for the exercise of a discretion under this policy will be referred to General Purposes Committee for a decision.

17. **Review of Policy**

17.1 This Policy will be reviewed annually by the Director of Governance in consultation with EK Human Resources.

17.2 Minor amendments to this policy, for example to reflect changes to legal requirements, may be made by the Director of Governance. Substantial changes will be referred to General Purposes Committee for approval.

Appendix 2

Clause	Original wording	Revised wording	Reason for change
5.4 – bullet point 1	<p>The Council will approve requests only where it is in their interest to do so, where there will be no detrimental effect on the service and where the costs are affordable or where there are likely to be costs savings achieved as a result of the proposal:</p> <ul style="list-style-type: none"> A request should typically involve a substantial reduction (at least 40% to 50%) in salary either through reduced hours or level of responsibility. 	<p>The Council will approve requests only where it is in their interest to do so, where there will be no detrimental effect on the service and where the costs are affordable or where there are likely to be costs savings achieved as a result of the proposal:</p> <ul style="list-style-type: none"> A request should typically involve reduction of at least 20% in salary either through reduced hours or level of responsibility. 	<p>It was identified that the suggested reduction amount of 40-50% was not consistent with the earlier part of 5.4, which stated that the Council would only consider requests where there would be no detrimental effect on the service. A 20% reduction is considered more realistic and allows requests from those people wishing to drop from 5 to 4 days a week.</p>
5.4 – bullet point 5	<p>Any request for flexible retirement will be considered by the Director of Governance together with the Director of Finance, Housing and Community, in consultation with the Head of EK Human Resources.</p>	<p>Any request for flexible retirement will be considered by the Director of Governance together with the Director of Finance, Housing and Community, in consultation with the Head of EK Human Resources.</p>	<p>Reference to the Head of EK Human Resources has been removed as this post has been deleted from the establishment. In any event, DDC has a Business Partner within EK Human Resources who can provide support. This applies to all reference to the Head of EK Human Resources</p>
7.1	<p>It is not the general policy of Dover District Council to 'switch on' the 85 year rule under this regulation. However, consideration may be given in the following circumstances:</p> <ul style="list-style-type: none"> Where there is a demonstrable 	<p>It is not the general policy of Dover District Council to 'switch on' the 85 year rule under this regulation. However, consideration may be given in the following circumstances:</p> <ul style="list-style-type: none"> Where there is a demonstrable 	<p>Words added to increase the criteria under which the Council can consider to "switch on" the 85 year rule for those aged between 55 & 60</p>

	<ul style="list-style-type: none"> benefit to the authority; Where the employee requests a waiver on compassionate grounds. To be considered under compassionate grounds, the circumstances must be exceptional and not reasonably expected to prevail 	<ul style="list-style-type: none"> benefit to the authority; Where the request may facilitate further changes within the organisation which could lead to savings in the future Where the employee requests a waiver on compassionate grounds. To be considered under compassionate grounds, the circumstances must be exceptional and not reasonably expected to prevail 	
14.3	To appoint Nadeem Aziz as the adjudicator under regulation 74	To appoint Mr Yunus Garja as the adjudicator under regulation 74	This was an error in the original discretion statement.
16.1	Any application by a Chief Officer of the Council for the exercise of a discretion under this policy will be referred to General Purposes Committee for a decision.	Any application by a Chief Officer of the Council (as defined within Article 12.01(b) of the Council's Constitution) for the exercise of a discretion under this policy will be referred to General Purposes Committee for a decision.	Wording added to clarify definition of chief officer, due to difference in definition within the Pay Policy (as required by the Localism Act)

DOVER DISTRICT COUNCIL

GENERAL PURPOSES COMMITTEE – 13 MARCH 2017

EXCLUSION OF THE PRESS AND PUBLIC

Recommendation

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involve the likely disclosure of exempt information as defined in the paragraph of Part I of Schedule 12A of the Act set out below:

<u>Item Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
Pay Award 2017	4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority, or a Minister of the Crown and employees of, or office holders under, the authority.

By virtue of paragraph(s) 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Agenda Item No 7

Document is Restricted