

## **DISTRICT COUNCIL OF SEVENOAKS**

### Minutes of the Meeting of the Sevenoaks District Council held on 1 October 2013 commencing at 7.00 pm

Present: Pett (Chairman)

Mrs. Davison (Vice-Chairman)

Cllrs. Abraham, Mrs. Ayres, Ayres, Mrs. Bayley, Ball, Bosley, Mrs. Bosley, Mrs. Bracken, Brookbank, Brown, Ms. Chetram, Clark, Mrs. Clark, Mrs. Cook, Cooke, Davison, Dickens, Fittock, Fleming, Gaywood, Mrs. George, Grint, Hogarth, Horwood, Mrs. Hunter, London, Ms. Lowe, Maskell, McGarvey, Mrs. Morris, Orridge, Mrs. Parkin, Piper, Raikes, Ramsay, Mrs. Sargeant, Scholey, Searles, Miss. Thornton, Towell, Underwood, Walshe, Williamson and Lindsay

Apologies for absence were received from Cllrs. Butler, Edwards-Winsler, Eyre, Firth, Neal, Mrs. Purves and Miss. Stack

#### 12. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 14 MAY 2013

The Chairman proposed that the Minutes of the meeting of the Council held on 14 May 2013 be approved and signed as a correct record.

Resolved: That the Minutes of the meeting of the Council held on 14 May 2013 be approved and signed as a correct record.

#### 13. TO RECEIVE ANY DECLARATIONS OF INTEREST NOT INCLUDED IN THE REGISTER OF INTEREST FROM MEMBERS IN RESPECT OF ITEMS OF BUSINESS INCLUDED ON THE AGENDA FOR THIS MEETING

No further declarations of interest were received.

#### 14. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported the passing of Councillor Jenny Dibsdall who had lost her fight against cancer on Friday 28<sup>th</sup> June 2013. Councillor Dibsdall had been elected to the Council in March 2012, representing the Crockenhill and Well Hill ward.

The Chairman also welcomed Councillor Stephen Lindsay who had been newly elected to the Council on 26<sup>th</sup> September 2013 representing the Crockenhill and Well Hill ward.

#### 15. TO RECEIVE ANY PETITIONS SUBMITTED BY MEMBERS OF THE PUBLIC.

No petitions were received.

16. MATTERS CONSIDERED BY THE CABINET AND/OR OTHER COMMITTEES:

(a) Review of Members' Allowances

Cllr Fleming proposed and Cllr Mrs Davison seconded that (a) Option 2 – the Joint Independent Panel proposed increase less 15% for all allowances - for the payment of Members' Allowances be adopted; (b) the Governance Committee review relative ratios as part of the on-going review into the Council's governance structure; and (c) the Council formally record thanks to Barry Cushway, Rachael Roots and Susan Piggot-Foster MBE for their work in preparing 'Report on revised allowances for Members following change of Committee Structure at Sevenoaks District Council, June 2013'.

In August 2012, the Joint Independent Remuneration Panel (JIRP) began a review into Members' Allowances for 2013/14. The review made a number of recommendations covering Basic Allowance, Special Responsibility Allowances (SRAs), Carers' Allowance, Travel Expenses and Pensions. In June 2013, following a change in governance arrangements the Panel reviewed its recommendations regarding allowances payable under the new structure. The Council considered a report setting out the recommendations arising from the further review.

A Member queried whether it was appropriate for a special responsibility allowance to be paid to the Chairman of the Joint Transportation Board, and requested that the Governance Committee investigate whether any additional payment was made to the County Council Member when responsibility for chairing the meeting rested with the County.

A number of Members expressed concern about raising the level of Members' Allowances. In response, the Leader of the Council suggested that the Governance Committee should also be asked to investigate whether there was a way in which Members' allowances could be linked to the national pay agreement that existed for staff.

Resolved: That

- (a) Option 2 – the Joint Independent Panel proposed increase less 15% for all allowances - for the payment of Members' Allowances be adopted;
- (b) the Governance Committee review relative ratios as part of the on-going review into the Council's governance structure; and
- (c) The Council formally record thanks to Barry Cushway, Rachael Roots and Susan Piggot-Foster MBE for their work in preparing 'Report on revised allowances for Members following change of Committee Structure at Sevenoaks District Council, June 2013'.

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### **(b) Review of Members' Expenses**

Cllr Fleming proposed and Cllr Mrs Davison seconded that the changes to Appendix G of the Constitution in relation to Members' Expenses, including the inclusion of Schedule 2 to the Members' Allowance Scheme, attached at Appendix 1.1 be approved.

Members noted that the framework for the payment of Members' Expenses needed to be reviewed to take account of the new governance arrangements introduced in May 2013.

Resolved: That the changes to Appendix G of the Constitution in relation to Members' Expenses, including the inclusion of Schedule 2 to the Members' Allowance Scheme, attached at Appendix 1.1 be approved.

### **(c) Appointment of Electoral Registration Officer and Returning Officer for District and Parish Council Elections**

Cllr Fleming proposed and Cllr Mrs Davison seconded the Chief Executive, Dr. Pav Ramewal, be appointed Electoral Registration Officer for the Sevenoaks District Council and Returning Officer for the election of councillors of the Sevenoaks District and of councillors of parishes within the Sevenoaks District.

Sevenoaks District Council was required by the Representation of the People Act to appoint an officer of the Council as Electoral Registration Officer and as Returning Officer for the election of Sevenoaks District councillors and of parish councillors. At Sevenoaks District Council these roles had traditionally been undertaken by the Chief Executive and the report recommended to Council that the Chief Executive, Dr. Pav Ramewal, be appointed Electoral Registration Officer for the Sevenoaks District Council and Returning Officer for the election of councillors of the Sevenoaks District and of councillors of parishes within the Sevenoaks District.

Resolved: That the Chief Executive, Dr. Pav Ramewal, be appointed Electoral Registration Officer for the Sevenoaks District Council and Returning Officer for the election of councillors of the Sevenoaks District and of councillors of parishes within the Sevenoaks District.

### **(d) Change in Scrutiny Committee Terms of Reference**

Cllr Fleming proposed and Cllr Mrs Davison seconded that the revisions to Part 5 and Appendix H of the Council's Constitution as set out in Appendices A and B to the report, be approved.

The Terms of Reference for the Scrutiny Committee had been drafted in such a way that nine members were called from a pool of fifteen, and the mechanics of this process could lead to a breach of political proportionality. In order to avoid this at the first meeting, all members of the Committee were invited to attend. However it was necessary to make changes to the terms of reference prior to the next meeting in order for the Committee to legally and effectively fulfil its scrutiny function.

The current Terms of Reference stated that:

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4.1 *The Scrutiny Committee will comprise a permanent Chairman and Vice Chairman, neither of whom sit on Cabinet Advisory Committees and a pool of 15 members 3 drawn from each of the Cabinet Advisory Committees, none of whom may be members of the Cabinet or be their Deputies.*

4.2 *When a meeting is called 9 ordinary members and the Chairman and Vice Chairman will be called to form the committee. No Members will be called from the Cabinet Advisory Committee where a decision being scrutinised was formulated.*

4.3 *The membership is to be chosen according to political proportionality rules.*

4.4 *The membership of the Committee can be found at Appendix H - Membership of Council Committees, Cabinet and Advisory Committees.*

The following changes were proposed in the report:

4.2 When a meeting is called the Chairman (or Vice Chairman in the Chairman's absence) will call 9 members from the pool of 15 (see para. 4.1 above) and if necessary a pool of substitutes (see para. 4.3 below) to form the committee. No Members will be called from the Cabinet Advisory Committee where a decision being scrutinised was formulated.

4.3 The membership is to be chosen according to political proportionality rules. If application of paras. 4.1 and 4.2 above results in a breach of these rules, then a substitution may be made from a pool of substitutes drawn from the Cabinet Advisory Committees, in order to maintain political proportionality.

Resolved: that the revisions to Part 5 and Appendix H of the Council's Constitution as set out in Appendices A and B to the report, be approved.

(e) Sevenoaks District Strategic Board

Cllr Fleming proposed and Cllr Mrs Davison seconded that (a) the creation of a Sevenoaks District Strategic Board which builds on the working arrangements of the previous Sevenoaks District Kent Locality Board be approved, (b) the draft terms of reference as amended be approved; and (c) the proposed Strategic Board delivery structure be noted.

The report set out the background to Locality Boards and sought approval to work with the County Council to establish a Sevenoaks District Strategic Board. The setting up of local arrangements to replace the Sevenoaks District Kent Locality Board had the support of the Leader of Kent County Council.

On 11<sup>th</sup> September 2013 the Locality Board had considered the report and put forward the following amendment to the terms of reference:

- amending number 1 to remove the word "Cabinet" to read "...and 7 Sevenoaks District Council Members"
- the addition of a new number 2 "The Leader of Sevenoaks District Council will have the power to rotate/amend the District Council membership as appropriate" with sequential numbering appropriately changed.

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These amendments had been supported by the Governance Committee at its meeting on 19<sup>th</sup> September 2013.

At the Locality Board meeting the Head of Business Transformation and Programmes at Kent County Council (KCC) had confirmed that the arrangements did not need to be formally confirmed through the KCC committee process.

Resolved: That

- (a) the creation of a Sevenoaks District Strategic Board which builds on the working arrangements of the previous Sevenoaks District Kent Locality Board be approved,
  - (b) the draft terms of reference as amended be approved; and
  - (c) the proposed Strategic Board delivery structure be noted.
- (f) Surveillance Policy - Report of the Chief Surveillance Commissioner

Cllr Fleming proposed and Cllr Ramsay seconded that (a) the report of the Chief Surveillance Commissioner be noted; (b) The revised Surveillance Policy, as set out in Appendix B to the report, be noted; and (c) An annual report with quarterly updates be made to Councillors by email in addition to being available on the Members Electronic Portal.

The report recommended the adoption of a revised surveillance policy and the approval of reporting arrangements to Elected Members following an inspection by the Office of the Surveillance Commissioner.

On 19<sup>th</sup> June 2013, the Council was inspected by the Officer of the Surveillance Commissioner (OSC). These inspections were carried out on a three yearly basis. The Council received a report from the OSC and contained within the report were a small number of recommendations, including some minor changes to the Council's surveillance policy.

The report of the OSC made 3 recommendations:

- Elected members of a local authority should review the authority's use of the 2000 Act and set out the policy at least once a year. They should also consider internal reports on the use of the 2000 Act on at least a quarterly basis to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose. They should not however, be involved in making decisions on specific authorisations.
- The Council ensure that the extant recommendations of 2010 with regard to training is acted upon without delay.
- The future training encompasses the following issues:

The applicant for directed surveillance understands that they not only have to set out the investigation objectives of the covert activity along with a narrative of the intelligence but an outline of the provenance of the intelligence.

That the covert activity should be reviewed during the period of authorisation.

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The above recommendations had been addressed in that it was being recommended to Council that it agreed that an annual report with quarterly updates be made to Councillors through the Members' Electronic Portal. Training for Officers had also been organised.

Resolved: That

- (a) The report of the Chief Surveillance Commissioner be noted;
- (b) The revised Surveillance Policy, as set out in Appendix B to the report, be noted; and
- (c) An annual report with quarterly updates be made to Councillors by email in addition to being available on the Members Electronic Portal.

### 17. TO CONSIDER THE FOLLOWING REPORTS FROM THE CHIEF EXECUTIVE OR OTHER CHIEF OFFICERS ON MATTERS REQUIRING THE ATTENTION OF COUNCIL:

- (a) Amendments to the Council's Constitution: Part 13 - Officer Responsibilities and Delegations

Cllr Fleming proposed and Cllr Ms Lowe seconded that the consequential amendments made to Part 13 of the Council's constitution under delegated powers, arising from the senior management reorganisation, be formally adopted.

As a direct consequence of the senior management reorganisation and the new governance structure, various amendments have been required to update the Council's Constitution. In accordance with Part 2 para. 6. 1 (a) only a meeting of Full Council can adopt or change the Council's Constitution, therefore delegated powers were granted to enable Officers to make the required changes.

Under the above delegated authority the Monitoring Officer had made the necessary amendments to the Council's Constitution and these were in place when the new senior management structure took effect on 1 September 2013. However, due to the substantial amendments required it was felt prudent to bring these to Members' attention.

A Member requested that in future track changes be reflected on the documents provided to the Council. The Member also suggested that the Standards Committee review the changes that had been made to delegations in relation to the Monitoring Officer's role with the Standards Committee and that the Scrutiny Committee review the other changes that had been made. In response, the Leader of the Council highlighted that this was a courtesy item to Council but that he was happy for the Chairman of the Standards Committee and the Chairman and Vice-Chairman of the Scrutiny Committee to give this some consideration.

Resolved: That the consequential amendments made to Part 13 of the Council's constitution under delegated powers, arising from the senior management reorganisation, be formally adopted.

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### (b) Agreement and Signing of Minutes of Past Committees

Cllr Fleming proposed and Cllr Ms Lowe seconded that the minutes of past committees be agreed and that the Chairman be authorised to sign the minutes attached to the report at Appendices A to G, as correct records.

Following the introduction of the new governance structure the following committees ceased to exist and the minutes of the following remain as draft until agreed as a correct record and signed:

- Modern Local Government Group - 9 May 2013
- Performance & Governance Committee - 17 April 2013
- Services Select Committee - 4 April 2013
- Social Affairs Select Committee - 26 March 2013
- Environment Select Committee - 19 March 2013
- Electoral Arrangements Committee - 12 September 2012

Minutes of meetings of Council are public records and can only be used as evidence if kept correctly. Minutes may be lawfully recorded on loose leaf sheets as long as they are consecutively numbered and each page initialled by the person signing the minutes, there is also a requirement to be signed at the next meeting or another meeting regarded as suitable. However as the meetings listed in above no longer meet, it is necessary to agree an appropriate course of action to ensure legal requirements are met. It is not a legal requirement that the person presiding over the meeting the minutes are a record of to sign those minutes, only the person presiding over the meeting where they are agreed as a correct record.

Resolved: That the minutes of past committees be agreed and that the Chairman be authorised to sign the minutes attached to the report at Appendices A to G, as correct records.

18. TO CONSIDER ANY QUESTIONS BY MEMBERS UNDER PARAGRAPH 19.3 OF PART 2 (THE COUNCIL AND DISTRICT COUNCIL MEMBERS) OF THE CONSTITUTION, NOTICE OF WHICH HAVE BEEN DULY GIVEN.

There were no questions.

19. TO RECEIVE ANY QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER PARAGRAPH 17 OF PART 2 (THE COUNCIL AND DISTRICT COUNCIL MEMBERS) OF THE CONSTITUTION.

There were no questions.

20. TO RECEIVE THE REPORT OF THE LEADER OF THE COUNCIL ON THE WORK OF THE CABINET SINCE THE LAST COUNCIL MEETING.

The Leader of the Council reported on the work that he and the Cabinet had undertaken in the period 15 May 2013 to 17 September 2013.

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The Leader stressed the importance of the Public Inquiry into the A21 to the District, especially in light of the location of the new hospital and concerns around the safety of the road.

In addition to the Fly the Flag campaign for Armed Forces Day the Leader had also participated in the signing of the military covenant on the same day.

The Leader also reported that Councillor Ms. Michelle Lowe had been appointed as Deputy Leader of the Council.

THE MEETING WAS CONCLUDED AT 7.43 pm

Chairman