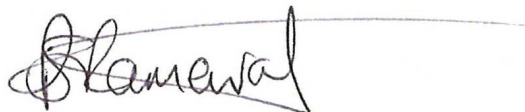


Despatched: 23.09.13

I hereby summon you to attend the meeting of the Sevenoaks District Council to be held in the Council Chamber, Council Offices, Argyle Road, Sevenoaks commencing at 7.00 pm on 01 October 2013 to transact the under-mentioned business.



Chief Executive

AGENDA

Apologies for absence

1. **To approve as a correct record the minutes of the meeting of the Council held on 14 May 2013** (Pages 1 - 12)
2. **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**
3. **Chairman's Announcements**
4. **To receive any petitions submitted by members of the public.**
5. **Matters considered by the Cabinet and/or other committees:**
 - a) **Review of Members' Allowances** (Pages 13 - 28)
 - b) **Review of Members' Expenses** (Pages 29 - 44)
 - c) **Appointment of Electoral Registration Officer and Returning Officer for District and Parish Council Elections** (Pages 45 - 48)
 - d) **Change in Scrutiny Committee Terms of Reference** (Pages 49 - 58)
 - e) **Sevenoaks District Strategic Board** (Pages 59 - 72)

- f) **Surveillance Policy - Report of the Chief Surveillance Commissioner** (Pages 73 - 102)
6. **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** (Pages 103 - 130)
- b) **Agreement and Signing of Minutes of Past Committees** (Pages 131 - 160)
7. **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.**
8. **To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.**
9. **To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting.** (Pages 161 - 162)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

The Democratic Services Team (01732 227241)

ANNUAL COUNCIL

Minutes of the meeting of the Sevenoaks District Council held on 14 May 2013
commencing at 7.00 pm

Present: Cllr. Pett (Chairman)

Cllrs. Abraham, Ball, Mrs. Bayley, Bosley, Mrs. Bosley, Mrs. Bracken, Brookbank, Brown, Butler, Clark, Mrs. Clark, Cooke, Davison, Mrs. Davison, Mrs. Dawson, Dickins, Edwards Winser, Eyre, Firth, Fittock, Fleming, Gaywood, Mrs. George, Grint, Hogarth, Horwood, Mrs. Hunter, London, Ms. Lowe, Maskell, McGarvey, Mrs. Morris, Orridge, Mrs. Parkin, Piper, Mrs. Purves, Raikes, Ramsay, Mrs. Sargeant, Searles, Miss. Stack, Miss. Thornton, Towell, Underwood, Walshe and Williamson

Apologies for absence were received from Cllrs. Ayres, Mrs. Ayres, Ms. Chetram, Mrs. Cook, Mrs. Dibsall, Neal and Scholey

1. To elect a Member to be Chairman for the ensuing year.

Cllr. Fleming proposed and Cllr. Mrs. Davison seconded that Cllr. Alan Pett be elected Chairman of the Council for the ensuing municipal year.

Resolved: That Cllr. Alan Pett be elected Chairman of the Council for the municipal year, 2013/14.

Cllr. Pett then made the declaration of acceptance of office and took the chair. The new Chairman thanked the Council for his election and expressed his appreciation for the many good wishes he had received. Cllr Pett announced that his Escort for the year would be Mrs Sylvia Eccles and presented her with a badge of office.

The new Chairman led the Council in expressing thanks to the outgoing Chairman, Cllr. Mrs Morris, for her service to the Council and to the District. This was strongly supported by other Members who commented on Cllr. Morris's exemplary service as Chairman and support of the Olympic Torch Relay and Paralympic events across the District. The new Chairman presented Cllr. Morris with the past Chairman's badge, a gift and flowers, and a past Chairman's Escort badge and a gift to Mr Morris.

In response Cllr. Mrs Morris commented on the many events she had attended during the year and thanked Members and Officers for their support. The aim of the civic year had been "Fun and Celebration" and Cllr Mrs Morris hoped that this had been achieved in a great Olympic and Jubilee year. Cllr Mrs Morris offered particular thanks to her husband and daughter who had provided tireless support during the year.

2. To elect a Member to be Vice Chairman for the ensuing year.

Cllr. Fleming proposed and Cllr. Ms. Lowe seconded that Cllr. Mrs Jill Davison be elected Vice Chairman of the Council for the ensuing municipal year.

Resolved: That Cllr. Mrs Davison be appointed Vice Chairman of the Council for the municipal year, 2013/14.

Cllr. Mrs Davison then made the declaration of acceptance of office and expressed her thanks to the Council for his appointment.

The Chairman of the Council then presented the new Vice Chairman's Escort, Cllr. Richard Davison, with his badge of office.

3. To approve as a correct record the minutes of the meeting of the Council held on 23 April 2013.

The Chairman proposed that the Minutes of the meeting of the Council held on 23 April 2013 be approved and signed as a correct record.

Resolved: That the minutes of the meeting of the Council held on 23 April 2013 be approved and signed by the Chairman as a correct record.

4. Declarations of Interest

No additional declarations of interest were made.

5. Chairman's Announcements

The Chairman announced that he intended to help promote lesser known parts of the District that needed additional promotion.

A Civic Service would be held at St Mary's, Woodlands in the Autumn. Further details of the service would follow at a later date.

At the current time, the Chairman would not be nominating a specific charity but would keep the situation under review.

6. To approve the new governance arrangements and structure

Cllr Fleming proposed and Cllr Ms Lowe seconded that full Council approve the new governance arrangements set out at Appendix B of the report incorporating the suggestions made by the Modern Local Government Group on 9th May 2013.

The Leader thanked Members and Officers for their support in taking the new proposals forward. It was hoped that the new structure would help Members to feel more involved in decision making.

The Leader of the Labour Group highlighted that one of the unintentional consequences of the new system was restrictions on Membership of the Scrutiny Committee on opposition groups. This would need to be reviewed and monitored over the coming year.

The Leader of the Liberal Democrat Group expressed serious reservations about the new system.

Following a vote it was

Resolved: That the new governance arrangements set out appendix B of the report and incorporating the suggestions made by the Modern Local Government Group on 9th May 2013 be approved.

7. To appoint the Chairmen, Vice Chairmen and Membership of Committees for the ensuing year.

Cllr. Fleming proposed and Cllr. Ms. Lowe seconded that the appointments of Chairmen, Vice Chairmen and Membership of Committees for the ensuing municipal year and recommendation as detailed in the papers tabled at the meeting, be approved. In proposing the motion, Cllr Fleming reported that there was a typing error within the Scrutiny Committee and that Cllr Cameron Clark would sit on the Committee, not Cllr Carol Clark as stated in the papers.

Resolved: That the Chairmen, Vice Chairmen and membership of Committees for the municipal year 2012/13 be approved, as set out in Appendix A to these minutes.

8. To agree delegations to Committees (as set out in Parts 3 8 and Parts 9 12 of the Constitution) and to confirm/approve delegations to Officers (as set out in Part 13 of the Constitution).

Cllr. Fleming proposed and Cllr. Ms. Lowe seconded that the delegations to Committees, the delegations to Officers and Appendix B Budget and Policy Framework be confirmed and that the delegations of executive functions by the Leader of the Council, and appointments to the Cabinet and the composition of the Cabinet Portfolios be noted.

Resolved: That

- a) the delegations to Committees and Officers and Appendix B of the Constitution Budget and Policy Framework, be approved; and
- b) that the appointments to the Cabinet and delegations of executive functions for 2013/14 made by the Leader, as set out in Appendix B to these minutes, be noted.

9. To confirm the Calendar of Meetings for the ensuing year.

Cllr. Fleming moved and Cllr. Ms. Lowe seconded that the Calendar of Meetings for ensuing Municipal Year, be agreed. It was noted that an additional meeting of the Finance and Resources Advisory Committee would have to be held between November 2013 and February 2014.

Resolved: That the Calendar of Meetings for the ensuing Municipal Year 2013/14, be agreed subject to the inclusion of an additional Finance and

Agenda Item 1

Annual Council - 14 May 2013

Resources Advisory Committee meeting between November 2013 and February 2014.

10. To appoint representatives on outside organisations

Cllr. Fleming moved and Cllr. Ms. Lowe seconded that the appointment of representatives on outside organisations for the ensuing Municipal Year be as set out in the papers tabled at the meeting. It was reported that Cllr Paddy Cooke would be the Council's representative for the Edenbridge & Westerham Citizens Advice Bureaux.

Resolved: That the appointment of representatives on Outside Organisations for 2013/14 as amended, as set out in Appendix C to these minutes, be approved.

11. To note the outgoing Chairman's Report

The report was noted.

THE MEETING WAS CONCLUDED AT 7.40 PM

CHAIRMAN

CHAIRMEN, VICE-CHAIRMEN AND MEMBERSHIP OF COMMITTEES 2013-14

Scrutiny Committee

(11 Members: 1 permanent Chairman, 1 permanent Vice Chairman and a pool of 15 members which is made up by having 3 members from each advisory committee 9 of which will be called to attend and no members being called from the advisory committee from which a decision being scrutinised has been determined)

(Political proportionality rules = 9 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. London

Vice-Chairman: Cllr. Brown

Pool: Cllrs. Abraham, Mrs Bracken, Butler, Clark, Cooke, Mrs Davison, Edwards Winsler, Eyre, Fittock, Maskell, Neal and Mrs Purves

Governance Committee

(7 Members: 5 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. Mrs. Davison

Vice-Chairman: Cllr. Scholey

Cllrs. Mrs Cook, Fittock, London, Mrs Morris and Walshe

Audit Committee

(9 Members: 7 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. Grint

Cllrs. Mrs Bailey, Ms Chetram, Mrs Cook, Fittock, McGarvey, Orridge, Towell and Walshe

Appointments Committee

(10 Members: 8 Conservative, 1 Labour, 1 Liberal Democrat)

Cllrs. Mrs Clark, Fittock, Grint, Mrs Hunter, Mrs Purves, Miss Stack, Leader and 3 appropriate Portfolio Holders

(Please note the election of the Chairman will take place at the first meeting of the Committee in the municipal year.)

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Development Control Committee

(19 Members: 17 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. Williamson

Vice-Chairman: Cllr. Miss Thornton

Cllrs. Mrs Ayres, Brookbank, Brown, Clark, Cooke, Mrs Davison, Dawson, Dickins, Edwards Winsler, Gaywood, McGarvey, Orridge, Parkin, Piper, Miss Stack, Underwood and Walshe

Licensing Committee

(13 Members: 11 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. Mrs Morris

Vice-Chairman: Cllr. Clark

Cllrs. Abraham, Mrs Ayres, Ayres, Cooke, Davison, Mrs George, Orridge, Mrs Parkin, Piper, Raikes and Walshe

Standards Committee

The Standards Committee will be composed of:

7 Members other than the Leader of the Council and no more than 1 Member selected from a particular Parish Boundary.

(7 Members: 6 Conservative, 1 Labour)

Only one Member out of the above seven Members to be an Executive Member without being a Chair of the Committee as Standards is a Council function as opposed to an Executive function (s.27(8), Part 1, Chapter 7 of the Localism Act 2011).

Up to 2 co opted Members of a parish or town council (a parish/town council member)

Chairman: Cllr. Gaywood

Vice-Chairman: Cllr. Ball

Cllrs. Mrs Bosley, Mrs Bracken, Brown, Mrs Dibsdall and Mrs Morris

Locality Board

(14 Members: 7 District Council Members and 7 Kent Council Council Members)

Chairman: Cllr. Fleming

Vice Chairman: County Cllr. Brookbank

(The position of Chairman to be the Leader of Sevenoaks District Council, with the Vice Chairman appointed by Kent County Council)

District Council Membership: Cllrs. Mrs Bosley, Clark, Davison, Grint, Ramsay and Searles

Recommendation: *That authority be delegated to the Leader of the Council to rotate/amend the District Council Membership as appropriate*

County Council Membership: County Councillors: Brazier, Chard, Mrs Crabtree, Gough, Parry and Pearman

Homelessness Review Board

(3 Members: to be drawn from the Council)

The Portfolio Holder for Housing, Welfare & Community Safety to be Chairman of the Board and the membership to be drawn from the Council.

Sevenoaks Joint Transportation Board

(7 District Council Members: (6 Conservative, 1 Labour), 7 Kent Council Council Members and 1 Town/Parish Council Representative)

Chairman: Cllr. London

Vice-Chairman: County Cllr. To be informed by KCC out of the membership below

(The position of Chairman is on a yearly alternate basis between the District Council and County Council and appointed under respective constitutional arrangements. This year it is the District Council's turn.)

District Council Membership: Cllrs. Davison, Edwards Winsler, Searles, Towell, Williamson and Underwood

County Council Membership: County Councillors: Brazier, Chard, Mrs. Crabtree, Gough, Parry and Pearman

Town/Parish Council Representative: (nominated by the Area Committee of the Kent Association of Local Councils)

(The Board comprises of all Kent County Council local members for divisions in the Sevenoaks District Council area, an equal number of Sevenoaks District Council Members and a Town/Parish Council Representative (of which a substitute member may be nominated) who may speak but not vote, nor propose a motion or amendment.)

Agenda Item 1

Health Liaison Board

(6 Members: 5 Conservative, 1 Labour)

Chairman: Cllr. Mrs Cook

Vice-Chairman: Cllr. Davison

Cllrs. Mrs Bosley, Brookbank, Mrs George and Searles

Cabinet Membership

(5 Members: 5 Conservatives) Cllrs. Fleming (Chairman)

Portfolio Holders 2013/14 (Annex to Appendix H of the Constitution - revised May 2013)

Cllr. Peter Fleming	Leader Strategy & Performance	Corporate Policy, Corporate Health & Safety, Communications, Customer Service Standards, Equality, Human Resources, Business Transformation, Democratic Services and Performance Management Framework
Cllr. Roddy Hogarth	Economic & Community Development	Community Grants, Community Plan, Health & Leisure, Economic Development, Emergency Planning, Building Control, Business continuity, Markets, Parking, Regeneration, Tourism, Town Centres, West Kent Partnership and West Kent Leader Programme
Cllr. Brian Ramsay	Finance & Resources	Audit and Corporate Governance, Budget & Financial Strategy, Legal, Information Technology, Local Tax, Shared Services, Procurement Policies, Property, Facilities Management and Strategic Risk
Cllr. Michelle Lowe	Housing, Welfare & Community Safety	Housing Strategy/Policy, Housing Standards, Housing Needs, Empty Homes/Under Occupation, SDC Gypsy/Traveller Site Management, Unauthorised Gypsy/Traveller encampments, Disabled Facilities Grant, Housing Benefit & Benefit Fraud, Community Safety, Licensing, CCTV and Environmental Health
Cllr. Ian Bosley	Local Planning & Environment	Conservation, Development Control, Local Plan (formerly LDF), Planning Policy, Transport Policy, Direct Services, Climate Change, Energy Efficiency & Fuel Poverty, Street Cleansing and Waste & Recycling

Agenda Item 1

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APPOINTMENTS TO OTHER ORGANISATIONS 2013/14 – NON-EXECUTIVE – TO BE APPROVED BY COUNCIL

<u>Organisation</u>	<u>No. of Reps</u>	<u>Period of Appoint- ment</u>	<u>Renewal Date</u>	<u>Appointee(s) 2013/14</u>
Age UK:				
Darent Valley	2	Annual	May 2014	Mrs. F.P. Parkin M. Fittock
Sevenoaks, Tonbridge & District	1	Annual	May 2014	R. Walshe
Biggin Hill Airport	1	Annual	May 2014	R. Hogarth
Bough Beech Reservoir Recreation Consultative and Management Advisory Committee	1	Annual	May 2014	P.C.R. Cooke
Citizens Advice Bureaux:				
Edenbridge & Westerham	2	Annual	May 2014	K.J. Maskell P.C.R. Cooke
Sevenoaks and Swanley CAB Ltd	2	Annual	May 2014	Mrs. A.D. Hunter Ms. I. Chetram
Health & Wellbeing Boards:				
Dartford, Gravesham and Swanley	1	Annual	May 2014	T. Searles
West Kent and Weald	1	Annual	May 2014	R. J. Davison
Kent County Council's Health Overview and Scrutiny Committee	1	Annual	May 2014	(Official substitute) R. J. Davison
Kent County Playing Fields Association	1	Annual	May 2014	M. Fittock
Action with Communities in Rural Kent	2	Annual	May 2014	Cam. Clark Miss. J. Thornton
Local Democracy and Accountability Network for Councillors	2	Annual	May 2014	Miss L. Stack S. Raikes
RELATE: West Kent & Tunbridge Wells	1	Annual	May 2014	Ms. M.J.M. Lowe

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<u>Organisation</u>	<u>No. of Reps</u>	<u>Period of Appoint- ment</u>	<u>Renewal Date</u>	<u>Appointee(s) 2013/14</u>
Sevenoaks Churches Group for Social Concern	2	Annual	May 2014	P.R. McGarvey Mrs. A. Cook
Sevenoaks Conservation Council	4	Annual	May 2014	R.L. Piper A. E. Dawson J. Edwards-Winser R. Walshe
Sevenoaks District Access Group	5	Annual	May 2014	Mrs. A.E. Dawson Mrs. F.P. Parkin A.W.L. Pett R.L. Piper J.Underwood
Sevenoaks Leisure Board of Trustees	2	Annual	May 2014	Mrs. G.P.E. Davison Mrs. A. George
Volunteer Bureaux:				
Sevenoaks Volunteer Transport Group	1	Annual	May 2014	R.J. Davison
Edenbridge Volunteer Transport Service	1	Annual	May 2014	R. Orridge
North West Kent Volunteer Centre (Swanley)	1	Annual	May 2014	T. Searles

Item 5(a) – Review of Members’ Allowances

This item was considered by the Governance Committee on 19th September 2013. The minutes of that meeting were not available at the time that the Council agenda went to print. An extract of the minutes will be available at the Council meeting.

REVIEW OF MEMBERS' ALLOWANCES

Council – 1 October 2013

Report of Chief Officer – Legal and Governance

Chief Finance Officer

Status: For Decision

Also considered by: Governance Committee– 19 September 2013

Key Decision: No

Executive Summary: In August 2012 the Joint Independent Remuneration Panel began a review into Members Allowances for 2013/14. The review made a number of recommendations covering Basic Allowance, Special Responsibility Allowances (SRAs), Carers' Allowances, 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. This report sets out the recommendations arising from the further review which Members need to consider in setting the new levels of remuneration.

This report supports the Key Aim of Effective Use of Council Resources

Portfolio Holder Cllr. Fleming

Contact Officer(s) Christine Nuttall Ext. 7245

Adrian Rowbotham Ext. 7153

Working Group Recommendation to Governance Committee: That Option 2 be adopted.

Governance Committee Recommendation to Council: To be reported at the Council meeting on 1 October 2013.

It is also recommended that 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'.

Reason for recommendation: Following changes to the Governance arrangements the JIRP was asked to review Member allowances payable under the new structure.

Agenda Item 5a

Background

- 1 The Local Authorities (Members' Allowances)(England) Regulations 2003, states that before an authority make or amends a Members' Allowance scheme, the authority shall have regard to the recommendations made in relation to it by the Independent Remuneration Panel.
- 2 The Joint Independent Remuneration Panel (JIRP) was established jointly by Tonbridge and Malling Borough Council, Tunbridge Wells Borough Council and Sevenoaks District Council in 2001 to make separate recommendations for each Council on their Scheme of Members' Allowances. The JIRP now operates under the Local Authorities (Members' Allowances)(England) Regulations 2003.
- 3 The JIRP is drawn from residents of the three council areas it serves and the Members of the Panel are:

Barry Cushway (Chairman) – resident of Sevenoaks
Rachael Roots – resident of Marden
Susan Piggot-Forster MBE – resident of Tonbridge
- 4 In autumn 2012 the Panel began a new review into Members Allowances for 2013/14 and the review made a number of recommendations covering Basic Allowance, Special Responsibility Allowances, Carers' Allowances, Travel Expenses and Pensions. This review was reported to the Modern Local Government Group on the 20th November 2012 but was superseded by Council at its Annual Meeting on 14th May 2013 when a new committee structure was agreed. As a result of this the JIRP was asked to review the Members' Allowances payable under the new structure and their revised report is set out at Appendix 3.
- 5 The remit for the review of Members Allowances has always been on the basis that any new allowances scheme would have to be contained within budget. As the Joint Independent Remuneration Panel note in their most recent report, affordability is not a consideration for the Panel and as a result of this the recommendation made by the Joint Independent Remuneration Panel exceeds the members allowances budget by approximately £56,000 or 15%.

Summary of JIRP's Recommendations

- 6 The table at Appendix 1 sets out the recommendations made by the JIRP. Recommendations and factors that Members may find of particular interest are as follows:
 - A Basic Allowance for elected Members of £6,039 p.a. based on a formula which accounts for the required time commitment, a representative rate of hourly earnings of residents in the area and a discount factor to reflect the public service element inherent in the elected representative's role.

Members should not receive more than one Special Responsibility Allowance (SRA). This takes into account the significant uplift in Basic Allowance and SRA's proposed in the report.

Agenda Item 5a

- That the Special Responsibility Allowance for Committee Vice-Chairs should be discontinued.
- Childcare Allowance for child-minding of the Member's dependent children, payable at the actual amount charged, subject to a maximum rate of £6.19 per hour per child.
- Dependent Carer's Allowance for professional care for elderly or disabled dependants, or other dependants with special requirements, payable at the actual amount charged, subject to a maximum rate of £16.00 per hour. The report also states that booking fees from professional agencies should be claimable.
- Consideration should be given to aligning the mileage rate with the HMRC maximum tax-free allowance. This is covered in the report entitled *Review of Members Expenses* that goes forward on the same agenda as this report for consideration by Members.
- In respect of I.T Allowance the report recommended that this should remain at £120 p.a for 2013.
- The report recommended no offer of access to pensions on the grounds of cost.

7 The Panel identified that the main differences arising from the new structure were:

- Ten additional Deputy Cabinet Members
- Five Advisory Committees replacing the existing two
- The removal of the three Select Committees
- The removal of the Performance and Governance Committee
- The addition of an Audit Committee
- The addition of a Governance Committee
- The creation of a single Scrutiny Committee

8 The Panel reviewed the new governance structure in comparison to the old structure, the membership of the new committees and the terms of reference and proposed work plans for the Advisory Committees. The Panel also reviewed the calendar of meetings and tried to take into account the projected number of meetings for the various committees as potential workload was a key driver of the level of allowances.

Options for Members Allowances from May 2013

9 Members of the Governance Committee Working Group seriously considered pursuing the following options for Members allowances which are included in Appendix 2.

- Option 1 – JIRP proposed scheme
- Option 2 – JIRP proposed scheme less 15% for all allowances

Agenda Item 5a

- Option 3 – Increasing from 85% of JIRP proposed scheme level in 2013/14 to 100% in 2016/17
- 10 Options 2 and 3 also include the following changes:
- Adds in 3 new Chair allowances for Licensing, Health Liaison and Transportation.
 - Changes the Group Leaders allowances to a flat fee of £1,500 (before the top slice) regardless of the number of people in the group.
 - Reduces the Licensing Committee members allowance by 50% (before the top slice).
- 11 Other options that also gained some consideration and the reasons why they were discounted are as follows:
- JIRP proposed scheme less 17% for basic allowances only – it was deemed preferable to reduce all allowances by the same percentage to keep the same differential between allowances as recommended in the JIRP proposed scheme.
 - Various options to start at a lower percentage of the JIRP proposed scheme level in 2013/14 and increasing in later years – these options were deemed not to be financially sustainable in the longer term.
- 12 The Governance Committee Working Group most favoured Option 2 because the cost can be contained within the current budget and by reducing all allowances by the same percentage; the differential between allowances as recommended in the JIRP proposed scheme can be achieved.
- 13 Options 1 and 3 were discounted because they cannot be contained within the current budget.
- 14 In relation to Option 1 – the JIRP proposed scheme, it was accepted that this could only be adopted in the future if there was a reduction in the number of Councillors in order to bring the recommendation within budget. The JIRP in their report dated October 2012 noted that they were aware that a number of Councils around the Country were actively pursuing the option of reducing Member numbers. However, the Panel recognised that this is not a quick solution given the processes of the Boundary Commission. The Panel's view was that the Council should give this serious consideration and the Governance Committee Working Group were similarly minded although it was accepted that only a recommendation could be given by Council for this to be considered by any new Council elected in 2015.

Key Implications

Legal

- 15 Section 20 of The Local Authorities (Members' Allowances) (England) Regulations 2003 requires each authority to establish an Independent Remuneration Panel.

- 16 Section 17 of the 2003 Regulations places a duty on the Council to publish as soon as reasonably practicable after making any amendments to the current Members' Allowance Scheme a notice in one or more newspapers circulating in its area. The Council must also ensure that copies of the Scheme are available for inspection by members of the public at the principal office of the Authority, at all reasonable hours.

Financial

- 17 The financial implications of the JIRP recommendations are set out in the report and its appendices.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The proposed decision does not have any adverse effect upon any protected group as identified in the legislation.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	The remit of the JIRP is to broaden the diversity of councillor representation by minimising financial barriers to participation in local government. The Child Care Allowances and Dependent Carer's Allowance are intended to ensure there are no barriers to participation.
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

Appendices

Appendix 1 – Summary of JIRP Recommendations

Appendix 2 – Initial options to be considered

Appendix 3 – JIRP Report June 2013

Background Papers

[JIRP Review of Sevenoaks District Council Members Allowances – October 2012](#)

Mrs Christine Nuttall
Chief Officer for Legal and Governance

Adrian Rowbotham
Chief Finance Officer

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Appendix 1

Summary of JIRP Recommendations

Allowance	Current 2012-2013	JIRP Recommendations	Variation	Variation as %
Basic Allowance	£4246	£6039	£1793	42%
Special Responsibility Allowances:-				
Opposition Group Leaders	£1507 + £65 per member	£302 per member	Lib Dem (based on 2 members): (£1033) Labour (based on 4 members): (£559)	(63%) (32%)
Cabinet:-				
Cabinet Chairman	£15562	£18,118	£2556	16%
Cabinet Member	£7781	£7549	(£232)	(3%)
Deputy Cabinet Member	N/A	£755	N/A	
Committee Chairs:-				
Performance & Governance	£2047	N/A	N/A	
Select Committees x3	£1995	N/A	N/A	
Development Control	£3673	£4530	£857	23%
Advisory Committees x5	N/A	£3020	N/A	
Audit	N/A	£3020	N/A	
Governance	N/A	£3020	N/A	
Scrutiny	N/A	£3020	N/A	
Committee Vice-Chairs				
Performance & Governance	£1106	N/A	N/A	
Select Committees x3	£1085	N/A	N/A	
Development Control	£1924	N/A	N/A	

Agenda Item 5a

Committee Members:-				
Development Control	£221	£302	£81	37%
Licensing Committee	£221	£302	£81	37%
Carers' Allowances				
Childcare	£6 per hour	£6.19 per hour (max)	£0.19	3%
Dependent Carers'	£14.50 per hour	£16 per hour (max)	£1.50	10%
IT Allowance	£120	£120	-	

N.B. All figures are per annum except where stated.

Agenda Item 5a

Governance Committee Working Group
Review of Members Allowances

Appendix 2

Allowance	Current Scheme	Option 1 JIRP proposed scheme	Option 2 JIRP proposed scheme less 15% for all allowances *	Option 3 Increasing from 85% of JIRP level in 2013/14 to 100% in 2016/17 *
	2013/14 Rate £	2013/14 Rate £	2013/14 Rate £	2013/14 Rate £
Basic Allowance	4,246	6,039	5,140	5,140
Cabinet Chair / Leader	15,562	18,118	15,422	15,422
Cabinet	7,781	7,549	6,426	6,426
Deputy Cabinet		755	643	643
Group Leaders - Labour	1,832	1,510	1,277	1,277
Group Leaders - Lib Dem	1,637	604	1,277	1,277
Chair - Select Cttes	1,995			
Chair - P&G	2,047			
Chair - Development Ctl	3,673	4,530	3,856	3,856
Chair - Advisory Cttes		3,020	2,571	2,571
Chair - Audit		3,020	2,571	2,571
Chair - Scrutiny		3,020	2,571	2,571
Chair - Governance		3,020	2,571	2,571
Chair - Licensing			2,571	2,571
Chair - Health Liaison			2,571	2,571
Chair - Transportation			2,571	2,571
Vice Chair - Select Cttes	1,085			
Vice Chair - P&G	1,106			
Vice Chair - Development Ctl	1,924			
Development Ctl - Members	221	302	257	257
Licensing - Members	221	302	129	129
*Independent Person	1,000	1,000	1,000	1,000
*Independent Person - Reserve	500	500	500	500
I.T Allowance	120	120	102	102
Childcare	6.00	6.19	6.19	6.19
Dependent Carers	15.50	16.00	16.00	16.00
TOTAL	340,988	421,451	365,451	365,451
2013/14 Budget	365,460	365,460	365,460	365,460
Over/(under) budget:				
2013/14 only		55,991	-9	-9
10-year Budget		559,906	-92	553,351

* = Options 2 and 3 also include the following changes:

- Adds in 3 new chair allowances.
- Adds in half the value only of the Transportation Board because this only occurs every second year.
- Changes the group leaders allowances to a flat fee of £1,500 (before the top slice) regardless of the number of people in the group. Assumes that there will continue to be 2 group leaders with at least 2
- Reduces the Licensing Cttee members down by 50% (before the top slice).

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Joint Independent Remuneration Panel

Report on revised allowances for members following change of committee structure at Sevenoaks District Council, June 2013

Background

At the annual Meeting on 14th May 2013 Sevenoaks District Council changed its committee structure as result of which you have asked the JIRP to review the members allowances now payable in the new structure. You have also asked that in considering our recommendations we bear in mind that any proposed changes should be cost neutral.

It should be noted that, while we fully appreciate the financial and political constraints under which the Council operates, our role is to recommend allowances which take into account members' workload, responsibilities and required time commitment, with the overall aim of broadening the diversity of councillor representation by minimising financial barriers to participation. Affordability is an issue for the Council to decide.

We understand that the main differences that arise from the new structure are:

- Ten additional Deputy Cabinet Members
- Five advisory committees replacing the existing two
- The removal of the Performance and Governance Committee
- The addition of an Audit Committee
- The addition of a Governance Committee
- The creation of a single Scrutiny Committee
- The removal of the select committees

Process

To consider the implications of these changes to members allowances we have reviewed the existing and proposed governance structure, the membership of the proposed committees and the content of the roles undertaken as set out in the Council's work plans, role descriptions and terms of reference. We have also tried to take into account the projected numbers of meetings for the various committees since potential workload is a key driver of the level of allowances. We have also had a meeting with the Democratic Services Manager to try and establish the likely impact of these changes on that workload.

It should also be noted that as this is a new and evolving structure any conclusions reached can only be tentative at this stage and will need to be reviewed in the light of experience and after the structure has been operating for at least one annual cycle.

Conclusions and recommendations

The creation of ten new roles of Deputy Cabinet Member will help to spread the workload of the Cabinet Members, though they will still retain their overall accountability for their portfolios. Therefore, while there may be a reduction in the workload of the Cabinet Member, which should be reflected in the level of the Special Responsibility Allowance, the scale of this reduction should be relatively minor. The amount of the reduction can be allocated proportionately to the Deputy Cabinet Members since the overall workload of the Cabinet remains broadly the same.

We recommend, therefore, that the the Special Responsibility Allowance for the Cabinet Members be reduced from the JIRP 2013 recommended level of £9059, representing 150% of the Basic Allowance of £6039, to £7549 representing 125% of the Basic Allowance.

We recommend that the difference between the previous level of allowance and the new recommended level for Cabinet Members be paid to Deputy Cabinet members to reflect their additional responsibilities. As there are two deputies for each Cabinet Member this reduction of 25% of the Basic Allowance would need to be split between two giving each an allowance of 12.5% of the Basic Allowance ie £755 per annum.

The planned number of Advisory Committee meetings (4) is similar to those of the former select committees (4-5) so it seems logical that that the committee chair allowance should remain at the same level as recommended in our 2012 report ie £3020 per annum, equating to 50% of the Basic Allowance.

We understand the Audit, Scrutiny and Governance Committees are also likely to hold 4-5 meetings per annum so again the allowance for the chairs of these committees should remain at £3020 per annum.

Our 2012 report recommended that no payments should be made to committee vice-chairs and we see no reason to change this.

No further changes to the allowances are proposed.

We recommend that all these recommended allowances be reviewed one year after the implementation of the new structure.

Summary of Recommended Allowances

Allowance	2013 JIRP Recommendation	Proposed Allowance
Basic Allowance	£6039	£6039
Cabinet Member	£9059	£7549
Deputy Cabinet Member	N/A	£755
Advisory Committee Chairs:		
Strategy & Performance	N/A	£3020
Economic & Community Development	N/A	£3020
Finance & Resources	N/A	£3020
Housing & Community Safety	N/A	£3020
Local Planning & Environment	N/A	£3020
Audit Committee Chair	N/A	£3020
Scrutiny Committee Chair	N/A	£3020
Governance Committee Chair	N/A	£3020
Development Control Committee Chair	£4530	£4530

NB All figures are per annum.

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Item 5(b) – Review of Members’ Expenses

This item was considered by the Governance Committee on 19th September 2013. The minutes of that meeting were not available at the time that the Council agenda went to print. An extract of the minutes will be available at the Council meeting.

REVIEW OF MEMBERS' EXPENSES

Full Council – 1 October 2013

Report of the: Chief Officer Legal and Governance

Status: For Decision

Also considered by: Governance Committee – 19 September 2013

Key Decision: No

This report supports the Key Aim of Effective Use of Council Resources

Portfolio Holder Cllr. Fleming

Contact Officer(s): Philippa Gibbs Ext. 7247

Christine Nuttall Ext. 7245

Recommendation to Governance Committee: That Full Council be recommended to approve 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.

Recommendation to Council: 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 be approved.

Reason for recommendation: to provide additional clarity to Members submitting expense claims.

Introduction

- 1 In relation to reviewing the Council's Members' Allowances Scheme with reference to recommendations from the Joint Independent Remuneration Panel (JIRP), this report also reviews the framework for the payment of such allowances set out at Appendix G to the Constitution.

Background

- 2 The framework needs to be reviewed to take account of the new governance arrangements introduced in May 2013.
- 3 In addition, it is the case that members' travel and subsistence claim expenditure has been rising recently and was over-budget in the last financial year.

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- 4 The JIRP in October 2012 recommended that consideration be given to align mileage rates with HMRC maximum tax-free allowances rather than the National Joint Council for Local Government Services for pay conditions.
- 5 In order to ensure that claims are fair to all members and are on a consistent basis, the framework has been revised. The intention is to make it much clearer what are approved duties for the payment of expenses. A fundamental change is the including of a table of specific examples, set out at Schedule 2 to the scheme.
- 6 The intention is that this schedule will be updated on an on-going basis for any specific cases not already included. Any arbitration decision required will be made by the Chief Executive or the Monitoring Officer.
- 7 The wording has also been tightened up around the requirement for receipts, and the need to claim within a three month period.
- 8 The proposed changes are intended to make the scheme much clearer for members, and be more efficient for officers to process.

Key Implications

Financial

- 8 Expenditure on expenses needs to be within budget and the proposed changes should facilitate this process.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The proposed decision does not have any adverse effect upon any protected group as identified in the legislation. The proposals improves clarity to Members on what can be claimed in relation to their duties as Councillors.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

Appendices

Appendix 1 – Appendix G to the Sevenoaks District Council Constitution.

Mrs Christine Nuttall
Chief Officer Legal and Governance

APPENDIX G: Members' Allowances Scheme (2012/13)

1. INTRODUCTION

The Members' Allowances Scheme is made under the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 (the 2003 Regulations) and other Regulations which may come into force from time to time.

In making this Scheme, the Council must have regard to the recommendations made by the Joint Independent Remuneration Panel.

This Scheme has effect for the financial year appertaining to the year it is introduced and continues until amended or revised.

This Scheme may be amended at any time having regard to the recommendations of the Joint Independent Remuneration Panel.

For the avoidance of doubt, where the only change to this Scheme is effected by annual updating of allowances, this Scheme shall be deemed not to have been amended.

2. STATUTORY MEMBERS' ALLOWANCES SCHEME

2.1 Basic Allowance

Every District Council Member shall be paid an annual basic allowance as set out in Schedule 1 below. It will be paid in instalments of one-twelfth on the 15th of each month, with minor adjustments where necessary to ensure that the total annual sum is correct. The allowance is subject to annual updating - see paragraph 2.8 below.

The basic allowance covers time incurred by a District Council Member in carrying out his/her ordinary duties for the Council. However, it excludes travel and subsistence allowances for approved duties which are referred to separately below. Furthermore, the Council makes available to Members a certain amount of equipment over and above the basic allowance. Again, this is referred to separately below.

2.2 Special Responsibility Allowances

An annual special responsibility allowance (SRA) will be paid to certain Members. SRAs will be paid in monthly instalments. They are not payable when a Member temporarily steps into another's role (say, when the Vice-Chairman chairs a meeting). The special responsibility allowances are set out in Schedule 1 below.

2.3 Child and Dependant Carer's Allowance

Members may claim an allowance in respect of expenses necessarily incurred in relation to the provision of care for their children and other dependants while carrying out approved duties. Approved duties are listed in a separate section below. Claims should be made monthly in arrears, by attaching the receipt(s) to the submitted Member's claim form and entering the amount claimed on the form. Claims will not be paid without documented receipts.

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The allowance to be paid per dependent child per hour during normal daytime working hours (8am to 6pm on Mondays to Fridays) and a single maximum payment ~~of £6.00~~ per hour as set in Schedule 1 for child care arranged outside normal working hours, accompanied by an official receipt.

The dependent adults carer's allowance will be paid up to ~~£14.50~~the figure in Schedule 1 per hour for the employment of a replacement carer for whom the Member is normally a full time carer. This will also apply where the Member has to arrange care for a disabled dependent child. In either case, the definition of dependant being as set out in the Employment Rights Act 1996 (s.57A), such claims to be supported by a doctor's letter confirming that the dependant is in need of constant or specialist care/supervision; ~~(;~~
(NB Carer's allowance and the allowance payable in respect of a disabled dependent child, is not payable in respect of the same child for the same period.).

2.4 Pensionable Allowances

Statutory regulations allow local authorities to make certain allowances pensionable, but only if so recommended by their independent remuneration panel. At Sevenoaks it has been agreed that the option to allow Members to participate in the Local Government Pension Scheme should not be introduced at this time (February 2005).

2.5 Renunciation of Allowances

A Member may choose to forego all or part of his/her entitlement to basic or special responsibility allowances under this scheme. If this is the case, he/she should give notice of this in writing to the Chief Executive or Monitoring Officer, stating what element of his/her allowance entitlement he/she does not wish to claim. The notice should also state whether this is for the current municipal year or the remainder of the Member's term of office – if the notice does not specify a time period then it will be assumed to mean the remainder of the term of office.

A Member not wishing to claim the expenses described in section 3 below need not give notice in writing – he/she simply does not submit any expenses claim forms.

2.6 Publicising Allowances and Expenses Paid

As soon as reasonably practicable after determining a Scheme of Allowances, a copy of the Scheme will be made available for inspection and publication will take place in accordance with the 2003 Regulations.

As soon as practicable after 1st April each year arrangements will be made for the publication of the total paid to each Member in each category of allowance specified in this Scheme, in the preceding year.

2.7 Suspension of Allowances

Any Member/Co-optee who is suspended or partially suspended from his/her responsibilities or duties as a Member of the Council in accordance with ~~Part III of the Local Government Act 2000 or regulations or other~~ legislation or regulations that may come into force from time to time may have his/her allowances withdrawn for the period of any suspension.

Where any payment allowance under this Scheme has already been made in respect of any period during which a Member/Co-optee is suspended or partially suspended or ceases to be a Member or Co-optee of the Council or is in any other way not entitled to receive the allowance in respect of that period the Council may require that such allowance or part of as relates to any such period be repaid to the Council.

2.8 Annual Updating

Members' allowances except for travelling expenses are updated annually in line with the National Joint Council for Local Government Services pay award.

3. PAYMENT OF EXPENSES

3.1 Approved Duties

Members/Co-optee members may claim reimbursement of travel, subsistence, Child and Dependent Carer's Allowance and conference expenses incurred whilst undertaking an approved duty.

Attendance at any of the following is an approved duty:

- (a) The attendance at a meeting of the District Council or of any committee or sub-committee or Working Advisory Group of the District Council, or of any body to which the Council make appointments or nominations, or any committee or sub-committee of such a body (If the outside organisation will pay travel and/or subsistence costs, then the Member should claim against that organisation and cannot claim from the District Council.);
- (b) The attendance at any meeting, the holding of which is authorised by the District Council, or a committee or sub-committee of the District Council, or a joint committee of the District Council and one or more local authority within the meaning of section 279(1) of the 1972 Act, or a sub-committee of such a joint committee provided that:-
 - (i) where the authority is divided into two or more political groups, it is a meeting to which members of at least two groups have been invited, or
 - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
- (c) the attendance at a meeting of any association of authorities of which the District Council is a member
- (d) the attendance at a meeting of the executive (Cabinet) or a meeting of any of its committees;
- (e) the attendance at pre-meeting briefings by Chairmen and Vice-Chairmen of Committees;
- (f) the performance of any duty in pursuance of any standing order made under section 135 of the 1972 Act requiring a Member or Members to be present while tender documents are being opened;

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- (g) the performance of any duty in connection with the discharge of any function of the District Council by or under any enactment and empowering or requiring the District Council to inspect or authorise the inspection of premises (including site visits for planning matters); and
- (h) the attendance of any pre-arranged meetings with Officers relating to issues within the Members' responsibilities. This would encompass Portfolio Holder briefings etc. In the event of any question of interpretation, the ~~Corporate Resources Director~~Chief Executive, or, in his absence, the ~~Head of Finance and Human Resources~~Monitoring Officer, will decide.

Further Clarification of Approved Duties:

In-house training and development seminars including Members' Induction, Staff Induction and service-specific seminars

Conferences or seminars ~~approved~~arranged by ~~the Director~~a Chief Officer.

Expenses will not be paid for attendance at national and regional bodies if the Member was not appointed to the organisation or event by the District Council.

Travel and subsistence allowances for co-opted and lay/expert members of committees and panels will be paid, at the same level as for elected Members.

Schedule 2 sets out tables of examples of what are approved duties. In specific cases not covered by this schedule Members should contact the Democratic Services Team. A decision will be made by the Chief Executive or the Monitoring Officer and the table updated accordingly

3.2 Travelling, Subsistence and other Expenses

Travelling Allowances

Travelling allowances are payable in accordance with the HMRC maximum tax free allowance from time to time:

Per mile up to and including 10,000 miles 45 pence

Over 10,000 miles 25 pence

~~rates specified by the National Joint Council for Local Government Services for pay conditions as set out below.~~

~~These rates were set with effect from 1st April 2009. The rates, reviewed annually, should apply from 1st April each year.~~

~~Motor Cars:~~

	451-999 cc	1000-1199 cc	1200 cc and above
Per mile up to 8,500 miles	46.9 pence	52.2 pence	65.0 pence

Per mile over 8,500 miles	13.7 pence	14.4 pence	16.4 pence
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Bicycles:

20 pence per mile tax free as per Inland Revenue's maximum tax free allowance for claims.

Motorcycles:

24 pence per mile tax free as per Inland Revenue's tax free allowance for claims.

Public Transport:

Authorised journeys taken using public transport should be reimbursed at the cost of standard travel.

Travelling allowances may be claimed by Member's for attendance at meetings of the bodies or for the purposes listed in 3.1 above.

Car sharing is encouraged by the Council for duties involving more than one Member. Any claim should be made by the vehicle driver only.

Travel by taxi should only be used in exceptional circumstances and, if it is necessary, should involve more than one Member if possible.

3.3 Subsistence Expenses and Council Refreshments

- A Member may claim reimbursement of subsistence costs incurred personally while on approved duties. The latter are described at a separate section below. In order to qualify for reimbursement:
- the Member must be away from his/her usual residence for a minimum of four hours (this time period applying only to the time spent in travel to and from, and attendance at, the approved duty outside the District)
- there must be no meal provided at the approved duty, either by the Council or any other organiser for the event
- claims will only be reimbursed for subsistence purchased in the close vicinity of a local event, or in the vicinity of, or whilst travelling to or from, an event more distant.
- the Member should attach a receipt to his/her expenses claim form to show that a meal was purchased (and the amount paid will be the amount incurred and shown on the receipt up to the maximum limit shown below).

The rates payable are set annually when the annual pay award is agreed. They are currently as set out in the table below.

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Subsistence type	Details	Payment amount
Lunch allowance	Covers the period from 12 noon to 2 p.m.	£9.86
Evening meal allowance	For a period of absence ending after 7 p.m.	£12.21
Absence overnight	To cover hotel and associated expenses – but note that, in these cases, the Council will book and pay for hotel accommodation directly (see ‘conferences’ at separate section below)	£79.82 (increased to a maximum of £91.04 in certain circumstances, e.g. for meetings in London and for LGA meetings)

If a meal is taken on a train, this is taken to relate to the subsistence allowance which it most closely equates to (i.e. lunch or evening). The above conditions still apply.

The Council may provide refreshments for ‘approved duty’ meetings which last over the lunchtime period or which start between 4.30 p.m. and 6 p.m.

The District Council requires that Members ensure that any overnight stay bookings for approved duties and conferences are made by Council Officers. The Council will then pay for the cost of the accommodation and breakfast. Lunch and evening meal costs up to the subsistence amounts shown above and travel will be claimable.

3.6 Child and dependant carer’s allowance

Members may claim an allowance (set out in Schedule 1 below) for the use of childminders, babysitters or other sitters for dependants while carrying out approved duties. See section 2.3 above for details. Claims must be supported by receipts for payments made.

3.7 ICT and other equipment

Members are securely able to access all Council information and communications from any internet access point, including a home computer, through the Members’ Electronic Portal. In order to recognise that part of the cost of provision of such equipment is for the performance of Members’ duties, Members may make claim for the following financial support:

- (a) an allowance of up to £120 per annum is available to councillors paid on a yearly basis and separately from the Basic and other allowances. This allowance is available to Members who use their own IT resources to undertake their council duties;
- (b) In exceptional circumstances where a Member is unable to afford the purchase cost of a suitable computer the Council would consider assisting the Member by

advancing a lump sum which would then be recovered via repayments from this allowance;

- (c) where a Member has been provided with a Council funded computer, no allowance will be paid; and
- (d) all such allowances are subject to tax along with Basic and Special Responsibility Allowances in the normal way.

3.8 Claims procedure ~~(for travel and subsistence outside the District and Conference expenses)~~

Claims for travel, subsistence and dependant carer's allowances must be made each month using the Members' claim form. Members can either submit a claim in writing or on-line. If any Member wishes to submit claims on-line, he/she is required to sign a 'request to submit forms via e-mail' and return it to the Democratic Services and Elections Manager so that a members' claim form can be sent electronically for completion. All claims must be received by the Democratic Services Team by the twentieth day of the month. This is essential as they must be verified and approved by the twenty third day of the month in time for the monthly payroll run on the fifteenth of the following month. Any claims received after these dates will be paid on the subsequent pay run.

Members should ensure that they submit claims each month as claims stretching back over several months may be delayed owing to the increased difficulty of verifying them. ~~Claims spanning more than one financial year must be avoided, as this would result in the later year's budget being overspent. Therefore, all allowance claims for each financial year must be made by the end of June in the following financial year and will not be paid after that date. Claims over 3 months old will not be paid. All claims to be finalised within one month of the start of the financial year.~~

The claim form must include receipts for all expenses claimed other than car mileage, and must be signed by the Member to declare that he/she is entitled to all amounts claimed and has not already been reimbursed for these amounts by the Council or any other organisation. For those claims submitted electronically, all relevant receipts must also be submitted to support the claim.

If a Member wishes to reclaim tax paid on subsistence allowances, he/she must provide relevant receipts to HM Inspector of Taxes. If a Member applies for benefit, he/she must declare any allowances and expenses received from the Council on his/her application form.

Should it ever arise that the Council incurs expenditure on behalf of a Member's spouse or partner, then a debtor's account will be sent to the Member to recover all additional costs and a copy of the accounts will be placed with the file of payments to Members.

4. GUIDANCE FOR OFFICERS IN RESPECT OF PAYMENT TO MEMBERS

All Officers must adhere to the above scheme when verifying and making payments to Members. The Democratic Services and Elections Manager must verify all Member claims prior to passing them for payment taking particular note of Schedule 2. The Finance Team will maintain a file of payments to Members. For all payments under the Members'

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Allowances Scheme, this must show the name of the recipient, together with the amount and nature of each payment. It is open for inspection free of charge by electors in the area, who may copy any part of it.

The scheme also applies to Officers incurring expenditure on a Member's behalf – if an Officer spends more than the prescribed limits shown above for a Member's travel and/or subsistence then *the Officer cannot claim the excess, but must bear the cost personally*. If an Officer wishes to make a claim for Member travel and/or subsistence, he/she must complete an employee travel and subsistence expenses claim form in the usual way, but stating clearly which Member(s) were paid for, and the details of the payment (cost, time of day incurred) which will allow it to be checked against the prescribed subsistence scheme. A copy must be sent immediately to the Finance Team for recording in the file of payments to Members.

If any other issue of payment to a Member arises, other than one covered by the above Members' allowance scheme or a normal service issue, then prior written approval should be obtained from the Chief ~~Executive, Corporate Resources Director or Head of Finance and Human Resources~~Executive or Monitoring Officer.

When a department arranges any seminar, conference, course or visit which will incur costs on behalf of a Member, the lead officer must liaise with the ~~Head of Finance and Human Resources~~Chief Finance Officer to ensure that only permitted expenditure is incurred. The lead Officer of the event should keep a list of Members attending an approved event, and forward it immediately afterwards to the Democratic Services and Elections Manager and the Finance Team to ensure that any subsequent Member claims for travelling and/or subsistence can be verified.

Tours outside the Sevenoaks District may be arranged by the relevant department. They will still require formal committee/cabinet approval and adequate budgetary provision. Any overnight stop, unless paid for directly by the Council, and any lunch or evening meals purchased for the Members involved must adhere to the subsistence rates shown above. If air tickets are reserved, the cheapest rate of public air travel must always be used.

Any proposed payment or commitment of civic funds must be referred to the ~~Corporate Resources Director~~Chief Executive or Monitoring Officer for prior approval. ~~These~~These Officers must ensure all payments so made remain within budgeted levels of expenditure, and that any payments to or on behalf of Members are recorded in the file of payments to Members.

Members' Allowances Scheme (2011/12 and 2012/13)

Description of Allowance	2011/12 Allowance per Member (£)	2012/13 Allowance per Member (£)
Basic Allowance (all Members)	3,698.18	4,246
Special Responsibility Allowances:		
Opposition Group Leaders: (£1,507 + £65 per Member in 2012/13)		
Liberal Democrat (7 Members)	1,306.38	1,962
Labour (4 Members)	1,115.30	1,767
Cabinet members	5,972.22	7,781
Cabinet Chairman (Council Leader)	11,944.45	15,562
Chairmen		
Performance and Governance Committee	1,696.19	2,047
3 x Select Committees (each)	1,592.94	1,995
Development Control Committee	2,551.74	3,673
Vice-Chairmen		
Performance and Governance Committee	1,013.65	1,106
3 x Select Committees (each)	970.93	1,085
Development Control Committee	1,450.53	1,924
Committee Members:		
Development Control members	202.80	221
Licensing Committee members	202.80	221
Carer's Allowance (All Members if appropriate)	Up to £6 per hour per Member	Up to £6 per hour per Member
Dependent Carers Allowance	£15.50 per hour per Member	£15.50 per hour per Member

Travel and Subsistence Expenses	Reimbursed in line with the scheme in force for staff of the Council the National Joint Council for Local Government Services pay award	Reimbursed in line with the scheme in force for staff of the Council the National Joint Council for Local Government Services pay award
Ancillary Expenses (broadband)	Nil	Nil
Special Responsibility Allowance	Only one allowed	Only one allowed
Pensions	Nil	Nil

Schedule 2

Members' Allowance Scheme – Approved Duties Specific Examples

- Attendance at a meeting of Council
- Attendance at a meeting of Cabinet (all Members)
- Attendance at a meeting of any Committee/Sub-Committee/Working Group/Board/Hearing that you are a member of
- Attendance at a meeting of any outside organisation that you are appointed to by the Executive or the Council
- Attendance at any Development Control Site Meeting as agreed by the Chairman or Vice-Chairman of Development Control, if you are a member of Development Control or a local member for the ward concerned
- Attendance of any other site visit approved by Council, the Executive or any Committee/Sub-Committee/Working Group/Board/Hearing, if you are a member of the relevant body
- Attendance by a member of the Executive at any Committee/Sub-Committee/Working Group/Board/Hearing that is discussing matters within that members' Portfolio
- Attendance at any meeting organised by Officers of the Council to which at least two political groups have been invited
- Attendance at any training session organised by Officers of the Council to which the Member has been invited
- Attendance at any service-specific seminar organised by Officers of the Council to which the Member has been invited
- Attendance at any Conference or Seminar where prior agreement has been made by a Chief Officer of the Council
- Attendance at pre-meeting briefings by Chairman/Vice-Chairman of Committees/Sub-Committees/Working Groups/Boards/Hearings
- Attendance of members of the Executive at Briefing meetings
- Attendance of a member of the Executive that is required to attend a tender opening
- Attendance at any meeting pre-arranged by Officers of the Council relating to issues within the Member's responsibilities

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**Item 5(c) – Appointment of Electoral Registration Officer and Returning Officer
for District and Parish Council Elections**

This item was considered by the Governance Committee on 19th September 2013. The minutes of that meeting were not available at the time that the Council agenda went to print. An extract of the minutes will be available at the Council meeting.

Appointment of Electoral Registration Officer and Returning Officer for District and Parish Council Elections

Council – 1st October 2013

Report of Chief Officer Legal and Governance

Status: For Decision

Also considered by: Governance Committee – 19th September 2013

Key Decision: Yes

Portfolio Holder Cllr. Fleming

Contact Officer(s) Ian Bigwood, ext.7242

Recommendation to Governance Committee: that the Governance Committee recommends to Council the appointment of the Chief Executive, Dr. Pav Ramewal, as 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.

Recommendation 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.

Reason for recommendation: district councils are required to appoint an officer of the council as electoral registration officer and returning officer for the conduct of district and parish elections.

Introduction and Background

- 1 Section 8 of the Representation of the People Act 1983 requires district councils to appoint an officer of the council as electoral registration officer. Section 35 of the same Act requires district councils to appoint an officer of the council as returning officer for the election of district councillors and for the election of parish councillors.

- 2 Traditionally, Sevenoaks District Council appoints its Chief Executive as Electoral Registration Officer and as Returning Officer for the election of district councillors and of parish councillors.

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Key Implications

Financial

There are no additional financial implications to this appointment.

Legal Implications and Risk Assessment Statement

Sevenoaks District Council is 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.

Equality Impacts

There are no equality impacts.

Conclusions

It is recommended that the newly appointed Chief Executive, in keeping with tradition, be appointed the Electoral Registration Officer and Returning Officer for District and parish elections.

Background Papers:

Representation of the People Act 1983, Sections 8 and 35

Mrs Christine Nuttall
Chief Officer for Legal and Governance

Item 5(d) – Change in Scrutiny Committee Terms of Reference

This item was considered by the Governance Committee on 19th September 2013. The minutes of that meeting were not available at the time that the Council agenda went to print. An extract of the minutes will be available at the Council meeting.

SCRUTINY COMMITTEE – CHANGE TO TERMS OF REFERENCE

Council - 1 October 2013

Report of the: Chief Officer Legal and Governance

Status: For Decision

Key Decision: No

Also considered by: Governance Committee– 19 September 2013

Portfolio Holder Cllr. Fleming

Contact Officer(s): Vanessa Etheridge Ext: 7199

Recommendation to Governance Committee: That the revisions to Part 5 and Appendix H of the Council’s Constitution as set out in Appendices A and B to this report, be RECOMMENDED to Council for agreement.

Recommendation to Council: That the revisions to Part 5 and Appendix H of the Council’s Constitution as set out in Appendices A and B to this report, be approved.

Reason for recommendation: The current Scrutiny Committee terms of reference could lead to a breach of political proportionality rules.

Introduction

- 1 At Annual Council on 14 May 2013 the new governance structure was agreed along with the requisite terms of reference and memberships of all council committees. In preparation of the first meeting of the Scrutiny Committee on 18 July 2013 it became apparent that under the current terms of reference a breach of the rules of political proportionality could arise.
- 2 The terms of reference are drafted in such a way that 9 members are called from a pool of 15, and it is the mechanics of this process that could lead to a breach. In order to avoid this for the first meeting, all members of the Committee were invited to attend. However it is necessary to make changes to the terms of reference prior to the next meeting in order for the committee to legally and effectively fulfil it’s scrutiny function.

Issue

- 2 The current terms of reference state that:

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.

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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.*

- 3 The political proportionality rules currently require one Labour and one Liberal Democrat to be a member of the Committee.
- 4 However, as there is only one Labour member and one Liberal Democrat member within the Scrutiny Committee pool, when para. 4.2 above is applied it will eventually lead to a breach of political proportionality rules as at some point one or both of them would have to be excluded due to their involvement with an Advisory Committee.

Use of Substitute Members

- 5 It has long been the policy of this Council not to have substitute members, however it would be the most practical solution to this issue. A sensible way to approach this would be to have a prescribed list, or 'substitute pool' of minority party members derived from the Advisory Committees in order to maintain the general spirit of the terms of reference. Therefore if a minority party member was excluded, an alternative member from the same party could be chosen from the substitute pool. The benefits of a pool would be that the substitute members would also undergo scrutiny training and be aware of the possibility of them being called to attend. Members of the public would also be aware, making it a clear and transparent process.

Committee Formation

- 6 The current terms of reference do not clearly state how the 9 ordinary members are to be called to form the Committee.
- 7 It is proposed to make this clearer by specifying within the terms of reference that the Chairman (or Vice Chairman in the Chairman's absence) be the one to call the members.

Other Options Considered/Rejected

- 8 It is possible to agree that the Committee not be politically proportionate and that no changes be made (other than the Chairman picking members from the pool) as long as no member of the Council votes against.

Key Implications

Financial

- 9 None.

Legal, Human Rights etc and Risk Assessment

- 10 It is a statutory requirement under the Local Government (Committees and Political Groups) Regulations 1990, that unless there is a decision to the contrary taken with no votes against, the Council must ensure that appointments to fill seats on: an ordinary committee or sub committee of the authority; an advisory

committee and any sub committee appointed by an advisory committee; and a number of prescribed bodies (as detailed in the Local Government & Housing Act 1989, Sch.1. para. 2) where at least three seats have to be filled by the relevant authority; are allocated in the same proportion as that in which the Council as a whole is divided. There is an exception for joint local and area committees established between county and district councils.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

Conclusions

- 11 It is therefore proposed that in order to avoid any likely breach of political proportionality rules, the Council agree to the use of a pool of substitute members and that the Chairman be given delegated authority to call members to form the Committee. The amended wording necessary to enact these changes has been highlighted in the attached appendices, A and B, to this report. Council is therefore asked to agree this course of action and approve the amendments to the Constitution.

Appendices

Appendix A – Part 5 - Scrutiny Function (amended)

Appendix B – (extract) Appendix H (amended)

Background Papers:

Local Government and Housing Act 1989

The Local Government (Committees and Political Groups) Regulations 1990

Knowles on Local Authority Meetings (5th Edition)

Mrs Christine Nuttall
Chief Officer Legal and Governance

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PART 5 - SCRUTINY FUNCTION

1. Introduction

- 1.1. There is one Scrutiny Committee to discharge the functions conferred by Section 9F of the Local Government Act 2000 to support the work of the Cabinet and the Council as a whole.

2. Role and Scope

- 2.1 The role and scope of the Scrutiny Committee is:
- (a) to undertake and report on the Scrutiny role in relation to all matters within the Council's scope of responsibility;
 - (b) to oversee the Council's compliance with the "Councillor Call for Action" pursuant to relevant legislation; and
 - (c) to oversee the Council's compliance with the Police and Justice Act 2006.

3. Specific Functions

- 3.1 The Scrutiny Committee has the power to:-
- (a) review and scrutinise the decisions by and performance of the Cabinet and/or Committees and Council Officers in relation to individual decisions and over time;
 - (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - (c) question members of the Cabinet and/or Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - (d) make recommendations to the Cabinet and /or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
 - (e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;
 - (f) question and gather evidence from any person (with their consent); and
 - (g) "call in" key decisions which have been taken but not yet implemented in accordance with Appendix C – Scrutiny Committee Procedure Rules.

4. Membership

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

Appendix H

Scrutiny Committee

(11 Members: 1 permanent Chairman, 1 permanent Vice Chairman and a pool of 15 members which is made up by having 3 members from each advisory committee 9 of which will be called to attend **by the Chairman (or Vice Chairman in Chairman's absence)** and no members being called from the advisory committee from which a decision being scrutinised has been determined. **If this process results in a breach of political proportionality, then an appropriate substitution may be made**)

(Political proportionality rules = 9 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. London

Vice-Chairman: Cllr. Brown

Pool: Cllrs. Abraham, Mrs Bracken, Butler, Clark, Cooke, Mrs Davison, Edwards-Winser, Eyre, Fittock, Gaywood, Maskell, Mrs. Morris, Neal, Mrs Purves and Raikes

Substitutes: Cllrs (vacancy), Mrs. George, Mrs. Sargeant and Walshe.

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Item 5(e) – Sevenoaks District Strategic Board

This item was considered by the Governance Committee on 19th September 2013. The minutes of that meeting were not available at the time that the Council agenda went to print. An extract of the minutes will be available at the Council meeting.

SEVENOAKS DISTRICT STRATEGIC BOARD

COUNCIL - 1 OCTOBER 2013

Report of Chief Officer for Business and Communities, Sevenoaks District Council

Status: For consideration

Also to be considered by: Sevenoaks Kent Locality Board – 11 September 2013
Governance Committee – 19 September 2013

Key Decision: No

Executive Summary: In May 2013, it was announced that Locality Boards across Kent would not continue in their present form. This report sets out the background to Locality Boards and seeks approval to work with the County Council to set up a Sevenoaks District Strategic Board. The setting up of local arrangements to replace the Sevenoaks District Kent Locality Board has the support of the Leader of Kent County Council. Members are asked to approve the arrangements set out in this report as the basis for discussion approval by both Kent County Council and Sevenoaks District Council.

This report supports the Key Aim of the Community Plan - all themes (Safe Communities, Caring Communities, Green Environment, Healthy Environment, Dynamic Economy and Sustainable Economy)

Recommendation to Sevenoaks District Locality Board: To consider the report and make any recommendations to Governance Committee.

Recommendation to Governance Committee: To recommend to Sevenoaks District Council and Kent County Council the approval of:

- (a) the creation of a Sevenoaks District Strategic Board which builds on the working arrangements of the previous Sevenoaks District Kent Locality Board
- (b) the proposed Strategic Board delivery structure
- (c) the draft terms of reference

Recommendation to Council: To agree any recommendations from the Governance Committee subject to any discussions with Kent County Council.

Reason for recommendation: the Strategic Board will continue Member level involvement in facilitating better joint working with the County Council resulting in a more seamless approach to services for residents. It will replace the Locality Board and oversee the delivery of the Sevenoaks District Community Plan which contributes to the

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three ambitions set out in Kent County Council's 'Vision for Kent'.

Introduction and Background

- 1 The creation of the Sevenoaks District Kent Locality Board was approved on 12th January 2012. It set out to deliver the three ambitions for Kent set out in the Kent Forum's 'Vision for Kent'.
 - Ambition 1 – to grow the economy – for Kent to be open for business with a growing, successful economy and jobs for all.
 - Ambition 2 – to tackle disadvantage – for Kent to be a county of opportunity, where aspiration rather than dependency is supported and quality of life is high for everyone
 - Ambition 3 – to put citizens in control – for power and influence to be in the hands of local people so they are able to take responsibility for themselves, their families and their communities.
- 2 Locality Boards set out a plan for how the locality would help meet local priorities within the three ambitions in the 'Vision for Kent', Kent County Council's Community Strategy and the Sevenoaks District Community Plan.
- 3 Locality Boards acted as advisory boards but with the ability to promote the localism agenda through the commissioning and co-ordination of services that have previously been delivered by the County Council using budgets devolved from the County Council.
- 4 The terms of reference for the Locality Board made it clear that Members were responsible to their own organisation for their contribution to the Board, and that no decision of the Board would be able to overridden the decisions of either Council.

Sevenoaks District Strategic Board

- 5 In May 2013 the Leader of Kent County Council announced that existing arrangements for Locality Boards across the County would not continue.
- 6 Following discussions between the Leader of Sevenoaks District Council and Kent County Council, the Leader of Kent County Council agreed to the continuation of County Members' support within Sevenoaks District for a Member level board. The purpose of the Board would be to steer and oversee the priorities for the next three years (2013-2016) set out in the newly agreed Sevenoaks District Community Plan as well, as well as consider issues of mutual interest between the two Councils.
- 7 Approval will therefore be sought from Members to create a Sevenoaks District Strategic Board based on the previous working arrangements of Locality Board and subject to the draft terms of reference attached as appendix 1.

8 The following table shows how the Strategic Board arrangements will work at the District level:

Requirements for a Strategic Board (based on previous requirements for a Locality Board)	Arrangements for the Sevenoaks District Strategic Board
The Strategic Board should comprise all Members of the County Council who represent a District locality and an equal number of District Councillors.	There will continue to be 7 County Councillors in the District and 7 District Council Members
The Chairman of the Strategic Board	This will to be the Leader of the District Council.
The involvement at Strategic Board meetings of a senior KCC Officer as an adviser	The District Council Chief Executive and other Officers necessary to give advice on current business will continue to attend. KCC will provide a senior officer to attend Strategic Board meetings.
The setting of local terms of reference which acknowledge the wider Kent agenda in relation to the Kent Council Leaders	Draft terms of reference are attached as appendix 1. The Local Strategic Partnership will act as the delivery group for the Strategic Board, ensuring the delivery of the Vision for Kent ambitions through the Community Plan and other vehicles.
The development of a Strategic Board work programme which is aimed at delivering the 'Vision for Kent' three Ambitions.	The work plan will be informed by the priorities in the new three year Community Plan, agreed in April 2013. The new Community Plan previously agreed by Cabinet and full Council in March and April 2013, clearly identifies links between the priorities in the Community Plan and the three ambitions in the 'Vision for Kent'. The Strategic Board would retain its focus on the 6 key work streams previously agreed by the previous Locality Board: <ul style="list-style-type: none"> • Youth Commissioning arrangements • Schools • Health • The Community Plan

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	<ul style="list-style-type: none"> • Troubled Families • The future of library provision in the District <p>These will be subject to review by the Strategic Board</p>
Member working groups of the Strategic Board	The Strategic Board will agree the creation of Member working groups based on the priorities of the Board and the work programme. These will report directly to the Strategic Board.
Strategic Board minutes to be publicly available	Strategic Board minutes will be made available on the Council's website. The Local Strategic Partnership minutes will also be made available on the website.
Annual report of achievements and outcomes	This work will be done for the Local Strategic Partnership, with SDC Officers compiling the annual report on the Community Plan.

Sevenoaks District Strategic Board Delivery structure

- 9 The Sevenoaks District Local Strategic Partnership (LSP) will be the Officer level delivery group for the Strategic Board. Attached as appendix 2 is a draft organisational structure chart showing sub-groups and their relationship to the LSP and the Strategic Board.
- 10 The proposed delivery structure includes the following sub-groups:
- Sevenoaks District Community Safety Partnership
 - Housing LSP sub-group
 - Voluntary and Community Sector Forum
 - Sevenoaks Health Action Team
 - Sevenoaks District Children's Local Operational Group, replacing the Sevenoaks Local Children's Trust Board, subject to current reorganisation.
- 11 On Monday 12th August 2013, information from Kent County Council was received by the Chief Officer for Communities and Business regarding a proposal to take forward Local Children's Arrangements through existing Health and Wellbeing Boards (HWB), with district level Local Operational Groups.
- 12 This proposal has not been formally agreed. If it is agreed by the County Council, the Local Operational Group is likely to be one of the groups able to assist delivery

of the Community Plan and therefore appears on the organisational structure chart at appendix 2.

Key Implications

Financial

At present the Sevenoaks District Local Strategic Partnership is responsible for the allocation of funds arising from the Kent Agreement. This fund provides grants of up to £5,000, to help projects which support and deliver the Community Plan priorities. It has assisted such projects as the Hero Project, the 8-12s Project, Graduate Volunteering project, Business Advice and guidance and Peer mediation and restorative practice. This is one-off funding and will not be replaced but could continue in the short term as a local delivery fund, overseen by the Local Strategic Partnership to continue to deliver the Community Plan priorities for action. Currently, £66,094 revenue stream funding remains.

Legal Implications and Risk Assessment Statement.

There is no intention to set up the Strategic Board as an organisation in its own right. The Board Members would be responsible to their own organisations for actions taken by the Strategic Board.

RISK	MITIGATION
Funding may not be available to support the delivery of the Board's work programme.	Partnership arrangements in the District provide for delivery of the Community Plan through partner organisations core budgets and add value by enabling partners to work together. Consideration of any new activities that the Strategic Board wished to undertake would have to include finding appropriate funding.
Other stakeholders may wish to join the Local Board	It is proposed that only democratically elected Members sit on the Board, restricting membership to District and local County Members. Stakeholders on the Local Strategic Partnership continue to be committed to working in partnership as part of a delivery group for the Local Board and could be invited to attend Local Board meetings for items that are relevant to them.

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Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The Community Plan recently approved by Cabinet and full Council included an Equality Impact Assessment that was considered by Members. All of the work undertaken by the Strategic Board would be delivered through existing mechanisms.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	Any new policy decisions would have to be approved by the Cabinet in the usual way and equality issues would be considered accordingly. The Community Plan makes a commitment to equalities and this commitment would continue to be part of the partnership arrangements
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		As above

Community Impact and Outcomes

The purpose of the Strategic Board is to help to deliver local community priorities and to foster more seamless delivery of local services. The impact on the community should therefore be positive.

Resource (non-financial)

Officer time from to service the Board is currently committed to the Local Strategic Partnership and sub-groups. The Sevenoaks District Strategic Board will be a public meeting and as such, it will be the responsibility of the Democratic Services team to administer with support from the Business and Communities team.

Conclusions

Members' approval is sought to create a Sevenoaks District Strategic with the intention of achieving a more seamless approach to services in the District, and to oversee the delivery of the Sevenoaks District Community Plan. It will focus on youth commissioning, schools, health, troubled families, libraries and the Community Plan. Draft terms of reference and an organisational chart are appended. It should be noted that the future of the Sevenoaks District Local Children's Trust Board within the delivery structure for the Strategic Board is yet to be determined.

Appendices

Appendix 1 – Draft terms of reference

Appendix 2 - Strategic Board organisational structure

Background Papers:

Sevenoaks District Community Plan

Kent County Council's Vision for Kent

Lesley Bowles
Chief Officer for Business and Communities

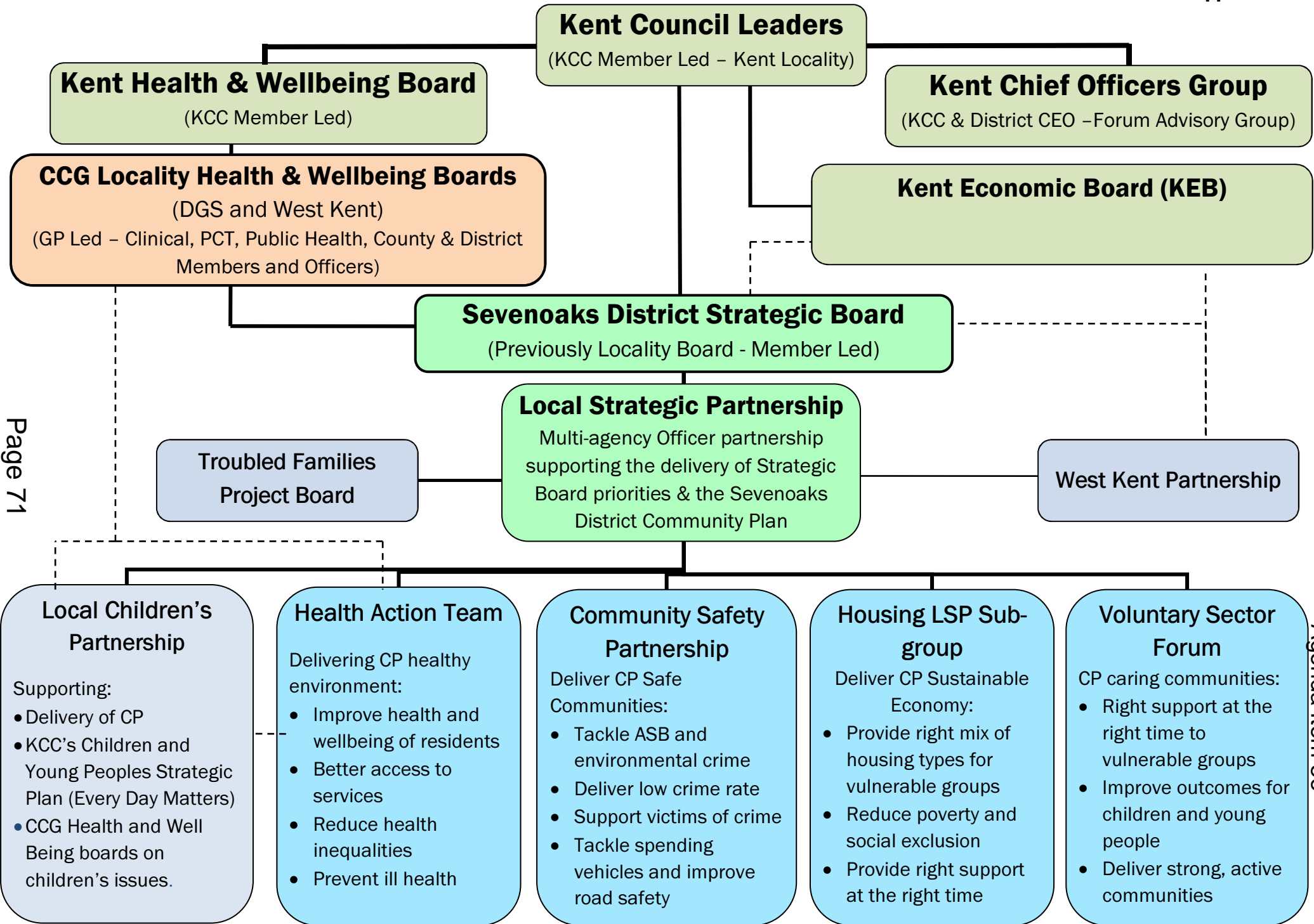
Sevenoaks District Council

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Sevenoaks District Strategic Board

Draft Terms of Reference

1. The Board will consist of 7 KCC Members and 7 Sevenoaks District Council Cabinet Members.
2. The Board will be chaired by the Leader of Sevenoaks District Council.
3. The Vice Chair will be nominated by Kent County Council.
4. The Board will meet four times per year in public.
5. A quorum shall be five members.
6. Each Member will have one vote but wherever possible, decisions will be made by consensus.
7. The minutes of Board meetings shall be published on the Sevenoaks District Council website within 14 days of the meeting.
8. The Board will produce an annual report.
9. The Board will be an advisory board. Members will be responsible to their own organisation for their contribution to the Board. No decision of the Board can override the decisions of either Council.
10. The Board will steer and facilitate the local delivery of the three ambitions outlined in the Vision for Kent through the delivery of priorities set out in the Sevenoaks District Community Plan. It will identify and promote its own priorities for action.
11. A multi-agency delivery group, based on the existing Local Strategic Partnership will be responsible for the delivery of the Board's priorities and will report to the Board regarding the delivery of the ambitions through the Community Plan and other priorities.
12. The Board will support, steer and scrutinise the work of multi-agency partnerships serving the District.
13. The Board will oversee the Community Plan priorities for the next three years (2013-2016) and the Community Plan vision for the next 15 years (2013-2028)
14. The Board will ensure that its priorities are informed by regular community consultation and up-to-date data.
15. Both Councils will continue to use their own arrangements relating to equalities, complaints, freedom of information requests and other statutory obligations.



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Item 5(f) – Surveillance Policy – Report of the Chief Surveillance Commissioner

Audit Committee’s Recommendation to Council

The Committee considered a report recommending the adoption of a revised surveillance policy and the approval of reporting arrangements to Elected Members following a recent inspection by the Office of the Surveillance Commissioner.

On 19th 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.

The above recommendations had been addressed in that it would be 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.

The Chairman sought more information on the one instance of covert monitoring. In response the Chief Officer Legal and Governance reported that this had related to a housing benefit contravention and it had been necessary to undertake surveillance outside a house.

A Member queried whether, in terms of shared services, Dartford Borough Council had the same policies, procedures and training as Sevenoaks District Council.

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The Chief Officer Legal and Governance reported that whilst policies, procedures and training may not be identical they should be similar.

The Chairman noted that the Council used its powers of covert surveillance extremely rarely and the Committee were advised that there was no reason to presume that there would be a dramatic increase in use.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That Council be recommended to:

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

SURVEILLANCE POLICY – REPORT OF THE CHIEF SURVEILLANCE COMMISSIONER

Council – 1 October 2013

Report of Chief Officer Legal and Governance

Status: For Decision

Also considered by: Audit Committee – 10 September 2013

Executive Summary:

This report recommends the adoption of a revised surveillance policy, following a recent inspection by the Office of the Surveillance Commissioner and the approval of reporting arrangements to Elected Members.

This report supports the Key Aim of effective management of Council resources.

Portfolio Holder Cllr. Ramsay

Contact Officer(s) Leslie Roberts – ext. 7475

Recommendation to Audit Committee: That Council be RECOMMENDED

- (a) to note the report of the Chief Surveillance Commissioner;
- (b) to adopt the revised Surveillance Policy as set out at Appendix B; and
- (c) to agree that an annual report with quarterly updates be made to Councillors through the Members Electronic Portal.

Reason for recommendation: To have a policy that meets with the Office of Surveillance Commissioners' Approval and for the policy to be complied with in order for the Council to carry out lawful covert surveillance.

Introduction and Background

- 1 On the 19th June 1013 the Council was inspected by the Office of the Surveillance Commissioner (OSC). These inspections are carried out on a 3 yearly basis.
- 2 A copy of the report of the Chief Surveillance Commissioner is attached at Appendix A.
- 3 Contained within the report are a small number of recommendations, including some minor changes to the Council's surveillance policy. This report therefore seeks the approval of Members to make the required changes to policy as set out at Appendix B.

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- 4 The Regulations of Investigatory Powers Act 2000 (RIPA) introduced a statutory framework for those carrying out a surveillance as part of an investigation. The Protection of Freedoms Act 2012 (2012 Act) amended RIPA to provide additional controls. The internal authorisation process is now followed by external authorisation from a Justice of the Peace.
- 5 Covert surveillance is surveillance that is carried out in a manner to ensure that persons subject to the surveillance are unaware it is taking place. Covert surveillance can be intrusive (e.g. hiding cameras and microphones in a person's home) or directed.
- 6 Intrusive surveillance cannot be authorised by a local authority.
- 7 Directed surveillance is covert but not intrusive and is undertaken
 - For the purpose of a specific investigation or operation
 - In such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purpose of the investigation or operation) and
 - Otherwise than by way of an immediate response to events or circumstances
- 8 For the Council, such activities are most likely to be carried out within the areas of benefit fraud & environmental health.
- 9 RIPA also regulates the use of Covert Human Intelligence Sources (CHIS). A CHIS is a person who establishes or maintains a relationship with someone in order to covertly obtain information, to provide another person with access to information or to disclose information as a result of that relationship. A common example of a CHIS would be a police informant.
- 10 The Act requires that specific authorisation be given by approved persons for any directed surveillance undertaken, and for the use of a CHIS. The Council's policy provides that three named Chief Officers may authorise surveillance. The 2012 Act introduced a further tier of authorisation, which requires that following internal authorisation the Council obtain external authorisation from a Justice of the Peace.
- 11 The Council can only authorise directed surveillance if it is necessary for the purpose of preventing or detecting crime that would be punishable on conviction with a sentence of at least six months imprisonment. This requirement was introduced by the 2012 Act and prevents surveillance being used for what might be considered minor criminal activity.
- 12 In practice, the District Council seeks to carry out enforcement activity by overt means. For example, when investigating complaints of noise nuisance through the use of monitoring device, officers will advise the alleged perpetrator of its intention to install noise monitoring equipment.
- 13 If the desired information can be obtained in this way, then it will not be necessary to undertake any covert surveillance and engage the provisions of RIPA. The

Council has granted very few authorisations for directed surveillance. No authorisations have been granted for the use of a CHIS.

- 14 Whilst this practice of carrying out overt enforcement activity will continue, it is important to keep the surveillance policy under review to ensure that, when covert surveillance or the use of a CHIS is necessary, the District Council can act in accordance with the Human Rights Act 1998.

Recommendations of OSC

- 15 Members will note that the report makes 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.

16. The above recommendations have been addressed in that it is recommended to Council to agree that an annual report with quarterly updates be made to Councillors through the Members' Electronic Portal.

17. The following training programme has been organised as follows:

Training has been organised for the 11th November 2013 for officers of this Council with Act Now Training which provides practical training sessions with an emphasis on allowing delegates to do their job whilst respecting the law. Delegates will work through a number of real life case studies and exercises in order to discuss issues that commonly arise.

18. An additional matter referred to by the OSC is that the Surveillance Policy would benefit from the addition of a narrative section outlining the process for seeking 'Judicial Approval', which is currently only shown in a flow chart at the end of the document. The Surveillance Policy has been revised accordingly to take into account this suggestion.

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Key Implications

Financial

- 19 The operation of the policy has some financial impact upon the Council. The forms to request authorisation are freely available electronically, and links to these are on 'SIMON'. Training on the revised requirements and refresher training was required and incurs both a direct cost in the fees for the external trainer and the loss of productive staff time.

Legal Implications and Risk Assessment Statement.

- 20 It is important for the Council to have a policy that meets with OSC approval and for the policy to be complied with. Any failure may mean a breach of the Human Rights Act 1998.

Authorisations under RIPA provide lawful authority for the Council to carry out covert surveillance. Failure to comply with the requirements of the Act may render the enforcement activity unlawful, and lead to the exclusion of evidence obtained through surveillance. Any such failure carries both financial and reputational risks to the Council

The attached revised policy set out at Appendix B, training of relevant staff and regular oversight through reporting to Members will ensure that all officers comply with the requirements of RIPA when seeking authorisation under the Act.

Community Impact Outcomes

- 21 The Council has always sought to carry out surveillance in an overt manner, thus reducing the impact of our enforcement activities on the human rights of our residents. Nevertheless, the use of directed surveillance, where necessary and proportionate, remains an important tool in the prevention or detection of crime or the prevention of disorder.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	Complies with the Human Rights Act 1998
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		Not applicable

Conclusions

Members are asked to agree the recommendations as set out at the start of this report.

Appendices

Appendix A – Report of the Chief Surveillance Commissioner

Appendix B – Council’s Surveillance Police Revised

Background Papers:

Regulatory of Investigatory Powers Act 2000

Protection of Freedoms Act 2012

Mrs Christine Nuttall
Chief Officer for Legal and Governance

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OSC INSP/075

The Rt. Hon. Sir Christopher Rose
Chief Surveillance Commissioner
PO Box 29105
London SW1 1ZU

28th June 2013

OSC INSPECTION REPORT- SEVENOAKS DISTRICT COUNCIL.

The inspection took place on Wednesday 19th of June 2013.

Inspector

Mr Kevin Davis.

General Description

1. Sevenoaks District Council serves a population of approximately 114,000 and covers the western most part of Kent in England. To the North West the district borders with two Greater London Boroughs (Bromley and Bexley) in Swanley, as well as Surrey to the West near Westerham and East Sussex to the South near Edenbridge.
2. The Council provides a range of tier two services and employs in the region of 455 personnel.
3. The Chief Executive is Mr Robin Hales. He is supported by a Chief Executive Designate who has overall responsibility for all service provision.
4. The address for correspondence is Sevenoaks District Council, The Council Offices, Argyle Road, Sevenoaks, Kent TN13 1HG.

Inspection Approach

5. The purpose of the inspection was to examine policies, procedures, operations and administration in relation to directed surveillance and covert human intelligence sources (CHIS) under the Regulation of Investigatory Powers Act 2000 (RIPA).
6. During the inspection I had discussions with the following members of staff:
 - Ms Christine Nuttall (Chief Officer Legal and Governance)
 - Mr Leslie Roberts (Legal Services Manager)
 - Mr Glen Moore (Audit)

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- Mr Richard Wilson (Environmental and Operational Services)
- Mr Adrian Rowbotham (Finance Services)
- Mr David Whitmarsh (Community and Consultation Manager).

Review of Progress

- 7 His Honour Norman Jones in his inspection report in July 2010 made three recommendations:

1) Reduce the number of authorising officers and identify them by rank and name.

Action

The number has been reduced and documented in the 'Surveillance Policy' document.

Discharged

2) Establish a structured training programme.

Action

The Council has failed to comply with this recommendation.

Extant

3) Amend the surveillance policy document

Action

The Council has complied with this recommendation.

Discharged

Policies and procedures

- 8 The Chief Officer Legal and Governance Ms Christine Nuttall is the Senior Responsible Officer (SRO) in accordance with paragraph 3.28 of the revised Codes of Practice. In interview it was evident that she was keen to ensure compliance. The day-to-day administration of RIPA is managed by the Legal Services Manager Mr Leslie Roberts.
- 9 Policies and procedures relating to covert surveillance and CHIS are contained in a comprehensive and easy to understand policy document. Following the inspection by HH

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Norman Jones in 2010 it was amended to address recommendation three. The document has been further updated (June 2013) in light of the Protection of Freedoms Act 2012, I would suggest that the new version would benefit from the addition of a narrative section outlining the process for seeking 'Judicial Approval', which is currently only shown in a flow chart at the at the end of the document.

- 10 Paragraph 3.30 of the Covert Surveillance and Property Interference states the following;

'In addition, 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.'

In discussions with Mr Roberts it would appear that the above requirement has not been complied with since 2010, I was assured that the matter would be dealt with as a matter of urgency

- 11 In addition to the Chief Executive there are three authorising officers who are named in RIPA policy document. The number has been reduced in light of recommendation one of the 2010 inspection report.

Training

- 12 **Mr Roberts has been in post for a period of seven months and has recognised that since 2007 there has not been any formal training delivered within the Council. In light of the Protection of Freedoms Act he has identified a private company to deliver training as a matter of urgency. It is envisaged that this will be undertaken in conjunction with a neighbouring authority.**

Significant issues

Council ethos

- 13 The Council is not a regular user of the powers vested under RIPA. I was informed that the ethos of Council, notwithstanding its legal responsibilities is that it is not afraid to undertake covert activity/enforcement and subsequent prosecution where necessary, but would prefer to secure compliance through education and raising awareness. In light of paragraph ten above, I was unable to find any record of formal discussions within the elected members on the matter.

Central Record of Authorisations

- 14 The Central Record of Authorisation is compliant with paragraph 8.1 of the revised Code of Practice for Covert Surveillance and Property Interference.

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Directed Surveillance

15 Directed surveillance has been authorised on one occasion since the last inspection in September 2012. The authorisation related to an investigation into alleged housing benefit fraud. I examined the paperwork and make the following observations.

16 The applicant set out the investigative objectives of the covert activity along with a narrative of the intelligence **but failed to outline of the provenance of the intelligence.** **The OSC guidance at note 109 states the following:**

'To assist an authorising officer to reach a proper judgement, the provenance of the data, information or intelligence on which the application has been made should be clear. It is considered best practice for law enforcement agencies to utilise standard evaluation nomenclature which grades both the source and the information. While it is not necessary or desirable in the application to spell out in detail the content of intelligence logs, cross referencing to these enables an authorising officer to check detail. Particular care should be taken when using data or information obtained from open or unevaluated sources'.

17 The issues of proportionality, necessity and collateral intrusion were argued cogently. I was pleased to note that, in order to reduce the collateral intrusion of the proposed surveillance in a residential area, the applicant had suggested a limit of 30 minutes each morning and evening. The applicant was of the opinion that during these two key periods the required intelligence could be obtained.

18 The authorisation was of a good standard and followed the OSC guidance at note 117 i.e. who, what, where, when and how. My only observation is that the authorising officer detailed that the surveillance should be undertaken for a period of one month. The Code of Practice states at paragraph 5.10 states the following;

'A written authorisation granted by an authorising officer will cease to have effect (unless renewed or cancelled) at the end of a period of three months beginning with the time at which it took effect'.

19 The covert activity was not reviewed during the period of authorisation but the cancellation was timely and complied with OSC guidance.

CHIS

20 There have been no authorisations for CHIS since the last inspection. This is an area of covert activity that Council does not believe they have the experience or desire to embark upon.

Focus group

- 21 I interviewed a focus group of both practitioners and an authorising officer. Despite the lack of recent formal training all had a good knowledge of the legislation and were familiar with the new requirements introduced in the Protection of Freedoms Act 2012. The group supported the ethos of the Council of seeking compliance through education and awareness.
- 22 There was an interesting discussion with regard to social network sites. Some members of the group utilised SNS as an intelligence gathering tool on a regular basis. Although those interviewed were not familiar with the OSC guidance on the matter I found nothing to indicate any activity that was not compliant with the legislation.

Observations

- 23 Sevenoaks District Council is not a significant user of RIPA but it was evident from the inspection that they are keen to discharge their legal responsibilities appropriately. Though their use may be infrequent there is a need to ensure the correct processes are in place in accordance with the legislation.

Finally, I would to thank all of those who participated so positively in the inspection process, and in particular Mr Leslie Roberts for making all the necessary arrangements.

Recommendations

- 24 The Council ensure that the Code of Practice paragraph 3.30 is complied with as a matter of urgency (see paragraph ten of this report).
- 25 The Council ensure that the extant recommendation of 2010 with regard to training is acted upon without delay (see paragraph 12 of this report and recommendation two of the 2010 inspection report).
- 26 That future training encompasses the issues identified in paragraphs 16 and 18 of this report.

Kevin Davis

Surveillance Inspector.

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The Rt Hon. Sir Christopher Rose



CORPORATE RESOURCES
26 JUL 2013
SECRETARIAT



Chief
Surveillance
Commissioner

25th July 2013

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Dear Mr. Hales,

Covert Surveillance

On 19 June 2013, one of my Inspectors, Mr Kevin Davis, visited your Council on my behalf to review your management of covert activities. I am grateful to you for the facilities afforded for the inspection.

I enclose a copy of Mr Davis's report which I endorse. Your Council is not a significant user of RIPA but the officials seen by Mr Davis are keen to discharged their legal responsibilities properly.

The recommendations are that, as a matter of urgency, para 3030 of the Covert Surveillance and Property Interference Code of Practice be complied with, that the 2010 recommendation on training be acted upon without delay and that the future training address the issues indentified in paras 16 and 18 of the report.

I shall be glad to learn that your Council accepts the recommendations and will see that they are implemented.

One of the main functions of review is to enable public authorities to improve their understanding and conduct of covert activities. I hope your Council finds this process constructive.

Please let this Office know if it can help at any time.

*Yours sincerely,
Christopher Rose*

Mr Robin Hales
Chief Executive
Sevenoaks District Council
Council Offices
Argyle Road
Kent
TN13 1HG

PO Box 29105 London SW1V 1ZU Tel 020 7035 0074 Fax 020 7035 3114
Web: www.surveillancecommissioners.gov.uk
email: oscmmailbox@osc.gsi.gov.uk

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OFFICE OF SURVEILLANCE COMMISSIONERS

INSPECTION REPORT

Sevenoaks District Council

19th June 2013

**Assistant Surveillance Inspector:
Mr Kevin Davis**

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DISCLAIMER

This report contains the observations and recommendations identified by an individual surveillance inspector, or team of surveillance inspectors, during an inspection of the specified public authority conducted on behalf of the Chief Surveillance Commissioner.

The inspection was limited by time and could only sample a small proportion of covert activity in order to make a subjective assessment of compliance. Failure to raise issues in this report should not automatically be construed as endorsement of the unreported practices.

The advice and guidance provided by the inspector(s) during the inspection could only reflect the inspectors' subjective opinion and does not constitute an endorsed judicial interpretation of the legislation. Fundamental changes to practices or procedures should not be implemented unless and until the recommendations in this report are endorsed by the Chief Surveillance Commissioner.

The report is sent only to the recipient of the Chief Surveillance Commissioner's letter (normally the Chief Officer of the authority inspected). Copies of the report, or extracts of it, may be distributed at the recipient's discretion but the version received under the covering letter should remain intact as the master version.

The Office of Surveillance Commissioners is not a public body listed under the Freedom of Information Act 2000, however, requests for the disclosure of the report, or any part of it, or any distribution of the report beyond the recipients own authority is permissible at the discretion of the Chief Officer of the relevant public authority without the permission of the Chief Surveillance Commissioner. Any references to the report, or extracts from it, must be placed in the correct context.

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SEVENOAKS DISTRICT COUNCIL

SURVEILLANCE POLICY

The Regulation of Investigatory Powers Act 2000

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INTRODUCTION

1. The Regulation of Investigatory Powers Act 2000 (RIPA) is in force to ensure that relevant investigatory powers are used in accordance with the Human Rights Act 1998 (HRA) and The Data Protection Act 1998 (DPA). RIPA sets out a statutory framework for the granting of authority to carry out surveillance. Authority to carry out surveillance must be granted internally by a senior officer and since 01 November 2012 the authorisation must be confirmed by a Justice of the Peace (Magistrate).
2. Covert surveillance is surveillance that is carried out in a manner to ensure that the persons subject to the surveillance are unaware that it is taking place. Covert surveillance can be either:
 - Intrusive Surveillance
 - Directed Surveillance
3. Intrusive Surveillance is carried out in relation to anything taking place on any residential premises or in any private vehicle by an individual on the premises or in the vehicle or is carried out by means of a surveillance device. Although a surveillance device not on or in the premises/vehicle will only be intrusive if it consistently provides information of the same quality and detail as might be expected to be obtained from a device actually on or in the premises or vehicle.
4. Directed Surveillance is covert but not intrusive and is undertaken
 - for the purposes of a specific investigation or operation;
 - in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purpose of the investigation or operation);and
 - otherwise than by way of an immediate response to events or circumstances, the nature of which is such that it would not be reasonably practicable for an authorisation to be sought for the carrying out of surveillance.
5. The main area that the Council is concerned with is Directed Surveillance and the Act identifies an authorisation process prior to the commencement of any investigation.
6. Local authorities are not authorised to conduct Intrusive Surveillance.
7. The use of covert human intelligence sources (CHIS) is also regulated by RIPA. A CHIS is a person who establishes or maintains a relationship with someone in order to covertly obtain information, to provide another person with access to information or to disclose information as a result of that relationship.

8. This Policy document sets out the circumstances in which Council Officers will be permitted to undertake a covert surveillance operation and the requirements that will need to be observed in order that the Council does not contravene relevant legislation or the national Codes of Practice issued by the Home Office and the Office of the Information Commissioner.

The Legislation

9. The DPA provides that personal data, which includes personal data obtained from covert surveillance techniques must:
 - be fairly and lawfully obtained and processed;
 - be processed for specified purposes and not in any manner incompatible with those purposes;
 - be adequate, relevant and not excessive;
 - be accurate
 - not be kept for longer than is necessary;
 - be processed in accordance with individuals' rights;
 - be secure;
 - not be transferred to non-European Economic Area countries without adequate protection
10. Article 8 of the European Convention on Human Rights is relevant in respect of covert surveillance as everyone has the right to respect for his/her private and family life, home and correspondence. In addition, Article 6 is of relevance in relation to covert surveillance as everyone has the right to a fair trial, including internal procedures or hearings and this principle of fairness extends to the way evidence is obtained.
11. RIPA ensures that the individual rights and freedom are protected when carrying out effective law enforcement.
12. Directed Covert Surveillance, including a situation where a CHIS is used, that is likely to result in obtaining private information about a person is permitted by RIPA and associated regulations if such surveillance has been authorised in the manner provided by the Act. Authorisation for Covert Surveillance can be granted by the Authorising Officer of a local authority and a Justice of the Peace if it is for the purposes of preventing or detecting crime or preventing disorder:

Management Structure

13. The Senior Responsible Officer for RIPA compliance is Christine Nuttall, Chief Officer Legal and Governance. This officer is responsible for

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- the integrity of the process in place within Sevenoaks District Council to authorise directed surveillance and the use of a CHIS
- compliance with RIPA
- engagement with the Office of the Surveillance Commissioner and inspectors when they conduct their inspections, and
- where necessary, overseeing the implementation of any post-inspection action plans recommended or approved by a Commissioner.
- ensuring all authorising officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Office of Surveillance Commissioners.

Day to day responsibility for RIPA compliance will fall to Leslie Roberts, Legal Services Manager & RIPA Monitoring Officer. He will be responsible for

- maintenance of the Central Record of Authorisations
- collation of RIPA authorisations, reviews, renewals and cancellations
- oversight of the RIPA process/ RIPA training
- raising RIPA awareness within the Council

Authorisation

14. This is a two stage process requiring both Internal and external authorisation. Internal Authorising Officers are designated as follows:-

- Richard Morris, Chief Planning Officer;
- Richard Wilson, Chief Officer Environmental & Operational Services;
- Adrian Rowbotham Chief Finance Officer,
- Note that Dr Pav Ramewal the Chief Executive Officer is required to consider some particular types of authorisation but the initial request should be made to one of the above officers.

Ideally, Internal Authorising Officers should not be responsible for authorising their own activities, i.e. those operations/investigations in which they are directly involved. However, it is recognised that this may sometimes be unavoidable especially where it is necessary to act urgently.

All Internal Authorising Officers must have received training on RIPA before being permitted to agree directed surveillance or use of a CHIS.

External authorisation will be required from a Justice of the Peace in all cases following internal authorisation. The completed and signed off form requesting authorisation should be passed to the Legal Services Manager who will contact the Magistrates Court to arrange a date and time for the external authorisation application.

15. Local authorities can only be authorised to use directed surveillance under RIPA to prevent or detect criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months' imprisonment or are related to the underage sale of alcohol and tobacco. Applications for authority for directed surveillance or the use of a CHIS must be made in writing to an Internal Authorising Officer using the appropriate application form.

Content

16. The completed application for authorisation for directed surveillance must make the case for its approval hence it shall record:
 - the purpose of the specific operation or investigation
 - the grounds on which the directed surveillance is necessary e.g. for the prevention or detection of crime, and why the surveillance is necessary on the identified grounds;
 - why the directed surveillance is considered to be proportionate to what it seeks to achieve (here, it should be explained what suspicions and/or existing evidence merit continued investigation, what other means of gathering sufficient information have been tried or considered, and therefore why directed surveillance is now the required course of action);*
 - the identities, where known, of those to be the subject of directed surveillance (this may include descriptions of physical appearance);
 - a detailed description of the surveillance proposed to be undertaken (this should include, for example, the location(s) (including any premises, equipment or vehicles involved) times, method(s), personnel involved);
 - an explanation of the information which it is desired to obtain as a result of the authorisation;
 - an assessment of the risk of any collateral intrusion or interference affecting any person(s) other than the subject(s) of the directed surveillance, and an explanation of how this will be minimised;**
 - suggested dates for the regular review of the authorisation;
 - whether it is likely that knowledge of confidential information will be acquired. Confidential information consists of matters subject to legal privilege, confidential personal information or confidential journalistic material. In such a situation a higher level of internal authorisation is

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needed being the Chief Executive Officer the internal authorising officer should spell out the '5 Ws' i.e. who, what, where, when, why and how. In particular, they should state why they believe the directed surveillance is necessary, and why they believe it is proportionate to what is sought to be achieved by carrying it out

- for "urgent" cases, a subsequent explanation of why the case was considered to be so urgent that an oral instead of written authorisation was given and/ or why it was not reasonably practicable to seek prior authorisation from the authorising officer;
- details of the applying officer and of the Internal Authorising Officer;
- Each authorisation must be uniquely numbered using the number sequence from the Council's central record. The officer applying for authorisation must ensure they have obtained the next available sequential number from the RIPA Monitoring Officer before submitting the form for authorisation.

* There is a need to balance the intrusiveness of the activity on the targets and others who might be affected by it against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by less intrusive means. All such activity should be carefully managed to meet the objectives and must not be arbitrary or unfair.

** Those carrying out covert surveillance should inform the Internal Authorising Officer if the investigation/operation unexpectedly interferes with the privacy of individuals who are not the original subjects of the investigation/operation or covered by the authorisation in some other way. In some cases the original authorisation may not be sufficient and consideration should be given to whether a separate authorisation is required.

*** Internal Authorising Officers must pay particular attention to the risks of collateral intrusion or obtaining confidential material in order to ensure that proportionality is observed and the product is protected.

17 The application for authorisation of the conduct or use of a Covert Human Intelligence Source (CHIS) shall record

- How will the source be referred to i.e. pseudonym or reference number;
- Details of the person within the authority ('the controller'), who will have general oversight of the use made of the source;
- Details of the person responsible for retaining (in secure, strictly controlled conditions, with need to know access), the source's true identity, a record of the use made of the source and the particulars required under the RIP (Source Records) Regulations 2000;
- The purpose of the specific operation or investigation;

- The purpose for which the source will be tasked or used;
- Details of the proposed covert conduct of the source or how the source is to be used;
- The grounds upon which the use of the source is necessary, and why the use of the source is necessary on the identified grounds;
- Details of any potential collateral intrusion and why this is unavoidable, together with details of any precautions to be taken to minimise this intrusion;
- Details of any particular sensitivities in the local community where the source is to be used; Any other similar activities being undertaken by public authorities that could impact on the use of the source;
- An assessment of the risk to the source in carrying out the proposed conduct;
- Why the conduct or use of the source is proportionate to what it seeks to achieve;
- Whether it is likely that knowledge of confidential information will be acquired. Confidential information consists of matters subject to legal privilege, confidential personal information or confidential journalistic material. In such a situation a higher level of authorisation is needed being the Head of Paid Service or in his/ her absence a Director; **
- The Internal Authorising Officer should spell out the '5 Ws' i.e. who, what, where, when, why and how. In particular, they should state why they believe the conduct or use of the source is necessary, and why they believe such conduct or use is proportionate to what is sought to be achieved by the engagement of the source
- Suggested dates for the regular review of the authorisation;
- For "urgent" cases, a subsequent explanation of why the case was considered to be so urgent that an oral instead of written authorisation was given and/ or why it was not reasonably practicable to seek prior authorisation from the authorising officer;
- Details of the applying officer and of the Internal Authorising Officer;
- Each authorisation must be uniquely numbered using the number sequence from the Council's central record. The officer applying for authorisation must ensure they have obtained the next available sequential number from the RIPA Monitoring Officer before submitting the form for internal authorisation.

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- ** Internal Authorising Officers must pay particular attention to the risks of collateral intrusion or obtaining confidential material in order to ensure that proportionality is observed and the product is protected.

Review

18. Internal Authorising Officers are also responsible for carrying out regular reviews of applications which they have authorised including the review of a CHIS. Such reviews should take place as frequently as is considered necessary and practical. The appropriate form(s) shown at Appendix 1 should be completed.

It is recommended that the Internal Authorising Officer will require reviews to be conducted at intervals of not longer than one month for Directed Surveillance and three months for a CHIS.

Grant Duration and Renewals

19. Following internal authorisation the Legal Services Manager will contact the Magistrates Court to arrange a date and time for the external authorisation application to be made to a Justice of the Peace. The Justice of the Peace will consider the application and either grant or refuse authorisation. An written authorisation will cease to have effect (unless renewed) at the end of a period of three months beginning with the day on which it took effect. In the case of a CHIS the written authorisation will cease to have effect (unless renewed) at the end of a period of twelve months beginning on the day on which it took effect (1 month in the case of Juveniles – see paragraph 27 below).

Urgent oral authorisations will need to be presented to a Justice of the Peace and the authorisation should be recorded in writing by the applicant (and ideally also by the internal authorising officer) as soon as reasonably practicable, and in any event within 72 hours. Unless renewed, urgent oral authorisations will cease to have effect after 72 hours, beginning with the time when the authorisation was granted or renewed.

20. If at any time before an authorisation would cease to have effect, the Internal Authorising Officer agrees it is necessary for the authorisation to continue for the purpose for which it was given, he/she may agree to apply to a Justice of the Peace to renew it in writing for a further period of three months, beginning with the day when the authorisation would have expired but for the renewal. In the case of a CHIS this may be renewed in writing for a further period of twelve months. Applications for the renewal of an authorisation for directed surveillance, or renewal of a CHIS must be made on the appropriate renewal request form(s) shown at Appendix 1.
21. All applications for the renewal of an authorisation for directed surveillance should record:
- whether this is the first renewal or every occasion on which the authorisation has been renewed previously;

- the information as appropriate at 15 above, as it applies at the time of the renewal;
- any significant changes to the information in the previous authorisation;
- the reasons why it is necessary to continue the surveillance;
- the content and value to the investigation or operation of the information so far obtained by the surveillance;
- the results of regular reviews of the investigation or operation

Cancellations

22. An Internal Authorising Officer must cancel an authorisation if he/she becomes satisfied that the surveillance is no longer required or appropriate.
23. Cancellations for directed surveillance or a CHIS must be made using the appropriate cancellation form(s) shown at Appendix 1

Registration

24. The Council's RIPA Monitoring Officer will be responsible for monitoring authorisations and carrying out an annual review of authorisations, reviews, renewals, refusals and cancellations.
25. Authorising Officers will retain copies of all authorisation documents and maintain a register of all requests and authorisations for covert surveillance together with the reasons for any request being denied. All new authorisations will be reported to the Council's Data Protection Officer for consideration as to whether they amount to new uses requiring registration under the DPA.
26. All original authorisations, reviews, renewals, refusals and cancellations must be promptly sent to the RIPA Monitoring Officer along with reasons for refusals, who will maintain a central register of all cases of covert surveillance undertaken by investigation sections of Sevenoaks District Council. These documents will form part of the central register.

RIPA authorisation forms and any information collected by means of covert surveillance should be retained securely for a period of five years after which time the Authorising Officer must review whether the information should be disposed of or retained for a further length of time. The Authorising Officer should take into consideration the status of any legal proceedings connected to the operation and the likelihood of any future legal action (including action taken by the subject(s) of the surveillance). The reasons for any decision to keep the information for longer than 5 years must be documented and retained with the file. Authorising Officers must not grant authorisation for covert surveillance unless the following have been documented

- The officer who will be responsible for retaining the information and disposing of the same in a secure manner;

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- The physical, technical and organisational measures that have been put in place to prevent unauthorised access to and use of the information obtained by the surveillance exercise;
- The physical, technical and organisational measures that have been put in place to prevent accidental or unauthorised loss of the information obtained by the surveillance exercise;

Matters to be considered by the Internal Authorising Officers

26. Authorisation will only be granted where covert surveillance or use of a CHIS is believed by the Internal Authorising Officer to be necessary and proportionate. The use of overt means should always be considered. If this is not feasible the reason should be given.
28. The Council's requirements for covert surveillance will normally be carefully planned so that the necessary consultancy regarding work assessment, insurance and health and safety can be carried out and the required priorities put in place before surveillance commences.
29. The use of Vulnerable individuals, such as the mentally impaired, for a CHIS purpose should only be authorised in the most exceptional cases (see the Regulation of Investigatory Powers (Juveniles) order 2000 SI No. 2793), and such authorisation can only be given by the Chief Executive. The duration for such an authorisation is one month instead of 12 months. Authorising Officers should also abide by the Home Office Code of Conduct relating to Juveniles.
30. Prior to the authorising of a CHIS, the Internal Authorising Officer shall have regard to the safety and welfare of the CHIS and shall continue to have such a regard throughout the use of the CHIS.
31. Where the use of a CHIS is deployed, a "Handler" (who can be an officer of the Council) should be designated to have the day to day responsibility for dealing with the CHIS and the security and welfare of the CHIS. Further, a "Controller" should be designated to have the general oversight of the use made of the CHIS.
32. Covert surveillance equipment will only be installed with the necessary authorisation of the Council's Authorising Officer. It will only be installed in residential premises if a member of the public has requested help or referred a complaint to the Council and such matter can only be investigated with the aid of covert surveillance techniques. Any permission to locate surveillance equipment on residential premises must be obtained in writing from the householder or tenant. The authorising officer must evaluate whether the use of covert surveillance equipment does not become intrusive surveillance which the Council is not authorised to conduct (see paragraph 3).

Any request by a Council Officer to a resident to keep a video/audio/written diary as part of a covert evidence gathering exercise will not be regarded as a covert surveillance exercise conducted on behalf of the Council.

33. If a CCTV camera or video camera is to be used, the Authorising Officer must make himself familiar with the product of the surveillance so that he can see if any sensitive material has been captured in order to avoid its publication.
34. The Council may be asked to act on behalf of another, such as a national body in a covert surveillance operation. In addition, the Council itself may use an outside contractor to carry out covert surveillance on its behalf. In either case, it is the principal which issues the authorisation and ensures that the Agent is aware of the scope of the operation, its detailed methodology and its ultimate cancellation. It is the Authorising Officer's responsibility to ensure that this is communicated to the Agent and that the Agent reports back to the Authorising Officer as and when necessary as prescribed by the Authorising Officer.

Examples of when an Authorisation is needed for Directed Surveillance or CHIS

35. Examples of areas of work in which officers may require authorisation are as follows:-
 - Revenues and Benefits – benefit fraud
 - Planning and Building Control – breach of Enforcement Notices, Breach of Condition Notices, other planning offences
 - Highways
 - Environmental Services – breach of Abatement Notices, health and safety breaches, hackney carriage offences, public entertainment licensing, fly tipping.
36. If an investigation is being considered, then an authorisation should be obtained if it is the intention not to advise the suspect that his/her activities will be observed.
37. Overt surveillance does not require any RIPA authorisation. Therefore if verbal notification or a letter is sent to the subject of the surveillance notifying them of the kind of surveillance that is proposed, then RIPA authorisation is not required. Registered Post should be used in such circumstances and all letters and other communications should only last for a maximum of 3 months.
38. CCTV systems are normally not within the scope of RIPA since they are overt and not being used for a specific operation or investigation. However where CCTV is used as part of a pre-planned operation of surveillance then authorisation should be obtained, setting out what is authorised, how it will be carried out, that is which cameras are to be used, and what activity is to be caught and held on the tape or disc that results. Control room staff should ensure that they understand the terms of the authorisation and Authorising Officers must notify them of changes. (see paragraphs 30, 31 and 32)
39. Certain levels of surveillance amounting to general observation in the course of law enforcement can be regarded as "low level" surveillance and are consequently outside the RIPA provisions. An example of low level

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surveillance is where a Planning Enforcement Officer merely drives past a site to check whether or not planning restrictions are being complied with. However, if Officers revisit the site this would be regarded as systematic and RIPA authority will be required. In addition, Directed Surveillance does not include covert surveillance carried out by way of an immediate response to events which by their nature could not have been foreseen. Therefore emergency call outs to the Duty Liaison Officers are not included.

Complaints

40. RIPA establishes an independent Tribunal. The Tribunal has full powers to investigate and decide any case within its jurisdiction.

Details of the relevant complaint procedure can be obtained from the following address:

Investigatory Powers Tribunal

PO Box 33220

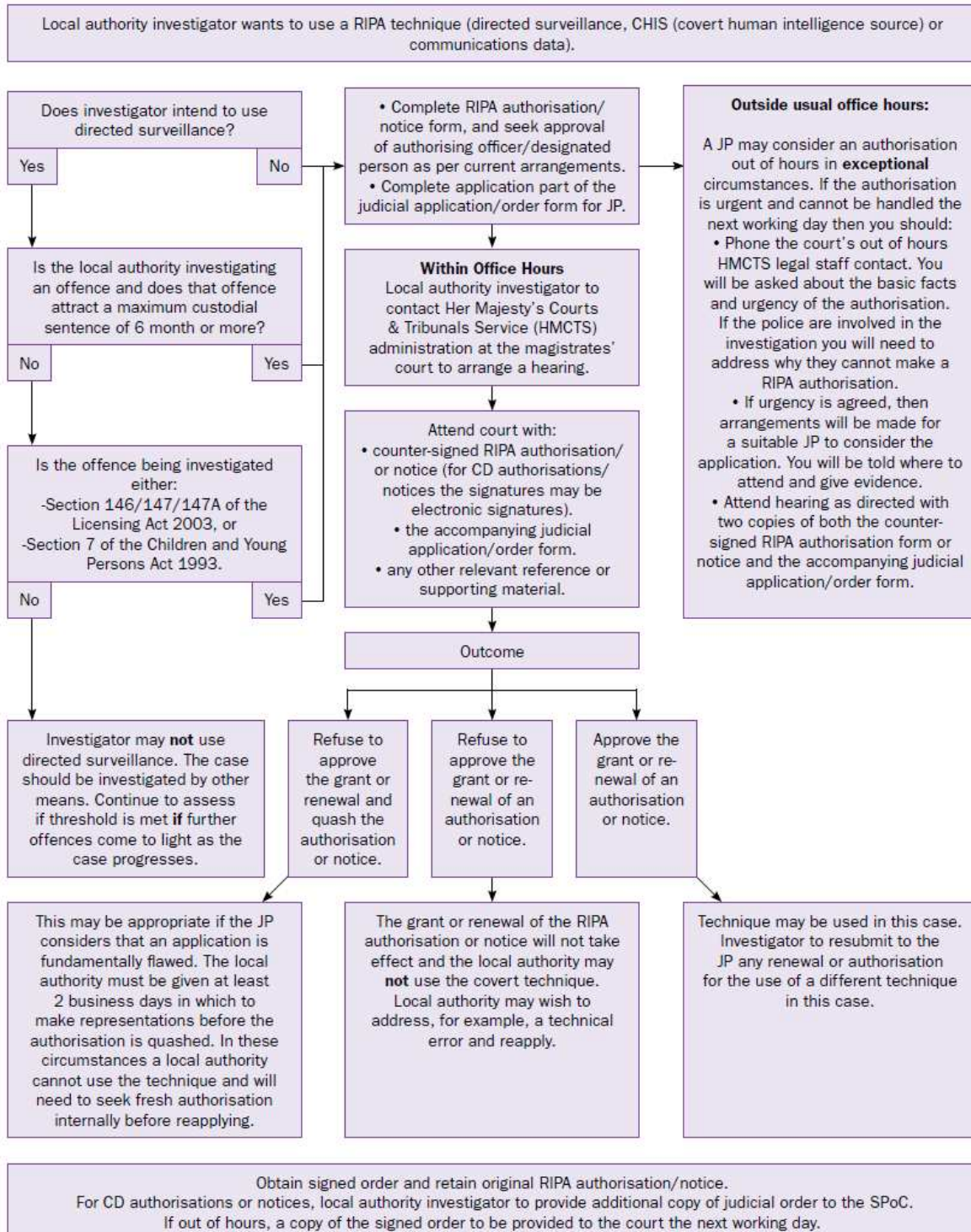
London

SW1H 9ZQ

Policy Availability

41. This policy will be published in accordance with the Council's publication scheme under the Freedom of Information Act 2000.

LOCAL AUTHORITY PROCEDURE: APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE



APPENDIX 1

Forms

- Application for Authorisation to Carry Out Directed Surveillance
- Application for Authorisation of the use or Conduct of a Covert Human Intelligence Source (CHIS)
- Review of a Directed Surveillance Authorisation
- Review of a Covert Human Intelligence Source (CHIS) Authorisation
- Application for Renewal of a Directed Surveillance Authorisation
- Application for Renewal of a Covert Human Intelligence Source (CHIS) Authorisation
- Cancellation of a Directed Surveillance Authorisation
- Cancellations of an Authorisation For the Use or Conduct of a Covert Human Intelligence Source

The forms are available via the Home Office website

<http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/ripa-forms/>

**AMENDMENTS TO THE COUNCIL'S CONSTITUTION:
PART 13 - OFFICER RESPONSIBILITIES AND DELEGATIONS**

Council – 1 October 2013

Report of Chief Officer Legal and Governance

Status: For Decision

Key Decision: No

Portfolio Holder Cllr. Fleming (Strategy and Performance)

Contact Officer(s) Vanessa Etheridge Ext: 7199

Recommendation to Council: 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.

Reason for recommendation: to update Members on the consequential constitutional amendments made.

Introduction and Background

- 1 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.
- 2 At the meeting of Full Council on 19 February 2013 it was agreed that:

'authority be delegated to the Monitoring Officer to make the necessary consequential changes to Part 13 of the Constitution entitled "Officer Responsibilities and Delegations" in order to take account of the changes in senior management set out within the report.' (Minute 50. d (e))
- 3 Under the above delegated authority the Monitoring Officer 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.
- 4 As the amendments were made under delegated authority there is no need to ask Council to formally adopt the changes, however due to the substantial amendments required it was felt prudent to bring these to Members' attention.

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Key Implications

Financial

None arising directly from the contents of this report.

Legal Implications and Risk Assessment Statement.

Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution under review.

If Chief Officers act without the appropriate authority any decision or action they take could be challenged and result in adverse costs and publicity against the Council. It is therefore imperative that delegations are given correctly.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	N/A
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

Conclusions

Members are recommended to formally adopt the changes made under delegated powers.

Appendices

Appendix A – Part 13 - Officer Responsibilities and Delegations (as amended)

Background Papers:

Sevenoaks District Council's Constitution
Council Agenda & Minutes 19 February 2013
Local Government Act 2000

Mrs Christine Nuttall
Chief Officer for Legal and Governance

PART 13 - OFFICER RESPONSIBILITIES AND DELEGATIONS

1. The Council’s Officers

1.1 The Council has people working for it (Officers) to give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between Officers and Members. (Appendix J - Protocol on Councillor and Officer Relations)

2. Management Structure

General

2.1 The full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

Chief Officers

2.2 The full Council will engage persons for the following posts, who will be designated Chief Officers:

Post	Functions and areas of responsibility
Chief Executive	Overall corporate management and operational responsibility (and Head of Paid Service) (including overall management responsibility for all Officers) Provision of professional advice to all parties in the decision-making process. Representing the Council on partnership and external bodies (as required by statute or the Council). The Section 151 Officer. The Returning Officer and Electoral Registration Officer for the Council. Responsibility for Regeneration.
Chief Officer Communities & Business	Community Engagement, Community Plan, Community Safety, Economic Development, Grants, Health, Leisure, Health and Wellbeing Boards, Older People, Safeguarding, West Kent Partnership, Young People.
Chief Officer Environmental & Operational	Building Control, Business Continuity, Corporate Health & Safety, CCTV, Emergency Planning, Environmental Health, Licensing, Parking & Amenity, Procurement, Refuse Collection & Recycling, Street & Other

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Services	cleansing services, Land Charges.
Chief Finance Officer	Audit, Anti-Fraud, Benefits, Business Rates, Council Tax, Finance, Risk Management, Strategic Asset Management, Treasury Management.
Chief Officer Housing	Climate Change, Empty Homes, Housing Policy & Enabling, Management of Gypsy/Traveller sites & unauthorised encampments, Liaison with Housing Associations, Private Housing, Social Housing, West Kent Leader Programme, Private sector letting scheme, Disabled facility grants and welfare funerals.
Chief Officer Legal & Governance	Data Protection & Freedom of Information, Democratic Services, Elections, Legal Services, Monitoring Officer, Standards Ethics and Governance
Chief Planning Officer	Conservation, Development Control, Planning Appeals, Planning Enforcement, Planning Policy, Arboricultural Policy.
Chief Officer Corporate Support	Customer Services, Facilities Management, IT Services, Property Services, Post Room & Scanning, Telecommunications.

2.3 The designations of these posts may be changed from time to time by the Cabinet on receipt of advice from the Chief Executive.

Head of Paid Service and s.151 Officer and Monitoring Officer

2.4 The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service and s. 151 Officer
Chief Officer Legal & Governance	Monitoring Officer

2.5 Such posts will have the functions described in paragraphs 3, 4 and 5 below.

Structure

2.6 The Chief Executive will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers. This is set out at the end of this part of this Constitution.

Delegations to Dartford Borough Council

2.7 Pursuant to enabling legislation Council and Cabinet have delegated to Dartford

Borough Council via its Head of Paid Service the discharge of all functions with regard to the Internal Audit and Fraud Service as may be more particularly identified in Schedule 1 of the Partnership Working Agreement. Council and Cabinet have also agreed to place at the disposal of Dartford Borough Council for the purposes of their functions the services of officers employed by Sevenoaks District Council.

- 2.8 Pursuant to enabling legislation Council and Cabinet have delegated to Dartford Borough Council via its Head of Paid Service the discharge of all functions with regards to the Environmental Health Service as may be more particularly identified in the Partnership Working Arrangements. Council and Cabinet have also agreed to place at the disposal of Dartford Borough Council for the purposes of their functions the services of officers employed by Sevenoaks District Council.

3. Functions of the Chief Executive (as Head of Paid Service)

Discharge of Functions by the Council

- 3.1 The Chief Executive will keep under review the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

Restrictions on Functions

- 3.2 The Chief Executive may not be the Council's Monitoring Officer but may hold the post of s.151 Officer if a qualified accountant.

4. Functions of the Monitoring Officer (Chief Officer Legal & Governance)

Maintaining the Constitution

- 4.1 The Monitoring Officer (Chief Officer Legal & Governance) will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

Ensuring Lawfulness and Fairness of Decision-Making

- 4.2 After consulting with the Chief Executive (the Head of Paid Service and s.151 Officer), the Chief Officer Legal & Governance (Monitoring Officer) will report to the full Council or to the Cabinet in relation to an Executive Function – if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration.
- 4.3 Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

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Supporting the Standards Committee

- 4.4 The Chief Officer Legal & Governance (the Monitoring Officer) will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- 4.5 Notwithstanding the duty of confidentiality, the Monitoring Officer shall be at liberty to disclose any information relating to the Council's affairs, and providing copies of any records or documents belonging to the Council to the Standards Committee for the purpose of investigation or determination of a complaint against a Member.

Conducting Investigations

- 4.6 The Chief Officer Legal & Governance (the Monitoring Officer) may conduct investigations into allegations of Member Code of Conduct breaches and make reports or recommendations in respect of them to the Standards Committee.

For Access to Information

- 4.7 The Chief Executive (the Head of Paid Service and s.151 Officer) will ensure that Cabinet decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.

Advising Whether Cabinet Decisions are Within the Budget and Policy Framework

- 4.8 The Monitoring Officer, in consultation with the Head of Paid Service and s.151 Officer, will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

Providing Advice

- 4.9 The Monitoring Officer, in consultation with the Head of Paid Service and s.151 Officer, will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members.

Restrictions on Posts

- 4.10 The Monitoring Officer cannot be the Head of Paid Service and s.151 Officer.

5. Functions of the s.151 Officer (the Chief Executive)

Ensuring Lawfulness and Financial Prudence of Decision-Making

- 5.1 After consulting with the Monitoring Officer, the s.151 Officer will report to the full Council or to the Cabinet in relation to an Executive Function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

Administration of Financial Affairs

- 5.2 The s.151 Officer will have responsibility for the administration of the financial affairs of the Council.

Contributing to Corporate Management

- 5.3 The s.151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

Providing Advice

- 5.4 The s.151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members and will support and advise Members and Officers in their respective roles.

Giving Financial Information

- 5.5 The s.151 Officer will provide financial information to the media, members of the public and the community.

Restrictions on Functions

- 5.6 The s.151 Officer may not be the Monitoring Officer but may hold the post of Head of Paid Service.

6. Duty to provide sufficient resources to the Monitoring Officer, the s.151 Officer and the Returning Officer

- 6.1 The Council will provide the Monitoring Officer, s.151 Officer and the Council's Returning Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

7. Conduct

- 7.1 Officers will comply with the Officers' Code of Conduct (Appendix I - Code of Conduct for Employees) and the Protocol on Officer/Councillor Relations set out in (Appendix J - Protocol on Councillor and Officer Relations) or such other Protocols as may be adopted by the Council.

8. Employment

- 8.1 The recruitment, selection and dismissal of Officers will comply with the Officer Employment Procedure Rules set out in (Appendix M - Officer Employment Procedure Rules).

9. Delegations to Officers

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Introduction - Overall Basis

- 9.1 This scheme delegates the powers and duties of the Council to Officers and shall be interpreted widely rather than narrowly and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of anything specified, including appointment and dismissal of staff (where that is not reserved to Members by the scheme of delegation to committees) and authorising the affixing of the Common Seal.
- 9.2 This scheme operates under sections 101 of the Local Government Act 1972 and 15 of the Local Government Act 2000 and all other enabling powers.

Overall Limitations

- 9.3 This scheme does not delegate to Officers:
- (a) any matter reserved to full Council;
 - (b) any matter, which by law, may not be delegated to an Officer; and
 - (c) the determination of policy (including extension of or amendment to an existing policy) and budgetary matters; and
 - (d) any matter expressly withdrawn from delegation by this scheme or, in a particular case, by the Council, Cabinet or Committee or Sub-Committee.
- 9.4 The exercise of a delegated power shall be subject to:
- (a) The Council's policies, procedures and protocols, including the Budget and Policy Framework (Appendix B - Budget and Policy Framework Procedure Rules).
 - (b) The requirements of the Constitution, including the Contracts Procedure Rules (Appendix E - Contracts Procedure Rules) and Financial Procedure Rules (Appendix D - Financial Procedure Rules);
 - (c) Any statutory restrictions;
 - (d) The right of the Council, Cabinet, Committee or Sub-Committee to decide any matter in a particular case; and
 - (e) Any restrictions, conditions or directions of the delegating body.
- 9.5 In exercising delegated powers, Officers shall:
- (a) have regard to any report by the Chief Executive in his capacity as Head of Paid Service or the Monitoring Officer under sections 4 and 5 of the Local Government and Housing Act 1989 or the Chief Executive in his capacity as s.151 Officer under section 114 of the Local Government Finance Act 1988.

- (b) not go beyond the provision in the revenue or capital budgets for their service except to the extent permitted by the Contracts Procedure Rules (Appendix E - Contracts Procedure Rules) or Financial Procedure Rules (Appendix D - Financial Procedure Rules).
- (c) Where and when appropriate, report back to Cabinet, or appropriate Committee or Sub-Committee, as to the exercise of the delegated powers.

10. Further Provisions:

- 10.1 This scheme includes the power for Officers to delegate in writing all or some of the delegated functions to other Officers (described by name or post) either fully or under the general supervision and control of the delegating officer. Sub-delegations shall be recorded in a register kept by the Democratic Services Team under section 100G of the Local Government Act 1972. It shall be the responsibility of the Officer delegating any function to ensure that a copy of the delegation is forwarded to the Democratic Services Manager.
- 10.2 Before exercising delegated powers an Officer shall comply with the requirements for consultation with Members set out in this Constitution, including the limitations set out in this Scheme of Delegation, the Budget and Policy Framework Procedure Rules (Appendix B - Budget and Policy Framework Procedure Rules), the Access to Information Procedure Rules (Appendix A - Access to Information Procedure Rules), the Financial Procedure Rules (Appendix D - Financial Procedure Rules), and the Contracts Procedure Rules (Appendix E - Contracts Procedure Rules), and the Protocols (as set out in the appendices to this Constitution). It shall always be open to an Officer not to exercise delegated powers but to refer the matter to the Cabinet, Committee or Sub-Committee for decision.
- 10.3 In exercising delegated powers, Officers shall consult with such other Officers as they determine appropriate and shall have regard to any advice given.
- 10.4 This scheme shall operate from 1st September 2013.
- 10.5 This scheme delegates to the holder of each post named in it the management of the resources made available for the duties of the post as specified in the terms of the post holder's appointment.
- 10.6 In each case the delegated authority does not authorise the post holder to make any planning application which would materially conflict with or prejudice an identified policy in an adopted Local Plan for the time being in force.
- 10.7 In each case, except where the Chief Executive is exercising delegated authority under paragraph 12 (d) below, none of the Officers named is authorised to make a formal response on behalf of the Council to any Government Consultation Paper, without reference first to the Cabinet, relevant Portfolio Holder or the relevant Committee provided that when the timescale does not allow for reference to a scheduled Cabinet or Committee meeting, Officers are authorised to respond,

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following consultation with the relevant member of the Cabinet (where the matter is an Executive function) or with the relevant Committee Chairman (where the matter is not an Executive function).

- 10.8 The powers delegated to Officers, other than the Chief Executive, in this scheme may also be exercised by the Chief Executive when he considers such action to be appropriate.
- 10.9 Any reference to any Act of Parliament shall include reference to regulations, subordinate legislation and European Union legislation upon which either UK legislation is based, or from which powers, duties and functions of the Council are derived.
- 10.10 Reference to any enactment, regulation, order or byelaw shall include any amendment, re-enactment or re-making of the same.
- 10.11 Any post referred to below shall be deemed to include any successor post or a post which includes within the job description elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded.

11. General Delegations to All Chief Officers Acting Individually

- 11.1 The Chief Officers referred to within Part 13 of the Constitution are those set out in paragraph 2.2 above.
- 11.2 Chief Officers are empowered to carry out those specific functions of the Council delegated to them in this scheme of delegation forming Part 13 of the Constitution in addition to the follows generic powers:-
- 11.3 Deal with employment issues in accordance with the Council's procedures.
- 11.4 Within service budgets, accept tenders, place contracts and procure other resources within or outside the Council subject to compliance with the Council's Financial and Contract Procedure Rules.
- 11.5 Serve, receive and act upon notices and comply with any duty of the Council.
- 11.6 Exercise virement within the financial limits contained in the Financial Procedure Rules.
- 11.7 Provide services to other local authorities and organisations.
- 11.8 In exercising their delegated powers Chief Officers must act within the law, the Council's Constitution, its Financial and Contract Procedure Rules and other procedures and policies and within appropriate service budgets.
- 11.9 In exercising their delegated powers the Chief Officers will:

- consult the relevant Cabinet Portfolio Holder as appropriate;
- consult any appropriate Chief Officer or relevant Head of Service/Service Manager, in particular where there are significant financial, legal, property or HR implications of the proposed action or decision.

11.10 In the event of a Chief Officer post being vacant, or in the absence of a Chief Officer, those delegated powers may be exercised by the relevant Head of Service/Service Manager so far as permitted by law.

11.11 Where this Constitution permits the exercise of delegated powers by Heads of Service/Service Managers, such exercise is subject to the same restrictions and requirements as are applicable to Chief Officers.

12. Delegation to the Chief Executive and s.151 Officer

- (a) To be Head of the Paid Service under Section 4 of the Local Government and Housing Act 1989 and the s.151 Officer
- (b) The power to incur expenditure in the event of a civil emergency and to make orders under the Public Order Act 1986.
- (c) To manage the co-ordination of budget processes, including overall strategy, planning and information.
- (d) In cases of urgency, after consultation with the Leader and Deputy Leader of the Council [and, where possible, the Leader(s) of the Opposition], to take any decision which could be taken by the Cabinet or by a Committee and to report such actions to Cabinet or Committee as appropriate.
- (e) To be the Returning Officer and Electoral Registration Officer for the Council.
- (f) To be the proper officer of the Council for the purposes of the Local Government Act 1972, The Local Authorities (Executive and Arrangements)(Meetings and Access to Information)(England) Regulations 2012 and the Local Government (Miscellaneous Provisions) Act 1976.
- (g) To designate suitably qualified officers as Authorising Officers for the purpose of granting authorisations to exercise the powers made available to the Council by the Regulation of Investigatory Powers Act, 2000 in accordance with the changes to provisions made by the Protection of Freedoms Act 2012.
- (h) To exercise the granting of the higher level of internal authorisation under the Regulation of Investigatory Powers Act 2000 as set out in the Council's Surveillance Policy.
- (i) To be the proper officer of the Council for the purpose of Part II of the Local Authorities (Statutory Order) (England) Regulations 2001

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- (j) As Head of Paid Service, to exercise any powers delegated to another Officer except those in respect of which a specific professional qualification is required by statute.
- (k) The Chief Executive, or in his absence, the Chief Officer Communities & Business to give authorisation of a dispersal order under the Anti Social Behaviour Act 2003 Part 4 (Sections 30 and 31).
- (l) Pursuant to enabling legislation this Council via its Chief Executive has received and shall discharge all the functions of Dartford Borough Council with regard to the Revenues and Benefits Service as may be more particularly identified in Schedule 1 of the Partnership Working Agreement and Dartford Borough Council have agreed to place at the disposal of Sevenoaks District Council for the purposes of those functions the services of officers employed by Dartford Borough Council.
- (m) Pursuant to enabling legislation this Council via its Chief Executive has received and shall discharge all the functions of Dartford Borough Council with regard to the Environmental Health Service as may be more particularly identified in the Partnership Working Arrangements and Dartford Borough Council have agreed to place at the disposal of Sevenoaks District Council for the purposes of those functions the services of officers employed by Dartford Borough Council.
- (n) To grant exemptions on the political restrictions of officer posts under the Localism Act 2011
- (o) To exercise the proper administration of the Council's financial affairs which shall include issues of insurance, discretions as to rating, housing benefits and Council Tax under section 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988.

This authority is limited in the following cases:

- (i) the approval of sums exceeding £10,000 being transferred from an agreed estimate to another purpose other than for which it was approved shall be subject to approval by the relevant Portfolio Holder(s); and
 - (ii) the writing off of debts exceeding £5,000 and rent arrears exceeding £5,000 shall be subject to approval by the Value for Money Portfolio Holder.
- (p) To exercise the budgetary control functions under the Council's Financial Procedure Rules.
 - (q) To arrange all borrowings, financing and investment in line with the Council's Treasury Management Policy Statement.
 - (r) To agree the terms of loans permitted under law.
 - (s) To authorise the release of funds from contingencies as set out in the Revenue Budget.

- (t) To have responsibility for the Council's general administration (including the sealing of documents), Committee structure and operation (including payment of Members' allowances and expenses) save that any adjustment to the Council's calendar of meetings as may be necessary shall only be exercised after consultation with the Leader of the Council or the appropriate Chairman. To be the proper officer of the Council for the purposes of sections 96, 225, 229 and Part VA, sections 115 and 146 of the Local Government Act 1972 and for the purposes of section 41 of the Local Government (Miscellaneous Provisions) Act 1976.
- (u) To manage central training and job evaluation.
- (v) To determine and issue guidelines to Officers for the management of human resources and in particular recruitment, training, conditions of service, rewards and discipline.
- (w) To permanently re-grade posts up to and including Head of Service level.

13. Delegation to the Chief Finance Officer

- (a) To exercise all the powers of management in the best interests of the Council with regard to land and property owned by the Council including authorising action for possession of any land or property.
- (b) To acquire and dispose of land that is necessary for the Council's current programme.
- (c) To institute and conduct legal proceedings where sufficient evidence exists when this is in the Council's interest or arising out of its functions and to take such action as he thinks appropriate with regard to any such proceedings as being in the Council's interest.
- (d) To defend all proceedings brought against the Council including appeals against its decisions and to take such action as he thinks appropriate with regard to any such proceedings.
- (e) To authorise Officers to represent the Council before all Courts and Tribunals.
- (f) To have the responsibility for taking care of all securities and title deeds of all property held in the name of the Council.
- (g) To maintain the collection of revenue, council tax and national non-domestic rates.
- (h) The administration of benefits.
- (i) To maintain an effective internal audit service
- (j) To act as lead officer for the Audit Committee
- (k) To act as the Risk Management Officer Champion and ensure appropriate risk

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management arrangements are in place across the Council.

- (l) To act as lead officer for maintaining effective corporate governance arrangements and the preparation of the Annual Governance Statement.
- (m) To make appropriate banking arrangements on behalf of the Council
- (n) To insure against risks where he considers this appropriate.
- (o) To receive and respond to expressions of interest under Community Right to Challenge, under Part 5, Chapter 2 of the Localism Act 2011.
- (p) To undertake the functions of the designated s.151 Officer in the absence of such Officer.

14. Delegation to the Chief Officer Legal & Governance

- (a) To institute and conduct legal proceedings where sufficient evidence exists when this is in the Council's interest or arising out of its functions and to take such action as is considered appropriate with regard to any such proceedings as being in the Council's interest.
- (b) To defend all proceedings brought against the Council including appeals against its decisions and to take such action as is considered appropriate with regard to any such proceedings.
- (c) To authorise Officers to represent the Council before all Courts and Tribunals.
- (d) To have responsibility for the Council's general administration (including the sealing of documents), Committee structure and operation (including payment of Members' allowances and expenses) save that any adjustment to the Council's calendar of meetings as may be necessary shall only be exercised after consultation with the Leader of the Council or the appropriate Chairman or Chairmen.
- (e) To have the responsibility for taking care of all securities and title deeds of all property held in the name of the Council.
- (f) To act as the Proper Officer for the purposes of the Local Government Act 2000.
- (g) To amend the Constitution where necessary to reflect changes in the law or decisions of council bodies or to correct inaccuracies.
- (h) To prepare all contracts for the sale or purchase of Council Land and property and all leases, tenancy agreements or other agreements affecting Council land or property including easements or any interest in land.
- (i) To settle legal documents.
- (j) To sign the documents intended to give effect to decisions of a council body.

- (k) To sign any notice, demand or other document on behalf of the Council in connection with any actual or contemplated legal proceeding.
- (l) To settle any action in any court or tribunal in which the Council is a party or where legal proceedings are indicated providing that any settlement exceeding £50,000 will be subject to prior consultation with the Leader or Deputy Leader of the Council except in cases of urgency where the settlement is made on the advice of Counsel.
- (m) In consultation with the Chairman of the Governance Committee to make payments or provide other benefits in cases of maladministration in accordance with Section 92 of the Local Government Act 2000 (as amended)
- (n) To act as the Proper Officer for the purposes of the Local Government Acts 1972 and 2000 and all Regulations made there under other than those Proper Officer functions delegated to the Chief Executive and s.151 Officer in connection with the administration of the Council's financial affairs.
- (o) To act as lead officer for the Governance Committee
- (p) To act as lead officer for the Standards Committee

15. Delegation to Chief Planning Officer

- (a) To exercise all the powers and duties of the Council as the Local Planning Authority (including the conduct of appeals) under all Town and Country Planning legislation, subject to the following exceptions:
 - (1) Where an application is submitted to Sevenoaks District Council for determination, it shall be referred to the Development Control Committee if any of the following apply.
 - (i) In the opinion of the Chief Planning Officer, the application is of a significant, controversial or sensitive nature.
 - (ii) It is proposed to determine an application which in the opinion of the said Chief Planning Officer, would set a significant precedent.
 - (iii) A written request for consideration by the Development Control Committee, supported by an appropriate planning reason¹, has been received from a Member of the Council no later than 21 calendar days following despatch of the weekly list of planning applications on which such applications appear, or such lesser period as may be notified by the Chief Planning Officer in relation to any application where a decision could not otherwise be made by Committee before the statutory deadline for determination.

¹ A 'Planning Reason' includes accordance with a relevant Development Plan Policy or a material planning consideration. The Chief Planning Officers or Development Control Manager will offer advice if necessary on an appropriate planning reason.

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Where amended plans and/or information of a significant nature (as determined by the Chief Planning Officer) are received on an application, an additional call-in period will be given, the period for which will be specified by the Chief Planning Officer to suit the circumstances of each case.

- (iv) A written request for consideration by the Development Control Committee, supported by an appropriate planning reason, has been received from a Member of the Council relating to an application in their Ward no later than seven calendar days following notification by the Chief Planning Officer of a proposed recommendation which is contrary to representations received in support of, or in objection to, an application from the Town or Parish Council for the area (subject to the arrival of such representations within the statutory consultation period).
 - (v) An application known to have been submitted by, or on behalf of, a Member or an Officer of the District Council, or a member of their family².
- (2) Where the Council is a consultee to an application e.g. where an application is submitted to Kent County Council as the Mineral Planning Authority, the application shall be referred to the Development Control Committee if in the opinion of the Chief Planning Officer, it is of a significant, controversial or sensitive nature.
- (3) Enforcement action shall be referred to the Development Control Committee if either of the following apply.
- (i) A request for consideration by the Development Control Committee, supported by an appropriate planning reason, has been received from a Local Member; or
 - (ii) The Chairman or Vice Chairman of the Development Control Committee requires the case to be considered by the Development Control Committee.
- (4) Where permission has been refused under delegated powers, an appeal has been lodged and new information has been received that leads Officers to conclude that refusal of permission can no longer be substantiated at appeal, the matter will be referred back to Members to enable the original delegated refusal to be reviewed.

If sufficient time is available, local Members will be asked to agree to a decision no longer to oppose the scheme following the procedure for delegated decisions and if the local Members do not agree the matter will be

² A 'member of their family' shall include a partner (someone they are married to, civil partner or other person who they live with in a similar capacity), a parent, a parent-in-law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of their partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners of any of these people.

referred to the Development Control Committee including, if necessary, an emergency meeting.

If the appeal timetable does not allow for the above process to be completed in time, the review of the delegated decision will be referred to a Panel of three Members of the Committee for decision, after consultation with the local Members.

The Chief Executive will call a meeting of one of the Panels whenever there is business to be transacted.

A Panel will contain three Members of the Development Control Committee. Either the Chairman or Vice-Chairman of the Development Control Committee will be one of the Members of the panel and the other Members of the Panel will be selected sequentially in alphabetical order. Local Members should not normally be part of the Panel but will have the right to address the Panel for a maximum of 3 minutes.

Any Member of the Development Control Committee may act as a substitute on a Panel. Democratic Services must be notified by the Members concerned of any substitutions at least one working hour prior to a Panel meeting. The Chairman or Vice-Chairman of the Development Control Committee, whichever is present, will be the Chairman of the Panel.

The quorum for a Panel meeting shall be three Members.

The procedure will not apply to the review of individual reasons for refusal where the decision to refuse permission does not change.

- (5) The Chief Planning Officer to institute, conduct and settle legal proceedings on behalf of the Council in any Court of Law, Tribunal or other body in respect of any breach or contravention of the Planning Acts and regulations made thereunder (including actions for injunctions).
- (b) To take all necessary action to defend legal proceedings against the Council.
- (c) To exercise all relevant legislation where appropriate as follows:
- The Town and Country Planning Act 1990
 - Planning (Listed Buildings and Conservation Areas) Act 1990
 - Town and Country Planning (Control of Advertisements)(England) Regulations 2007
 - the Town and Country Planning (General Permitted Development) Order 1995

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- Planning & Compulsory Purchase Act 2004
- Planning and Compensation Act 1991
- Countryside and Rights of Way Act 2000.
- Growth and Infrastructure Act 2013
- the Localism Act 2011

or such other Acts of Parliament as relate to the relevant statutory functions of the planning authority

16. Delegation to the Chief Officer Environmental & Operational Services

- (a) To exercise all the Council's powers and duties with regard to Building Control under the Building Act 1984 and regulations made thereunder.
- (b) To take all necessary action to secure compliance with the Building Act 1984 and regulations made thereunder, including the service of statutory notices.
- (c) To institute, conduct and settle legal proceedings on behalf of the Council in any Court of Law, Tribunal or other body in respect of any breach or contravention of the Building Act 1984 and regulations made thereunder (including actions for injunctions).
- (d) To take all necessary action to defend legal proceedings against the Council.
- (e) To exercise the functions of the Council with regard to environmental improvements and access to the Countryside.
- (f) To deal with all matters relating to high hedges under Part 8 of the Anti-Social Behaviour Act 2003

Environmental and Operational Services

Direct Services

- (g) To operate the activities of Sevenoaks Direct Services.
- (h) To deal with any matters relating to the powers contained in the Clean Neighbourhood and Environment Act 2005.
- (i) To deal with any matters relating to the powers contained in the Environmental Protection Act 1990
- (j) To deal with any matters relating to the powers contained in the Refuse Disposal (Amenity) Act 1978

Parking & Amenity

- (k) To operate playgrounds to ensure health and safety requirements are met, and to seek alternative management of playgrounds as appropriate.
- (l) To monitor and review the Council's grounds maintenance contract and ensure corrective action is taken when required.

Environmental Services

- (m) To be the Council's proper officer for the purposes of matters relating to food safety and infectious diseases save that where such designation requires a medical or other specialist qualification, to be authorised to designate suitable persons as proper officer for that purpose.
- (n) To exercise all the functions of the Council with regard to matters relating to environmental health, including public health, food hygiene and health and safety, animal welfare (including the authorisation of legal proceedings).
- (o) To exercise all the functions of the Council with regard to matters relating to contaminated land (including the authorisation of legal proceedings) and air quality.

Licensing

- (p) To authorise legal proceedings in respect of any contravention arising from the Licensing Act 2003, the Gambling Act 2005 and the Charities Act 2006.
- (q) To determine all applications for a personal license, where no objections have been made
- (r) To determine all applications for a premises licence/club premises certificate, where no representations have been made.
- (s) To determine all applications for a provisional statement where no representations have been made.
- (t) To determine all applications to vary premises licences/club premises certificates where no relevant representations have been made.
- (u) To determine all applications to vary designated personal licence holders, except where there is a police objection.
- (v) To determine all requests to be removed as designated personal licence holders.
- (w) To determine all applications by way of Interim Authority Notices except where there is a police objection.
- (x) To determine whether representations submitted are irrelevant, frivolous, or vexatious

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- (y) To determine all applications for Minor Variations to premises/club premises licences.
- (z) To determine all applications for removal of the mandatory condition to have a Designated Premises Supervisor at Community Premises.
- (aa) To maintain the Licensing Register.
- (bb) To exercise the Council's powers and duties in relation to the licensing of hackney carriages and private hire vehicles, including the licensing of vehicles, drivers and operators, the control of numbers of hackney carriages and the granting of permits for small buses.
- (cc) To exercise all the Council's functions with regard to hypnotism street collections (including the variation of any conditions imposed on any licence)

Additional Functions

- (dd) To carry out the land charges function.
- (ee) To carry out street naming and numbering.
- (ff) To carry out the retaining of walls near streets.
- (gg) To carry out the Council's functions in relation to temporary road and footpath closures.
- (hh) To carry on the functions associated with parking contraventions.
- (ii) To exercise as appropriate all relevant legislation as follows:
 - Animal Boarding Establishments Act 1963
 - Animal Welfare Act 2006
 - Animals Act 1941
 - Breeding of Dogs Act 1973 & 1991
 - Dogs (Fouling of Land) Act 1996
 - Clean Air Act 1993
 - Control of Pollution Act 1974
 - Control of Dogs Order 1991
 - Criminal Justice and Public Order Act 1994

- Anti- Social Behaviour Act 1972
- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Environment Act 1995
- European Communities Act 1972
- Food Safety Act 1984 and 1990
- Food Hygiene (England) Regulations 2006
- Food and Environment Protection Act 1985
- Guard Dogs Act 1975
- Health Act 2006
- Health and Safety at Work etc Act 1974
- National Assistance (Amendment) Act 1951
- National Assistance Act 1948
- Noise Act 1996
- Noise and Statutory Nuisance Act 1993
- Offices, Shops and Railway Premises Act 1963
- Performing Animals (Regulations) Act 1925
- Pet Animals Act 1951
- Pesticides Act 1995
- Pollution Prevention and Control Act 1990
- Police and Criminal Evidence Act 1984
- Prevention of Damage by Pests Act 1949
- Public Health (Amendment) Act 1907 and 1961
- Public Health Act 1936, 1925, 1961

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- Public Health (Control of Diseases) Act 1984
- Refuse Disposal (Amenity) Act 1978
- Riding Establishments Act 1964 & 1970
- Scrap Metal Dealers Act 2013
- Christmas Day Trading Act 2004
- Sunday Trading Act 1847
- Goods Vehicle (Licensing of Operators) Act 1995
- Towns Improvement Clauses Act 1847
- The Water Supply (Water Quality) Regulations 2010
- Water Industry Act 1991
- Wildlife and Countryside Act 1981
- The Private Water Supply Regulations 2009
- Zoo Licencing Act 1981
- Road Traffic Act 1988 and 1991
- Road Traffic Regulation Act 1984
- Traffic Management Act 2004
- Town Police Clauses Act 1847
- Highways Act 1980
- House to House Collections Act 1939
- Local Government Act 1972
- The Local Government (Miscellaneous Provisions) Act 1976 and 1982
- Commons Act 1899
- Local Authorities (Goods and Services) Act 1970
- Sunbeds Regulation Act 2010

- Localism Act 2011

or such other Acts of Parliament as relate to the relevant statutory functions of the Environmental services authority.

17. Delegation to the Chief Officer Housing

Housing Services

- (a) To exercise all the functions of the Council as a housing authority, including the responsibility for the Council's Housing Strategy and policies, the enabling role, the Homelessness and Housing advice service, standard and fitness of properties, Energy Conservation issues and the management of unauthorised encampments and of the Council's gypsy site.
- (b) The power to authorise Housing staff (Housing advice and Homelessness) under Part V11 Housing Act 1996, Housing Act 2002, Prevention from Eviction Act 1977, Police and Criminal Evidence Act 1984 and National Assistance Act 1948.
- (c) To exercise where appropriate all other relevant legislation as follows:
 - Houses, Grants, Construction and Regeneration Act 1996
 - Housing Acts 1977, 1985, 1988, 1989, 1996, 2002 and 2004
 - Environmental Protection Act 1990
 - Local Government Acts 1933 & 1972
 - Caravan Sites and Control of Development Act 1960
 - Caravan Sites Act 1968
 - Building Act 1984
 - The Water Supply (Water Quality) Regulations 2010
 - The Water Industry Act 1991 as amended
 - The Private Water Supply Regulations 2009
 - Prevention of Damage by Pests Acts 1949
 - Public Health Acts 1936 & 1961
 - Public Health Control of Disease Act 1984 as amended
 - Landlord and Tenant Act 1985

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- National Assistance Act 1848
- Local Government (Miscellaneous Provisions) Act 1976 & 1982
- Criminal Justice and Public Order Act 1994
- Home Energy Conservation Act 1995 as amended
- Land Drainage Act 1991
- Rent (Agricultural) Act 1976
- Protection from Eviction Act 1977
- Mobile Homes Act 1975 and 1983
- Police and Criminal Evidence Act 1984
- The National Assistance Act 1948
- The Local Government (Miscellaneous Provisions) Act 1976
- The Kent Acts
- Localism Act 2011

or such other Acts of Parliament as relate to the relevant statutory functions of the Housing Authority.

18. Delegations to the Chief Officer Communities & Business

Communities and Business

- (a) To be responsible for the implementation and co-ordination of the Council's duties and functions under the Crime and Disorder Act 1998 as amended, including the authorisation of seeking appropriate orders under the Act.
- (b) To manage the Council's contractual relationship with Sencio Community Leisure and to operate the Council's leisure facilities that are not under the management of the Leisure Trust, including seeking alternative management of leisure facilities or funding or assistance from the Lottery Arts Fund save that where support or rejection for such assistance arises from a town or parish council, the Local Member(s) shall be consulted.
- (c) In partnership, facilitate arts (arts development in partnership with Kent County Council) within Council policies and manage the Council's contractual relationship for the operation of the Stag (formerly known as Sevenoaks Playhouse).

- (d) To exercise co-ordination of all matters relating to sustainable development and other matters of environmental management and policy agreed by the Council.
- (e) To be responsible for the implementation of Economic Development Policy and Programmes.
- (f) To be responsible for Strategic and Operational Tourism.
- (g) To undertake the Council's involvement in Health Improvement Plans, Health and Wellbeing Boards and the implementation of Health Policy.
- (h) To be responsible for the implementation, with other partners, of the Sevenoaks District Community Plan on behalf of the Council.
- (i) The responsibility, with other partners, for the implementation of the Voluntary Sector Compact.
- (j) To facilitate youth development and safeguarding within the Council's policies.
- (k) To operate the Council's capital schemes in parishes and other grant schemes.
- (l) To authorise and maintain a list of assets of community value and to make adjudications and decisions in relation thereto.
- (m) To exercise where appropriate all other relevant legislation as follows:
 - Anti-Social Behaviour Act 2003 and consequential amendments
 - Police Reform Act 2002
 - Police & Justice Act 2006
 - Localism Act 2011or such other Acts of Parliament as relate to the relevant statutory functions for Community Safety.

19. Delegations to Chief Officer Corporate Support

- (a) To be responsible for the following functions
 - Customer services
 - Facilities Management
 - IT Services
 - Property Services,

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- Post Room and Scanning
- Telecommunications

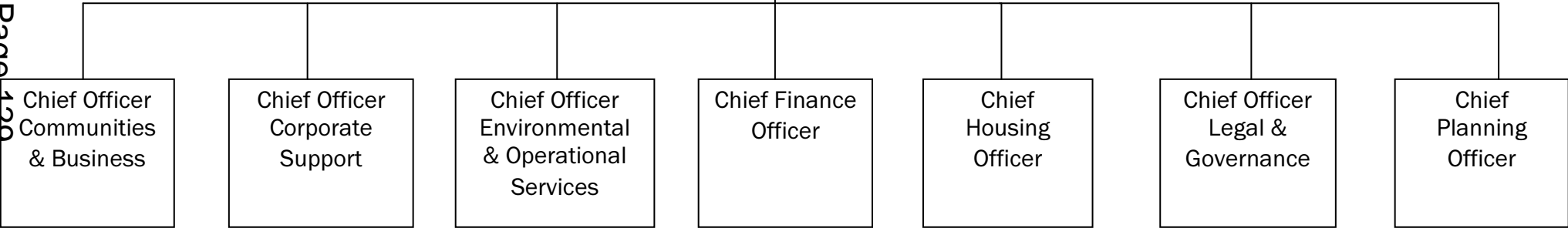
(b) To exercise where appropriate all other relevant legislation as follows:

- Landlord and Tenant Act 1954
- Landlords and Tenant Covenants Act 1995
- The Construction (Design and Management) Regulations 2007
- The Control of Asbestos Regulations 2012
- Disability Discrimination Act 2005
- The Local Government (Miscellaneous Provisions) Act 1976
- Local Authorities (Goods and Services) Act 1970
- The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007
- Localism Act 2011

or such other Acts of Parliament as relate to the relevant statutory functions in relation to the Facilities and IT services of the authority

Organisational Structure

Chief Executive



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AGREEMENT AND SIGNING OF MINUTES OF PAST COMMITTEES

Council - 1 October 2013

Report of Chief Officer Legal and Governance

Status: For Decision

Key Decision: No

Portfolio Holder Cllr. Fleming (Strategy and Performance)

Contact Officer(s) Vanessa Etheridge Ext: 7199

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

Reason for recommendation: Due to the recent governance restructuring these committees no longer exist in their current format. However to meet legal requirements an appropriate meeting is required to agree them as correct records and for them to be signed as such.

Introduction

- 1 At Annual Council, on 14 May 2013, the Council formally adopted a new governance structure and the following committees ceased to exist and the minutes of the last meetings held remain 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

- 2 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 para. 1 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.

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- 3 This report proposes that Council agree the outstanding minutes as correct records and the Chairman of the Council sign and initial them.

Other Options Considered and/or Rejected

The Minutes could be left unsigned and not formally agreed as a true and correct record, but would remain draft and open to challenge and would not meet the legal requirement of being kept correctly. The former Chairmen of those committees could be asked to sign the minutes, but this would not give other members the opportunity to formally challenge their accuracy and would not meet legal requirements (see para. 3 above). The minutes could be separated up under the committees that now have similar terms of reference, but this is untidy and unduly complicated.

Approval by Council seems the most transparent and expedient course of action.

Key Implications

Financial

None.

Legal Implications and Risk Assessment Statement.

It is a common law rule that where minutes have been properly kept they shall be admissible as evidence. Under the provisions of the Local Government Act (LGA) 1972, Sch. 12, para.41 (1)(2) minutes are inadmissible unless signed. Properly signed minutes may be received into evidence without the need for further proof. 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 at the next appropriate meeting. The person required to sign the minutes must be the person presiding over the meeting that agrees the minutes as a correct record.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes / No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

Conclusion

The most transparent and expedient course of action within legal requirements is for the meeting of the Council to agree the outstanding minutes as correct records and agree that the Chairman of the Council sign them.

Appendices

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

Background Papers:

'Knowles on Local Authority Meetings (A manual of Law and Practice Fifth Edition)'
'Local Government Constitutional and Administrative Law' by Arden, Manning and Collins
Local Government Act 1972
Local Government and Housing Act 1989

Mrs Christine Nuttall
Chief Officer for Legal and Governance

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MODERN LOCAL GOVERNMENT GROUP

Minutes of the meeting held on 9 May 2013 commencing at 7.00 pm

Present: Cllr. Fleming (Chairman)

Cllrs. Mrs. Bracken, Brookbank, Mrs. Cook, Mrs. Davison, Fittock,
Mrs. Hunter, Piper, Scholey and Walshe

Cllrs. Davison, Eyre, Mrs. George, Mrs. Parkin and Miss. Stack were also present.

15. Minutes

The minutes of the meeting held on 20th November 2013 were agreed and signed as a correct record.

16. Declarations of interest

No additional declarations of interest were made.

17. To consider the new governance arrangements and structure

On 23rd April 2013, full Council approved, in principle, a proposed Governance Structure and agreed that the Leader of the Council should develop further more detailed proposals and forward the information to the Modern Local Governance Group. Members considered papers outlining the proposed terms of reference for the following Committees:

- Cabinet Advisory Committees
- Scrutiny Committee
- Governance Committee
- Audit Committee.

In addition to the terms of reference Members also considered the draft structure for consultation and the proposed size of Committees.

As there were no track changes within the document, the Democratic Services Manager outlined the changes that had been made to the document following the Member Consultation event on Wednesday 8th May.

The Chairman outlined the main reason for the introduction of the changes which was to address the four main concerns held by Members:

- perception of remoteness/inaccessibility of portfolios;
- feeling of disengagement from influence and decision-making;

Agenda Item 6b

Modern Local Government Group - 9 May 2013

- lack of training and development (succession planning for future Cabinet members); and
- need to streamline the system to match the resource available.

The changes would strengthen the scrutiny function and would allow more member involvement in the formulation of policy.

In response to a question, the Chairman clarified that what was being proposed was a one year trial of the proposed arrangements. During the year other options could be considered by the Governance Committee. The purpose of introducing the proposed changes at Annual Council was to address the concerns raised by Members through the Governance Review.

A Member raised concerns and disappointment that none of the documents that had been circulated had included any track changes, the Member highlighted that there was a public equalities duty to keep people informed. The Member stressed that she would have expected Officers to alert Members to the changes to the documents that were being voted upon.

Cabinet Advisory Committees

Members reviewed and considered the terms of reference for the Cabinet Advisory Committees. A Member questioned whether it should be reflected somewhere in the Constitution that the intention was that every Member, except the Chairman of the Council, the Chairman and Vice-Chairman of the Scrutiny Committee and the Chairman of the Audit Committee, would have a seat on at least one of the Advisory Committees.

Two visiting Members requested that some consideration be given to preventing spouses from scrutinising each other as this issue had been raised at a Parish Council meeting.

Another Member suggested that the third item on the agenda should be a report from the Cabinet Member outlining their activities since the previous meeting and what they intend to do in the following three months. It was also suggested that it would be helpful to have time set aside for the Advisory Committees to question the Portfolio Holder on the report they produce. This would ensure that all Members would be kept informed.

A Member also suggested that the following be added to the terms of reference under specific functions:

(d) The Advisory Committee shall develop and approve its annual work plan ensuring that there is efficient use of the Committee's time.

Members had a detailed discussion surrounding whether Cabinet Members should be Chairmen of the Cabinet Advisory Committees. Following the discussion it was agreed that the Advisory Committees should be empowered to select their own Chairman at the first meeting of the municipal year.

The Chairman also stressed that the Cabinet Advisory Committees would have no decision making powers. Only Cabinet and Cabinet Members could take decisions.

A Member stressed that throughout the Governance Review Members had indicated that they wished to be involved in policy development at an early stage. There was nothing in the proposed terms of reference to highlight that new policies and legislation should be presented to the Cabinet Advisory Committees at the earliest possible juncture. The Member also noted that the term 'policy' should be given its widest possible construction.

Scrutiny Committee

It was agreed that "Overview and" should be removed from the title of the document. Members also acknowledged that there would be a minimum of two meetings a year and that the Chairman and Vice-Chairman of the Committee would be responsible for setting a work programme for the year.

A Member queried how the membership of the Scrutiny Committee would work in practice. The Chairman explained that the Chairman and Vice-Chairman of the Scrutiny Committee would be responsible for the management of the Committees work plan. The system allowed for 3 Members from two Advisory Committees to be discounted from the Membership meaning that at any one meeting the Committee could Scrutinise issues that had been considered by 3 of the 5 Advisory Committees. This would allow the Scrutiny Committee to have a greater focus whilst providing greater flexibility. Not all 15 Members would be required to attend every meeting. However the Membership of the Committee could be kept under review by the Governance Committee.

In response to a question the Chairman explained that the Scrutiny process would allow Cabinet Members and Senior Officers to be held to account.

A visiting Member noted that Members would require training to enable the new system to work. The Chairman reported that Scrutiny training would be provided as a specific set of skills would be required. In terms of other training, Members could request to attend any relevant training at any time.

Another visiting Member suggested that it would be beneficial to provide some basic training to all Members regarding how all the elements of the new system fitted together as there was a duty on Members to understand the systems within which they were operating.

In summary, the Chairman reported that the new system would trial for one year and whilst it would not be perfect from the beginning the system would be sufficiently flexible to evolve and develop to meet future changes.

Resolved: That full Council be recommended to agree the detail of the new system subject to the following amendments:

1) The following be added to the terms of reference under specific functions:

(d) The Advisory Committee shall develop and approve its annual work plan ensuring that there is efficient use of the Committee's time.

Agenda Item 6b

Modern Local Government Group - 9 May 2013

- 2) Cabinet Members be requested to provide a report to each meeting of the relevant Advisory Committee outlining their activities since the previous meeting and any decisions they intend to take in the following three months.
- 3) Advisory Committees be empowered to elect a Chairman at the first meeting of the Committee.

THE MEETING WAS CONCLUDED AT 8.43 PM

CHAIRMAN

PERFORMANCE AND GOVERNANCE

Minutes of the meeting held on 17 April 2013 commencing at 7.00 pm

Present: Cllr. Fittock (Chairman)

Cllr. Walshe (Vice Chairman)

Cllrs. Mrs. Bayley, Clark, Mrs. Cook, Davison, Gaywood, Grint, London, McGarvey and Piper

Apologies for absence were received from Cllr. Dickins and Firth

116. Minutes

Resolved: That the Minutes of the meeting of the Performance and Governance Committee held on 8 January 2013, be approved and signed by the Chairman as a correct record.

117. Declarations of interest

There were no declarations of interest.

118. Formal Response or Consultation Requests from the Cabinet and/or Select Committees following matters referred by the Committee

- a) Treasury Management Strategy 2013/2014
(Minute 83 Response from Cabinet 7 February 2013)

The Committee noted that the Cabinet had agreed with the recommendation to increase the opportunities for the council to broaden its options within the councils investment management strategy.

119. To receive the minutes of the Finance Advisory Group for information

Members noted the Minutes of the meeting of the Finance Advisory Group held on 24 January 2013.

A Member commented that only three members of the group had been present, and for such an important group the membership was too small. It was pointed out that the governance structure was due to be considered at Council.

120. Actions from the last meeting of the Committee

The completed actions were noted. It was further noted that the Procurement Group would report back to committee later in the year.

121. Future Business, the Work Plan 2012/13 and the Forward Plan

The work plan was noted. However in light of proposals to change the governance structure due to be considered at the next full meeting of Council, it was agreed to leave the plan as it stood except for noting that the Benefit Fraud Update would need to be reported to an appropriate committee in June.

122. Performance Report

The Committee considered a summary of Council performance along with details of all 'Red' performance indicators for the period to the end of January 2013 and updated figures for the period to the end of February 2013. The Policy and Performance Manager highlighted the improvements made within those periods.

Members discussed whether some of the targets, particularly in relation to the processing of planning applications and s.106 agreements, were realistic and achievable. The Chief Executive Designate acknowledged that there was always the danger of aiming for targets at the detriment of the result, and welcomed a review.

Members also agreed that it would be more useful to have monthly figures rather than cumulative. The Policy and Performance Manager advised that the software would be able to offer both cumulative and monthly figures by June 2013. He also reported that he would be meeting with planning and would feedback the comments. In response to a question on the timescale for new targets, he reported that objectives were being reviewed as part of service planning and at the moment draft proposals were being challenged.

The Committee was pleased to see the improvements made with regard to the garden waste collection service. The Chairman requested that the Committee's thanks and appreciation for the work undertaken to make these improvements be fed back to all relevant officers.

Resolved: That the report be noted.

123. Internal Audit Plan Q3 Progress Report

The Audit, Risk and Anti Fraud Manager presented the report which provided details of the progress of the Internal Audit Team in delivering the Annual Internal Audit Plan 2012/13 and outcomes of final reports issued since the meeting of the committee in January 2013. Since the publication of the report, three further reports had been issued; two more were at 'feedback process in progress' stage; one less fieldwork was in progress. All planned reviews for 2012/13 had either been completed, or were in various stages of completion. The Audit, Risk and Anti-Fraud manger indicated that all work- in-progress would be completed by end of April.

Resolved: That the contents of the report and the progress made by the audit team in delivering the 2012/13 Annual Internal Audit Plan, be noted.

124. Annual Audit Plan 2013/14

The Audit, Risk and Anti Fraud Manager's presented the draft Annual Internal Audit programme for 2013/14. The Plan took account of all the Financial Systems and the IT Service. He advised Members that the last line of audit item 22 'Repair and Maintenance Arrangements' should read 'probity' not property.

Members stressed the importance of s.106 agreements being reviewed and the Audit, Risk and Anti Fraud Manager confirmed that Community Infrastructure Levy (CIL) had been factored in. Members were keen that this area should be comprehensively reviewed. The Audit, Risk and Anti Fraud Manager undertook to look into licensing fee charging.

In response to a question relating to housing benefit fraud investigation The Audit, Risk and Anti-Fraud Manager advised that work was being undertaken, on Single Person Discount (SPD), in conjunction with Kent County Council (KCC) which has resulted in reducing the number of people claiming single person discounts. Thus reducing the amount of error or fraud in this area..

Action 1: The Audit, Risk and Anti Fraud Manager to prepare a draft audit brief ahead of the work on 'Review of S.106 Agreements' audit , and the Community Infrastructure Levy (CIL) to the Finance Advisory Group.

Public Sector Equality Duty

Members noted that there were no adverse equality impacts arising from this report.

Resolved: That the the draft Internal Audit Plan for 2013/14, be approved.

125. Budget Monitoring - January 2013 Figures and February 2013

The Chief Finance Officer presented the budget monitoring updated figures to February 2013. He advised that the actual year end figure for year end position is forecast to be £136,000 not £154,000 better than budget. Members considered the budget monitoring figures to date and noted the favourable year end forecast.

Members discussed possible causes for the loss of projected income in car parks, such as the recent adverse weather conditions. It was noted that generally sales of petrol were also down. However Members were keen to see whether it related to the recent increase in parking charges. The Chief Executive Designate reported that a few months ago it had been reported that there had been a reduction in length of stay.

Action 2: The Chief Finance Officer to investigate whether the loss of car park income related to the implementation of the increase in parking charges.

A Member expressed residual concerns from the recent car parking charge collection audit. The Chief Executive Designate reaffirmed that this had been fully investigated by Audit and looked at by service managers and the procedures and controls in place had been tested and audit had been satisfied. However audit could be requested to do more detailed testing.

Agenda Item 6b

Performance and Governance - 17 April 2013

Action 3: Audit be requested to do more detailed testing on collection procedures for car parking income as part of their 2013/14 audit.

Resolved: That the report be noted.

THE MEETING WAS CONCLUDED AT 8.13 PM

CHAIRMAN

SERVICES SELECT COMMITTEE

Minutes of the meeting held on 4 April 2013 commencing at 7.00 pm

Present: Cllr. Davison (Chairman)

Cllr. Brown (Vice-Chairman)

Cllrs. Abraham, Mrs. Ayres, Ayres, Ball, Mrs. Dibsdall, Edwards-Winser, Fittock, Mrs. George, Horwood, Mrs. Parkin, Pett, Scholey and Miss. Stack

Apologies for absence were received from Cllrs. Neal, Piper, Raikes and Towell

Cllrs. Brookbank, Hogarth and Ramsay were also present.

37. Minutes

Resolved: That the minutes of the meeting of the Services Select Committee held on 14 January 2013 be approved and signed by the Chairman as a correct record.

38. Declarations of interest

No new declarations of interest were made. However Councillors Ball, Fittock and Mrs George advised that as members of Swanley Town Council they would stay and listen to the debate at Agenda Item 10 'Renewal of Swanley Local Office contract with Swanley Town Council' but would abstain from voting.

39. Formal Response from the Cabinet following matters referred by the Committee and/or requests from the Performance and Governance Committee

There were none.

40. Actions from the Previous Meeting

The actions were noted.

41. Future Business, the Work Plan 2012/13 and the Forward Plan

Member's agreed to review the need for an early autumn meeting at the next meeting. It was agreed that the new Chief Planning Officer should be invited to a future meeting.

42. SDHR amended Allocation Policy and Sevenoaks District Tenancy Strategy - Update

The Housing Manager tabled a report and provided an update on the Sevenoaks District Housing Register (SDHR) amended Allocation Policy and Sevenoaks District Tenancy Strategy.

A Member expressed concern as to whether monitoring would be carried out to check that the emphasis on working in the area mean residents suffered. The Housing Manager advised that three and six month reviews would be carried out.

In response to questions concerning the new rules on under occupation of social housing, she advised that some of the changes the Government were now making had been anticipated, such as a spare room for foster children. With regards to comparisons with other local authorities, this was possible where the criterion was set by the Housing Act. People who had been taken off the register were not prevented from reapplying if their circumstances had changed.

As a point of clarification a Member pointed out that the term/media sound bite 'bedroom tax' was not correct and should not be used.

The Head of Housing and Communications, in response to a question, stated that she was very confident the Housing Associations would stick to the criteria. She had had a meeting that day with Deborah White from West Kent Housing, and their policy was in line with the Council's so there should be no issues.

43. Under Occupation of Social Housing Action Plan review

The Housing Policy Manager reported that of the two main housing associations: West Kent Housing had 509 tenants affected by the new under occupations rules (397 by 1 bed, 112 by 2 bed); and MOAT, 57, the majority of which were by one bed. The current stock profile did not help as there was a higher proportion of family-sized units and therefore limited availability for downsizing. There were also not many private sector options with limited lower-quartiles private rented housing in the area. There was some in Swanley but most wished to keep their security of tenure, so chose to stay in social housing.

Over the past year, Housing Benefits, Housing Officers and Housing Associations had done as much as possible to pre-warn those to be affected by the new rules, and help them look at their housing options. MOAT had a dedicated 'back to work' team working alongside the HERO project, and West Kent Housing was doing similar things. In November 2012, Housing Benefits had written to all under occupying tenants that had been identified. The feedback so far was that the majority of those living in the district were going to try and manage the shortfall for the time being, though the cuts would likely over time spur some on to seek smaller housing

There had been a lot of press coverage of the potential impacts on the disabled, those with overnight carers, adult children in the armed forces, foster carers etc. Housing Benefits had been carrying out visits to such households and were looking at using Discretionary Housing Payment (DHP) to bridge any gaps. West Kent Housing and MOAT were going to hold a 'speed dating' type event in the district, matching under occupiers with over-crowded households. These had proved successful elsewhere. MOAT were looking into lodger options by offering tenants advice on advertising, for instance. This raised slight concerns, but they were going to be making the potential risks clear. The HERO (Housing Energy Retraining Options) Project was also involved and was currently working with four

different households. The Council had given £20,000 from affordable housing financial contributions (collected under Policy SP3 of the Core Strategy) towards the 'Small is beautiful scheme and has also agreed to part-fund an under occupation worker to assist those households seeking to down-size. Phase I of their work would deal with those who needed to move, and Phase II would be providing help to older people who would benefit from down sizing and needed some help and advice.

With reference to DHPs, a Member asked whether it was possible to estimate how much of that money was being used and whether there was a danger on over relying on those funds especially if they were to reduce. The Chief Finance Officer assured him that officers would monitor demand to ensure that the best possible use was made of the funds and noted that the level of funds in future years was currently uncertain.

A Member asked how whether families would be expected to take the reduction for under occupation if there was no housing stock for them to be able to downsize to. The Head of Housing and Communications advised that it was a balancing act and they were looking at building more bungalows where possible to encourage older people to downsize.

The Head of Housing and Communications reported that Deborah White, of West Kent Housing, had requested the opportunity to report back to the Committee in six months, on how the Under Occupation Officer was doing. This was welcomed.

A request was made that in future this information be submitted as a written report on the agenda.

44. Scope and terms of reference of the in-depth scrutiny review of Rural Broadband

The Head of Housing and Communications presented the report in the absence of the Head of Community Development, which set out progress made so far and suggested possible areas of scrutiny.

The Chair proposed that the current IT Working Group undertake the scrutiny as set out within the report. He also proposed that Cllr. Scholey became the new Chairman in Cllr Pett absence when he hopefully took on the role as Chairman of the Council, and that Cllr Piper be nominated as a replacement member.

A request was made that the Group find an independent source for measures of broadband speed.

Resolved: That

- a) an in depth scrutiny review be carried out, to include –
- the work that has been undertaken in order to improve broadband in the District to date
 - the additional work that might be usefully undertaken
 - whether the Council has a role in promoting private broadband provision through small providers;

- b) the I.T. Working Group reconstituted as Cllrs Abraham, Ayres, Mrs Dibsdall, Piper and Scholey (Chairman), carry out the scrutiny review; and
- c) Mr. Andrew Campling be invited to attend the Working Group and next meeting of the Committee.

45. Localising Support for Council Tax - Update

The Chief Finance Officer presented the latest update report. He reminded Members that the Council was required to set up a Local Council Tax Support Scheme to replace the national Council Tax Benefit Scheme from 1 April 2013. The scheme, approved by Council in November included working age claimants receiving a standard reduction to their discount of 8.5% in 2013/14 (e.g. previously received 100% Council Tax Benefit, would now receive 91.5% CTS). Once the scheme was set up the next stage had been to communicate with the affected residents especially those that would be paying Council Tax for the first time. All of those residents had been contacted and part of the funds provided by the County, Fire and Police were being used to employ temporary staff who would be attempting to contact those residents who had not yet paid, so that they could be worked with to encourage payment before their debts became large. Two members of staff had been employed initially for a period of six months.

During the first week of the year there had been a noticeable increase in the volume of small Council Tax payments made at both Argyle Road and Swanley Local Office. He would report to the Committee again when the actual impact of the change to Council Tax Support is known.

In response to a question as to whether the Council would continue with the Kent scheme, he replied that negotiations were due to commence shortly on how this would be progressed.

Resolved: That the contents of the report be noted.

The Committee congratulated Mr. Rowbotham on his recent appointment as the Council's Chief Finance Officer.

46. Renewal of Swanley Local Office contract with Swanley Town Council

The Customer Services Manager presented the report which requested that the Council approve the renewal of the Local Office Contract for a further 3 years with Swanley Town Council and set out the benefits in continuing to provide this service and highlighting the risks of not doing so.

In response to questions the Contact Centre Manager explained that bringing the report to the Committee had been delayed due to staff changes at Swanley Town Council.

Members supported the proposals for negotiations to commence and commended the report.

Public Sector Equality Duty

Members noted that there were no adverse equality impacts arising from the report.

Resolved: That it be RECOMMENDED to Cabinet that the Council renew the provision of a Local Office Contract for a further 3 years with Swanley Town Council based on the current contract terms and value.

(Cllr. Fittock abstained from voting)

THE MEETING WAS CONCLUDED AT 8.07 PM

CHAIRMAN

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SOCIAL AFFAIRS SELECT COMMITTEE

Minutes of the meeting held on 26 March 2013 commencing at 7.00 pm

Present: Cllr. Mrs. Cook (Chairman)

Cllr. Ms. Lowe (Vice-Chairman)

Cllrs. Ball, Bosley, Brookbank, Eyre, Mrs. George, Horwood, Maskell, Neal, Mrs. Purves, Raikes, Searles, Miss. Thornton and Towell

Apologies for absence were received from Cllrs. Butler, Ms. Chetram and Firth

Cllrs Mrs. Davison, Davison, Mrs. Hunter and Miss. Stack were also present.

30. Minutes

Resolved: That the minutes of the meeting of the Social Affairs Select Committee held on 22 January 2013, be approved and signed by the Chairman as a correct record.

Action 1: The Head of Community Development look into arranging a Members' visit with Carers First.

31. Declarations of Interest

There were no additional declarations of interest made other than already registered.

32. Formal response from the Cabinet following matters referred by the Committee and/or requests from the Performance and Governance Committee

There were none.

33. Actions from previous meeting

The actions from the previous meeting were noted.

Change in order of agenda items

The Chairman proposed to take agenda item 5 later, which was agreed.

34. Pest Control Service

The Head of Environmental and Operational Services presented the report which provided details on a full review of the pest control service currently provided by the Council. The Committee was asked to consider proposals for future service delivery with effect from April 2014. The Head of Environmental and Operational Services advised that it was not a statutory duty to provide the service but the Council did have a statutory duty to prevent damage under the Prevention of Damage by Pests Act 1949. Despite

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best efforts of the staff to reduce expenditure and increase income, the trading account, on average, had made a loss. The current in-house service provided free advice on pest control issues, which may not be continued if service delivery was ceased. If the Service was continued by any of the options put forward, it was clear that an element of Council subsidy would remain.

In response to questions the Head of Environmental and Operational Services advised that it had not proven cost effective to advertise in publications such as the yellow pages, but details of the service were on the website and published in 'In Shape.' The Officers also had leaflets. With regards to 'on costs' he advised that this was covered in the figures provided, and two employees working a four day week only incurred a small management cost. In response to further questioning he replied that any potential subsidy, if contracted out, would not be known until market tested. Imposing a time limit or a subsidy clause for those on means tested benefits or any other contract performance requirements would incur a cost in monitoring the contract.

The Portfolio Holder for the 'Cleaner and Greener Environment', addressed the Committee explaining that she was keen to hear the debate on the options and any alternatives, especially as regards to future provision.

It was MOVED by the Chairman and was duly seconded that the service be continued, as existing, until 2014, maximising income by charges and additional commercial sector work, whilst remaining competitive, but accepting that the service will produce a net deficit on the trading accounts of an average of £12,000 per annum; and that the Social Affairs Select Committee carry out a further review of the service in October 2013 to consider exposing the service to competitive tender.

Members thought that it was an excellent report and wished it recorded that the the two Officers carrying out the service were highly valued and their flexibility and efforts fully appreciated. There was no question that it was an excellent service, the main concern was the net deficit and the fact that it was not a statutory duty.

Members discussed and asked questions as to the possibility of the two existing employees setting up their own company and how the Council might assist them in respect of the loyalty they had shown. It was suggested that the profile could be raised on the website (to include a price list), and the use of social media should be explored. At the suggestion, the Head of Environmental and Operational Services agreed to explore the possibility of offering home surveys with regard to pest infestations like wood worm.

Public Sector Equality Duty

Members noted that there were no adverse equality impacts arising from the report.

The motion was put to the vote and there voted –

8 votes in favour of the motion

7 votes against the motion

It was therefore

Resolved: That it be RECOMMENDED to Cabinet to continue the service as existing until 2014, maximising income by charges and additional commercial sector work, whilst remaining competitive, but accepting that the service will produce a net deficit on the trading accounts of an average of £12,000 per annum; and that the Social Affairs Select Committee carry out a further review of the service in October 2013 to consider exposing the service to competitive tender.

35. Improve the lives of Young People

The Committee was addressed by one of the Youth Councillors and the Project Manager from House in the Basement. A handout was tabled. An overview of the facilities and activities offered was provided. In response to questions the Committee was advised that there had been good press and social media coverage to promote the project. Local residents associations had noticed a decrease in noise and anti social behaviour. Difficulties experienced in areas such as around The Vine had decreased and that may be attributed to the opening of the project.

The Committee extended their thanks and appreciation to both speakers and particularly congratulated the Youth Councillor on an excellent presentation.

The Head of Community Development advised the Committee of all the work carried out within the District at the Council's leisure centres, through the Leisure Trust via leisure activities and sports clubs; the Crime and Safety Partnership worked with Kenward Trust asking them to go to areas where it was felt their presence was needed to deal with drug and alcohol abuse, and there was a project where young people were introduced to offenders at Sutton prison to help deter them from repeated anti social behaviour or crime, as well as work with families and victims of domestic abuse. Health work included family weight management programmes and teenage conception work. The Council had participated in the 100 in 100 campaign seeking 100 apprentices in the area, and 109 had been achieved, and graduate internships and volunteers. The Council also administered grants to voluntary organisations who supported young people across the District.

Some Members from the Swanley area did not believe that the voluntary services were advertised fully in that area.

Action 2: Cllrs. Brookbank and Searles to meet with the Head of Community Development and discuss their concerns.

The Chairman represented the Sevenoaks District Arts Council, and gave a presentation on its work and history. A short sample presentation on a project currently being worked on called 'A journey through time' was shown to the Committee. It was a community project based on similar lines to the previously successful jubilee community project, with pictures from the Sevenoaks Camera Club and live narration tracing the area from prehistoric times to the present day.

The Committee showed their thanks and appreciation.

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36. Future business, the Work Plan 2012/13 and programme of visitors to future meetings

The Chairman advised that 'Mind the Gap', the District's Health Action Plan, would be brought forward to the June 2013 meeting, and that she had requested a tour of the new Police Station in the Argyle Road offices to take place potentially prior to a Full Council meeting. There would also be a mini review of appraisal priorities for the grants to the voluntary organisations scheme in June, focussing on voluntary organisations that undertook services that the Council would otherwise have to provide.

37. Community Plan 2013 - 2016 and 15 Year Vision (Final)

The Head of Community Development presented the final draft of the three year Community Plan and fifteen year vision. The document and its supporting Action Plan had been developed following comprehensive consultation with Members, residents, a wide range of voluntary and community organisations and partner agencies. The results of the public consultation had been taken into consideration in the final draft. The Action Plan and the associated performance monitoring were the result of discussion with partner agencies about realistic delivery of the aspirations in the Community Plan.

A Member had a number of small points on layout which it was agreed would be raised out of the meeting with the Head of Community Development. The Chairman advised that she had requested that a summary of the action plan, similar to the public consultation draft be added as she had found it clearer to follow. The Head of Community Development explained that the layout differed as it had been necessary to include performance measuring.

Public Sector Equality Duty

Members noted that there were no adverse equality impacts arising from the report.

Resolved: That the final draft Community Plan and its supporting Action Plan be RECOMMENDED to Cabinet for approval and signing off.

38. Feedback from Members' Visits

The reports from the Members' visits to House in the Basement, and the Sure Start Centres at Dunton Green and Edenbridge were noted.

THE MEETING WAS CONCLUDED AT 9.15 pm

CHAIRMAN

ENVIRONMENT SELECT COMMITTEE

Minutes of the meeting held on 19 March 2013 commencing at 7.00 pm

Present: Cllr. Bosley (Chairman)

Cllrs. Ayres, Mrs. Bayley, Ms. Chetram, Mrs. Dibsdall, Eyre, Maskell, Mrs. Purves, Mrs. Sargeant, Scholey, Searles and Williamson

Apologies for absence were received from Cllrs. Grint, Abraham, Edwards-Winser and Orridge

Cllrs. Mrs. Ayres, Mrs. Hunter and Ramsay were also present.

33. Minutes

Resolved: That the minutes of the meeting held on 15 January 2013, be approved and signed by the Chairman as a correct record.

34. Declarations of interest

There were no further declarations of interest.

35. Formal Response from the Cabinet following matters referred by the Committee and/or requests from the Performance and Governance Committee (please refer to the minutes as indicated):

There were no responses.

36. Actions from previous meeting

The pending action was noted.

37. Future Business, the Work Plan 2012/13 (attached) and the Forward Plan.

The Chairman reported that the following items had been added to the Committee's work plan:

Planning Policy:

Green Belt Supplementary Planning Document – September 2013
Gypsies and Traveller Plan Submission Version – January 2014

Development Control:

Westerham Conservation Area Management Plan – September 2013
Weald Conservation Area Designation – October 2013

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Transport (including Parking):

Annual Review of Parking Charges – October 2013

Economic Development and Tourism:

Tourism Update – May 2013

Regional Growth Fund – May 2013

Economic Development Update – September 2013

Budget:

Budget Update – October 2013

Referring to the item labelled “Gatwick”, a Member queried what this item would include. The Head of Environmental and Operational Services reported that it was likely that this would be responding to a consultation process on Gatwick Airport but if there was no consultation the item would be withdrawn. The Committee agreed that if the item was to go ahead Vernon King from Edenbridge should be invited to the meeting to share his knowledge with the Committee.

38. Declaration of Air Quality Management Areas

The Committee considered a report confirming the results of the detailed air quality Assessment report that was completed in 2012 and the outcome of the public consultation carried out in February 2013. The report recommended that the existing Air Quality Management Areas (AQMAs) along the A25 were merged and replaced by one AQMA running the length of the A25 based on monitored exceedances of the nitrogen dioxide (NO₂) annual mean objective and that an additional AQMA was declared at the junction of Birchwood Road and London Road, Swanley.

The Head of Environmental and Operational Services reported that the majority of air quality monitoring was done by diffusion tubes situated along the roads. These diffusion tubes monitored nitrogen dioxide caused by pollution from traffic. In addition to the diffusion tubes, there was a fixed monitoring station in Greatness that fed into national air quality monitoring.

The Committee considered the health implications arising from poor air quality. A Member suggested that it was worth considering working with health groups in order to secure additional funding for managing air quality.

A Member suggested that it would be helpful to target specific areas for monitoring with mobile equipment. This would be able to measure specific times in any 24 hour period where air pollution was at its highest. In response the Head of Environmental and Operational Services reported that mobile monitoring units were costly and there would be resource implications. Another Member suggested that it could be beneficial to consider including a Section 106 agreement on future large developments, this could enable a mobile monitoring unit to be purchased. The Portfolio Holder for the Cleaner and Greener Environment suggested that consideration could also be given to using funding from the new Community Infrastructure Levy for this.

In response to a question surrounding the benefits of merging the existing Air Quality Management Areas, the Head of Environmental and Operational Services reported that it would be more efficient for the Council to develop and monitor one Action Plan rather than five separate action plans.

Public Sector Equality Duty

Members noted that there were no adverse equality impacts arising from the report.

Resolved: That it be recommended to Cabinet that:

- a) The existing Air Quality Management Areas (AQMA) along the A25 are merged and replaced by one AQMA running the length of the A25 based on monitored exceedances of the air quality nitrogen dioxide (NO₂) annual mean objective.

- b) An additional AQMA is declared at the junction of Birchwood Road and London Road, Swanley.

The geographical locations of these AQMA are defined in Appendices A, B and C to this report.

THE MEETING WAS CONCLUDED AT 7.43 PM

CHAIRMAN

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ELECTORAL ARRANGEMENTS COMMITTEE

Minutes of the meeting of the held on 11 September 2012 commencing at 5.00 pm

Present: Cllr. Fleming

Cllrs. Bosley, Brookbank, Mrs. Clark, Mrs. Davison, Fleming, Grint, Mrs. Hunter, Ms. Lowe and Mrs. Sargeant

Apologies for absence were received from Cllr. Mrs. Bayley

Cllr. Mrs. Dibsall was also present.

1. Declarations of Interest

Councillor John Grint declared that he was a resident of Badgers Mount.

2. Minutes

Resolved: That the minutes of the meeting held on 27th March 2012 be approved and signed by the Chairman as a correct record.

3. Community Governance Review

The District Council commenced a community governance review on 30th November 2011 with the publication of a notice, a news release, a timetable and terms of reference. Letters were sent to parish councils, known community groups, elected representatives and to Kent County Council. The Electoral Arrangements Committee met on 27th March 2012 to consider the submissions received in response to the review. Following this meeting, on 16th May 2012 draft recommendations were published and responses invited. The timetable envisaged that final recommendations would be drawn up and published by the end of November 2012.

Councillor Grint reported that he was fully supportive of the proposal put forward by the Badgers Mount Residents Association for the formation of a Badgers Mount Parish Council. Meetings had been held with local residents and the proposal had received overwhelming support from the residents of Badgers Mount.

The Chairman noted that a SDC Finance Officer had reviewed the Badgers Mount Residents Association's submission and had found that the information did "demonstrate viability of a new parish council."

Members of the Committee recognised that there was clear support from the residents of Badgers Mount for the proposal for the formation of a Badgers Mount Parish Council .

Turning to the issue of Well Hill, the Chairman noted that it may be prudent to establish a Parish Council for Badgers Mount before considering the formation of a Badgers Mount/Well Hill Parish Council.

Councillor Mrs Dibsdall asked the Committee to revisit options for Well Hill at a later date, once a Parish Council for Badgers Mount had been established.

A Member questioned whether the proposed changes would affect the number of Parish Councillors sitting on Shoreham Parish Council. The Electoral Services Manager confirmed that this would be a decision for the District Council and that discussions would take place with Shoreham Parish Council following the meeting of the Electoral Arrangements Committee.

The Committee noted that, if approved by Full Council, the changes would come into effect in May 2015.

Resolved: That it be recommended to Full Council on 16th October 2012:

- (a) that the draft recommendations to retain the existing boundaries and electoral arrangements of the Parishes of Chiddingstone, Cowden, Edenbridge, Farningham, Fawkham, Halstead, Hever, Horton Kirby & South Darenth, Kemsing and Knockholt be confirmed;
- (b) that the draft recommendations in respect of the parishes of Ash-cum-Ridley and Hartley (Milestone School); Brasted and Westerham (High View Cottage); Crockenhill and Shoreham (no change to present arrangements); Eynsford and Shoreham (Austin Lodge Golf Course); Hextable and Swanley (Lower Road); Chevening, Dunton Green, Riverhead, Seal, Sevenoaks, Sevenoaks Weald and Sundridge with Ide Hill (no change to present arrangements); be confirmed;
- (c) that the draft recommendation that no change be made to the electoral arrangements of Hartley Parish be confirmed;
- (d) that the draft recommendation that the two properties North Lodge, Redleaf and Woodside Kennels transfer from Leigh Parish to Penshurst Parish be confirmed;
- (e) that the properties Stursdon Farm, Mount Farm and Mount Farm Cottage transfer from Otford Parish into Shoreham Parish;
- (f) that the draft recommendation to transfer the 8 Twitton properties currently in Shoreham Parish into Otford Parish be confirmed;
- (g) that no change be made to the existing warded structure nor to the name of Penshurst Parish Council;
- (h) that the Well Hill Hundreds ward remains a part of Shoreham Parish;
- (i) that a separate parish of Badgers Mount be created;
- (j) that Officers of the District Council discuss with Shoreham Parish Council the electoral arrangements of the reconstituted Parish of Shoreham and present the outcome to a future meeting of the Electoral Arrangements Committee; and

- (k) that the draft recommendation for no change between the parishes of Shoreham and West Kingsdown in the vicinity of East Hill be confirmed.

(Carried unanimously)

THE MEETING WAS CONCLUDED AT 5.31 PM

CHAIRMAN

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COUNCIL – 1 October 2013

Report by Leader of the Council

This is my report to Council on the work undertaken by the Leader and the Cabinet in the period 15 May 2013 to 17 September 2013.

May

- Public Inquiry into the A21
- KCL - formerly Kent Forum
- Consultation on new Lower Thames crossing options
- SELEP Executive Group Meeting
- Community Plan launch
- DCN Executive

June

- Briefing day with Chief Constable Ian Learmonth and Kent PCC Anne Barnes
- BSK event
- Developing Commercialism in Local Government Conference
- Leader v Chief Executive Cricket Match
- Fly a Flag Campaign for Armed Forces Day
- Sevenoaks Town Council liaison meeting
- Edenbridge Town Council liaison meeting
- Kent and Medway Police Crime Panel

July

- LGA Conference, Manchester
- Tackling Disadvantage Group meeting
- SDC STC Info point launch
- South East England Councils
- West Kent Housing Association liaison meeting
- Future of Further Education Meeting
- Liaison meeting with Swanley Town Council
- Sevenoaks Area Mind – BBQ

Agenda Item 9

August

- Collective Switching
- Information Management Review (Paperless environment)
- Meeting with Police Commissioner
- Chief Officer's training and development day

September

- SELEP -Executive Group meeting
- Meeting with Tandridge Leader & Chief Exec
- KCL - formerly Kent Forum
- District Council Network Executive meeting
- SEEC & SESL Strategic aviation meeting