



DISTRICT COUNCIL

Despatched: 02.07.14

GOVERNANCE COMMITTEE

10 July 2014 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Pett Vice-Chairman: Cllr. McGarvey
Cllrs. Ms. Chetram, Mrs. Clark, Fittock, London and Walshe

	<u>Pages</u>	<u>Contact</u>
Apologies for Absence		
1. Minutes To agree the Minutes of the meeting of the Committee held on 13 March 2014, as a correct record.	(Pages 1 - 4)	
2. Declarations of Interest Any interest not already registered		
3. Actions arising from the last meeting (if any)		
4. Community Governance Review - Badgers Mount Order	(Pages 5 - 18)	Christine Nuttall Tel: 01732 227245
5. Changes to the Council's Constitution	(Pages 19 - 22)	Richard Morris Tel: 01732 227430
6. Work Plan	(Pages 23 - 24)	

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

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)

GOVERNANCE COMMITTEE

Minutes of the meeting held on 13 March 2014 commencing at 7.00 pm

Present: Cllr. Mrs. Davison (Chairman)

Cllrs. Mrs. Cook and Mrs. Morris

Apologies for absence were received from Cllrs. Fittock, London and Scholey

31. Minutes

Resolved: That the minutes of the meeting of the Governance Committee held on 29 January 2014 be approved and signed as a correct record.

32. Declarations of Interest

No additional declarations of interest were made.

33. Actions arising from the last meeting (if any)

There were none.

34. Community Governance Review

The Electoral Services Manager presented a report which advised Members that District Councils were required to keep parish council governance under review. Representations had been received from Shoreham and Chevening Parish Councils. A Community Governance review of the Sevenoaks District took place in 2012 which provided an opportunity to deal with requests and make recommendations in time for local government elections in May 2015.

Shoreham Parish Council proposed to create an additional ward and the proposal from Chevening Parish Council was to move the properties in Bowzell Green into the Sevenoaks Weald Parish Council. The terms of reference for the Community Governance review will include both proposals.

In response to questions the Electoral Services Manager explained that Chevening and Sevenoaks Weald Parish Councils would be consulted on the Bowzell Green proposal and, because there were cost implications in creating a new ward of Shoreham Parish, all households in the Parish of Shoreham would be written to.

Resolved: That it be recommended to Council that

- a) a community governance review be undertaken in the Parish of Shoreham to investigate the creation of a new parish ward;

Agenda Item 1

Governance Committee - 13 March 2014

- b) a community governance review be undertaken to investigate the boundary between the parishes of Chevening and Sevenoaks Weald in the vicinity of Bowzell Green; and
- c) the terms of reference for the review as set out in Appendix C to the report, be adopted.

35. Polling Districts and Polling Places Review

The Electoral Services Manager presented a report informing Members that a review of polling districts and polling places was required by law to be carried out by 31 January 2015, ahead of the five yearly Parliamentary General election. The Council started the review on 25 November 2013 and some of the changes which had been identified would have to take effect at the European Parliamentary election in May this year.

In response to questions the Electoral Services Manager advised Members that if issues arose between the five yearly reviews, then ad hoc reviews could take place at any time to look for other polling venues.

Resolved: That it be recommended to Council that the polling scheme shown as Appendix A to the report be approved.

36. Review of New Governance Arrangements

The Chief Officer Legal and Governance presented a report which set out that the Governance Committee had been tasked with reviewing the new governance arrangements which were introduced at Annual Council in May 2013 as well as looking at options for future governance. The report set out the Committee's final recommendations to Council.

The Committee expressed their thanks to the Head of Transformation and Strategy and his team for collating the responses to the Members' survey.

Resolved: That the implementation of the following recommendations be recommended to Council to take effect from the date of Annual Council on 13 May 2014:

- a) the Scrutiny Committee changes to a fixed membership of 9 members plus a Chairman and Vice Chairman with all members of the committee being independent of the Cabinet Advisory Committees;
- b) the membership of the Cabinet Advisory Committees increase from 10 members to 12 members including the relevant Cabinet and Deputy Cabinet Members on each of the Cabinet Advisory Committees;
- c) Members be able to sit on more than 1 Cabinet Advisory Committee;
- d) with the number of Cabinet Advisory Committees remaining at 5 the Committees should normally meet 4 times a year;
- e) the Advisory Committees be able to choose their own Chairman;

- f) the Governance Committee continue to investigate future Governance arrangements in general to allow the newly elected administration in 2015 to consider future governance;
- g) Portfolio Holders to individually present a report to each ordinary Full Council meeting in the same way the Chairmen of the Select Committees did previously; and
- h) a comprehensive training plan for Members be developed for implementation in May 2015.

37. Recorded Votes at Budget Meetings

The Chief Officer Legal and Governance presented a report which advised Members that as a result of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 all councils were now required to adopt the practice of recorded votes on any decision relating to the budget or council tax at the relevant budget setting meeting of Full Council and it would apply to any report or amendment at that budget meeting that has an implication for the setting of the budget.

Members were advised that as the change to Standing Orders was brought about by a change in legislation, the Monitoring Officer had delegated authority to ensure the Council's Constitution was updated to reflect the new requirement.

Resolved: That Council be recommended to note the requirement to hold a recorded vote at future budget setting meetings of Full Council.

38. Recording of meetings

The Chief Officer Legal and Governance presented a report which set out having a trial audio recording of the meetings of Full Council in May and July 2014. If these were successful then the recording of all Full Council, Development Control Committee and Licensing Hearings meetings could take place. She explained that there was a cost implication for keeping the recordings and that there would be a retention policy which would keep the recordings on the Council's network for a period of six months commencing on the day of the meeting. If a meeting were to last three hours and the recording was retained for six months the cost would be £20 per meeting.

Resolved: That Council be recommended to record Full Council meetings on a trial basis for the month of May and July 2014, and if successful Full Council ratify the roll out of recording all meetings of Full Council, Development Control Committee and Licensing Hearings.

39. Work Plan

The Chairman suggested that the future work plan be looked at in July by which point there may have been a change to Membership.

THE MEETING WAS CONCLUDED AT 7.31 PM

CHAIRMAN

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COMMUNITY GOVERNANCE REVIEW – BADGERS MOUNT ORDER

Governance Committee – 10 July 2014

Report of Chief Officer Legal & Governance

Status: For Decision

Also considered by: Council – 22 July 2014

Key Decision: No

Portfolio Holder Cllr. Fleming

Contact Officer(s) Chief Officer Legal & Governance – Mrs Christine Nuttall

Recommendation to Governance Committee: That it be recommended to Council to establish the Parish Council for the parish of Badgers Mount on and from 1 April 2015 in the terms of the Establishment Order appended to this report.

Recommendation to Council: It be resolved to establish the Parish Council for the parish of Badgers Mount on and from 1 April 2015 in the terms of the Establishment Order appended to this report.

Reason for recommendation: the District Council is responsible for determining submissions made in consequence of a community governance review.

Introduction and Background

- 1 The District Council completed a community governance review in 2012 which included the creation of a new parish of Badgers Mount in 2015, which is currently a ward of the Shoreham Parish Council.
- 2 At the meeting of this Committee on 10 July 2013 the number of councillors, and warding arrangements, for the new Badgers Mount Parish Council, and the revised parish of Shoreham, were agreed. Badgers Mount will be formed of 5 councillors and be un-warded.
- 3 There are a number of other specific decisions which the District Council must make to complete the Order to create the new Council for the Parish of Badgers Mount. These are:
 - a) Budget/Precept for Badgers Mount 2015/16
 - b) Who will act as the representatives for the new Parish Council in the interim from its set up on 1st April 2015 to the date when the new Council will actually be elected.

Agenda Item 4

- c) A list of land/property belonging to Shoreham Parish Council, situated in the Badgers Mount ward
 - d) Any Reserve Funds/Balances which it is appropriate to transfer to the new Badgers Mount Parish Council
 - e) Any ongoing responsibilities, contracts, etc currently carried out by Shoreham Parish Council within the Badgers Mount ward
- 4 Shoreham Parish Council has been consulted on these issues, together with representatives of a “working group” set up to include representatives of the Badgers Mount Residents Association, the existing three Badgers Mount Ward members on Shoreham Parish Council and Councillor Grint as the main District Councillor from the Badgers Mount area. In addition the other District Councillors covering the Shoreham area have been involved.
- 5 The parties concerned also approached District Councillor McGarvey, who has much experience of Parish Council work, to construct a draft budget for the new Council. A copy of the agreed draft budget is attached at Appendix A to this report, indicating a gross budget of £23,700. This figure includes a number of contingency items, which if needed will be funded by the reserves transfer of £10,000 referred to at paragraph 8 below, leaving a precept for 2015/16 of £13,700. The working group were in general agreement to these figures. Whilst the exact Council Tax base figures for each Parish Council will not be calculated until December, it is estimated that the taxbase for Badgers Mount will be in the region of 310 Band D equivalents, and the precept figure will result in a Parish charge very similar to that in the current year.
- 6 All parties were in agreement that the interim representatives should be the existing three Badgers Mount ward members on Shoreham Parish Council, there being no other persons in a position having the authority to take on such a role.
- 7 The list of land/property situated in the Badgers Mount ward has been provided by Shoreham Parish Council, and has been agreed by all parties.
- 8 Various discussions have taken place relating to the transfer of any balances from Shoreham Parish Council to the new Badgers Mount Parish Council. These recognised that the residents of Badgers Mount had contributed to the reserves of Shoreham Parish Council over the years, but also that all the main facilities run by the Parish Council are in Shoreham, and bring attendant liabilities in terms of property maintenance, etc, which the residual Shoreham Parish Council will have to bear. A figure of £10,000 was offered by Shoreham Parish Council and was generally accepted by the parties. Subsequently, Shoreham Parish Council formally agreed to this figure at its meeting on 5 June 2014.
- 9 This figure of £10,000 for transfer of balances has been taken into account in preparing the precept figure suggested for the 2015/16 budget, and will give the new Parish Council some working capital and contingency funds.
- 10 Whilst there are some ongoing services provided in the Badgers Mount ward currently; including verge cutting, dog bin emptying, bulky waste freighter, lengthsman; there are no formal contracts in place.

Other Options Considered and/or Rejected

- 11 On the basis that there is general agreement on how to proceed with the requirements set out at 3 a) to e) above the Order has been completed, and a copy is attached at Appendix B. It is of great advantage to the practicalities of the split that there is agreement.
- 12 It will be necessary for officers of the District Council to set up and run the initial meeting of the new Parish Council

Key Implications

Financial

There are no cost implications for the District Council in conducting a community governance review apart from staff resources.

Legal Implications and Risk Assessment Statement.

There are no legal or human rights implications in this report.

As all parties have been consulted and are in agreement in relation to the draft Order, no known risks can be identified.

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	Part of the purpose of the Local Government and Public Involvement in Health Act 2007 is to ensure that from time to time a review of boundaries is undertaken to bring about better local democracy and fair representation within communities. The review therefore has a positive contribution to promoting equality.
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?		Consultation has taken place with all parties and there is general agreement to the proposed Order

Appendices Appendix A – Draft Budget 2015/16 Badgers Mount Parish Council

Appendix B – The Sevenoaks (Reorganisation of Community Governance) Order 2014

Agenda Item 4

Background Local Government and Public Involvement in Health Act 2007

Papers:

Guidance on community governance reviews (published jointly by the Department for Communities and Local Government and the Local Government Boundary Commission for England) – 2008

Community Governance Review Report – Governance Committee 10 July 2013:

<http://cds.sevenoaks.gov.uk/ieListDocuments.aspx?CId=289&MId=1691&Ver=4>

Christine Nuttall

Chief Officer for Legal and Governance

BADGERS MOUNT PARISH COUNCIL	AGREED BUDGET	Agreed Budget
FIRST YEAR BUDGET 2015/16	11-Jun-14	monthly
<u>ADMINISTRATION</u>	£	£
Advertising for new Clerk	100	8.33
Audit fees	120	10.00
Chairmans special allowance	100	8.33
Clerk's salary	4,900	408.33
Clerk's expenses, postage & stationery	150	12.50
Clerks mileage	150	12.50
Members allowance	100	8.33
Members mileage	100	8.33
Office computer	450	37.50
Website hosting & management for emails	600	50.00
Photocopier	60	5.00
Office rent	300	25.00
Office telephone	150	12.50
Hall hire (note 1)	210	17.50
Legal expenses	0	0.00
Elections (note 2)	2,300	191.67
Insurance	600	50.00
Quarterly newsletter / publicity	300	25.00
Training	900	75.00
Sundry office expenses	100	8.33
Subscriptions - KALC (note 3)	200	16.67
	SLCC	150
	others	100
Office Scribe licence	200	16.67
Broadband allowance for clerk	120	10.00
ADMINISTRATION sub-total	12,460	1,038.33
<u>AMENITIES & GENERAL SERVICES</u>		
Emptying dog bins (SDC)	660	55.00
General repairs & maintenance	500	41.67
Grass cutting	550	45.83
Lengthsman	500	41.67
Tree surgery	0	0.00
Black sacks	50	4.17
Salt bins & salt	250	20.83
Footpaths	50	4.17
Refuse freighter (SDC)	280	23.33
AMENITIES & GENERAL SERVICES sub-total	2,840	236.67

Agenda Item 4

SUMMARY		
Administration	12,460	1038.33
Amenities & general services	2,840	236.67
Projects	50	4.17
Grants	500	41.67
Emergency planning	150	12.50
Contingencies/Possible projects	4,300	358.33
	20,300	1,691.67
Deputy Clerk provision	3,400	283.33
Contingency: Clerk Salary sick relief	0	0.00
Total Budget (gross)	23,700	1,975.00
Less Use of Reserves	-10,000	-833.33
Total amount of Precept (net)	13,700	3,116.67
Reserves		
Elections (note 2)	2,300	192
Contingencies/Possible projects	4,300	358
Clerk's Cover Reserve	3,400	283
Specific Reserves above	10,000	833
Predicted Tax Base (Band D equiv's)	310.40	A
Precepting for full amount of Budget	£13,700.00	B
New Band D charge annually	£44.14	C = B/A
Previous (2014/15) Band D charge	£44.10	D
Percentage increase in Council Tax (C/D)	0.1%	
Cash increase in Council Tax for Band D	£0.04 per annum	
Cash increase in CT for Band D wkly (C-D)/52	£0.00	per week
Notes		
1) <u>Hall hire</u> -		
Current Memorial hall rate £6.50 per hr x 2 hrs	2	hours
= £13 per meeting	£6.50	per hour
12 monthly meetings	12	monthly
3 extra planning meetings	3	planning
1 annual meeting	1	annual
Total of 16 meetings @ £13 = £208	£208.00	total
2) £800 May 2015 election of PC, plus £1,500 contingency for any future by-election		

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Sevenoaks (Reorganisation of Community Governance) Order 2014

Made 22nd July 2014

Coming into force in accordance with article 1(2)

Sevenoaks District Council (“the council”), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”), has undertaken a community governance review and made recommendations dated 27th November 2012:

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section:

The council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4) and 240(10) of the 2007 Act.

Citation and commencement

1. (1) This Order may be cited as the Sevenoaks District Council (Reorganisation of Community Governance) Order 2013.
- (2) It shall come into force on 1st April 2015.
- (3) For the purposes of:
 - (a) article 5 (calculation of budget); and

- (b) proceedings preliminary or relating to the elections of parish councillors, to be held on the ordinary day of election of councillors in 2015,

this Order shall come into force on 1st December 2014.

Interpretation

2. In this Order –
- “county” means the county of Kent;
 - “district” means the district of Sevenoaks;
 - “map” means the maps marked “The Sevenoaks (Reorganisation of Community Governance) Order 2013”;
 - “new parish” means the parish constituted by article 4;
 - “ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983; and
 - “registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

Effect of Order

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

Constitution of a new parish

4. (1) A new parish, comprising the area outlined with a red line on the map titled “Badgers Mount ward of Shoreham Parish”, shall be constituted within the district, and defined by the current boundary of the Badgers Mount Ward of Shoreham Parish Council.
- (2) The name of the new parish shall be Badgers Mount.
- (3) In consequence of paragraph (1) of this article, the area of the new parish shall cease to be part of the existing parish of Shoreham.

Calculation of budget requirement

5. For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008 there is specified in relation to the parish of Badgers Mount the sum of £13,700.

Election for the parish of Badgers Mount

6. The election of all parish councillors for the parish of Badgers Mount shall be held on the ordinary day of election of councillors in 2015.

Number of parish councillors for the parish of Badgers Mount

7. The number of councillors to be elected for the parish of Badgers Mount shall be 5.

Wards of the parish of Badgers Mount

8. The parish of Badgers Mount shall not be warded

Annual meeting of parish council

9. The annual meeting of the new parish council in 2015 shall be convened by the Monitoring Officer of Sevenoaks District Council. The meeting shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

Electoral register

10. The registration officer for the district shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

Transfer of property, rights, liabilities and services

11. The land, property, rights, liabilities and services described in schedule 1, 2 and 3 shall transfer from the Shoreham parish council to the Badgers Mount parish council on the date specified in column (2) of that schedule.

Transitional provision

12. Until the councillors elected to the council of the new parish of Badgers Mount at the elections to be held on the ordinary day of election of councillors in 2015 come into office, the new parish shall be represented by those persons who immediately before 1st April 2015 are the elected councillors for the parish ward of Badgers Mount within the parish of Shoreham.

Order date

13. 1st April 2015 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

THE COMMON SEAL OF)

THE DISTRICT COUNCIL OF SEVENOAKS)

affixed hereunto on the day of 2014

in the presence of:-

Authorised Signatory

Authorised Signatory

SCHEDULE 1

article 12

LAND AND PROPERTY TO BE TRANSFERRED

Column (1)	Column (2)
4 bus shelters	1 st April 2015
4 salt bins and reserve supply of salt	1st April 2015
5 dog waste bins	1st April 2015
1 Millennium sign	1st April 2015
3 bench seats	1st April 2015
3 metal notice boards and pin board in bus shelter at roundabout	1st April 2015
1 marquee	1st April 2015

SCHEDULE 2

article 5

FUNDS AND BALANCES TO BE TRANSFERRED

Column (1)	Column (2)
£10,000 (ten thousand pounds only)	1 st April 2015

SCHEDULE 3

article

MAINTENANCE [OR OTHER] RESPONSIBILITIES TO BE TRANSFERRED

Column (1)	Column (2)
None	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by Sevenoaks District Council for the creation of the new parish of Badgers Mount with effect from 1st April 2015.

Article 10 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map defined in article 2 shows the new parish of Badgers Mount. It is available, at all reasonable times, at the offices of Sevenoaks District Council, Argyle Road, Sevenoaks, Kent TN13 1HG.

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163000

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162000

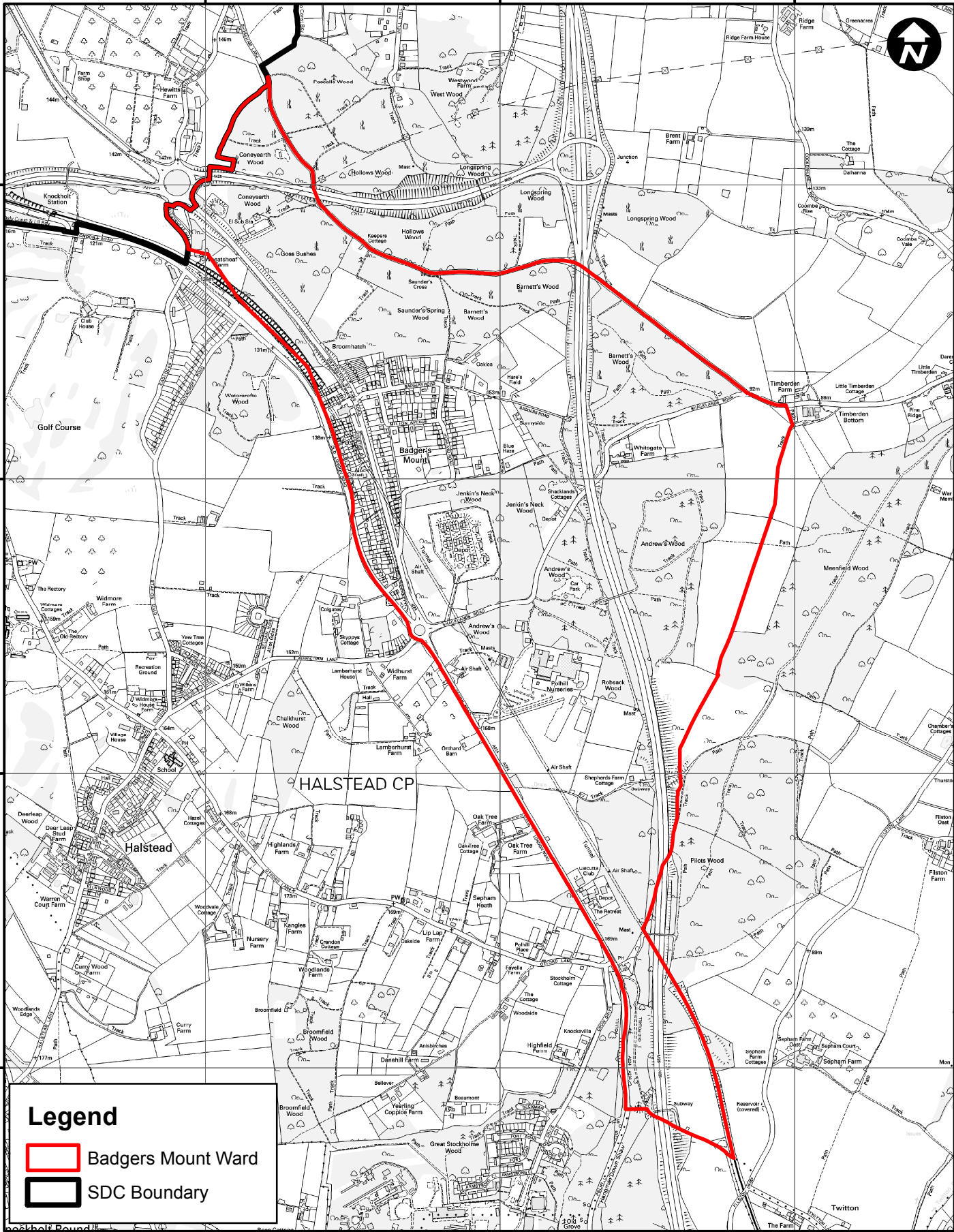
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Legend

-  Badgers Mount Ward
-  SDC Boundary

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Sevenoaks
DISTRICT COUNCIL

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Parish Ward Boundaries

Scale: 1:17,500

Date: March 2013

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CHANGES TO THE COUNCIL'S CONSTITUTION

Governance Committee – 10 July 2014

Report of Chief Planning Officer

Status: For decision

Also considered by: Council – 22 July 2014

Key Decision: None

Portfolio Holder Cllr. Fleming

Contact Officer(s) Richard Morris Ext. 7139

Recommendation to Governance Committee: That it be recommended to Council that the proposed amendments to the Constitution be agreed.

Recommendation to Council: That the proposed amendments to the Constitution be agreed.

Reason for recommendation: the amendments will enable Member involvement in the consideration of consultation responses

Introduction and Background

1. The consultation on a proposed development at the former Wildernesse School site earlier in the year identified that the current constitution does not sufficiently involve Members in the preparation of the Council's response and does not contain provision for Members to call consultation responses to Development Control Committee for their consideration.
2. As a result an amendment has been prepared, which recognises that often we are only given a limited timeframe in which to respond.

Where the Council is a consultee (e.g. when the planning application has been submitted to Kent County Council as the Mineral Planning or Education Authority, or to an adjoining planning authority) and the application is considered to be significant, controversial, or sensitive in nature then the Chief Planning Officer shall if requested by a Member or Members report the matter to the next Development Control Committee.

If timeframes do not allow, for instance when the next available Development Control Committee would fall after our response is required;

Agenda Item 5

Where the Council is a consultee (e.g. when the planning application submitted by Kent County Council as the Mineral Planning or Education Authority, or to an adjoining planning authority) and the application is considered to be significant, controversial, or sensitive in nature then the Chief Planning Officer shall if requested by a Member or Members seek the views of the Local Ward Member, the Leader and other relevant Portfolio holders and Deputies.

3. The above amendments are considered to satisfactorily address the issue identified earlier in the year and would enable Member involvement in the preparation of consultation responses.

Other Options Considered and/or Rejected

None

Key Implications

Financial

None

Legal Implications and Risk Assessment Statement.

There are no Legal or Risk Implications to the proposed amendments.

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	Enabling consultation responses to be considered by a Committee results in a more open and transparent process.
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		n/a

Conclusions

That it is necessary to make these constitutional amendments.

Richard Morris
Chief Planning Officer

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Governance Committee Work Plan 2014/15

10 July 2014	18 September 2014	25 November 2014	26 February 2014
Shoreham/Badgers Mount Review Change to Constitution			

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