

4<sup>th</sup> May 2012

I hereby summon you to attend the Annual meeting of the Sevenoaks District Council to be held in the Council Chamber, Council Offices, Argyle Road, Sevenoaks commencing at 7.00 pm on 15 May 2012 to transact the under-mentioned business.



Chief Executive

### AGENDA

Apologies for absence

1. To elect a Member to be Chairman for the ensuing year.
2. To elect a Member to be Vice-Chairman for the ensuing year.
3. To approve as a correct record the minutes of the meeting of the Council held on 24 April 2012. (Pages 1 - 6)
4. Declarations of Interest.
5. Chairman's Announcements.
6. To appoint the Chairmen, Vice-Chairmen and Membership of Committees for the ensuing year. (To follow)
7. Scheme of Delegations. (Pages 7 - 8)
  - a) 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). (Pages 9 - 78)
  - b) To note the delegations made by the Leader of the Council (Part 4 of the Constitution). (To follow)
8. To confirm the Calendar of Meetings for the ensuing year. (Pages 79 - 92)
9. To appoint representatives on outside organisations. (To follow)
10. To note the outgoing Chairman's Report. (Pages 93 - 94)

The Annual Meeting of the Council will be followed immediately by a special meeting of the Cabinet to appoint the members of Advisory Groups and to make appointments to other organisations within the Cabinet's remit.

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 Director or 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)**

**DISTRICT COUNCIL OF SEVENOAKS**

**Minutes of the Meeting of the Sevenoaks District Council  
held on 24 April 2012 commencing at 7.00 pm**

Present: Cllr. Orridge (Chairman)  
Cllr. Mrs. Morris (Vice-Chairman)

Cllrs. Abraham, Mrs. Ayres, Ayres, Mrs. Bayley, Ball, Bosley, Mrs. Bosley, Brookbank, Brown, Butler, Ms. Chetram, Clark, Mrs. Clark, Mrs. Cook, Mrs. Davison, Davison, Dickins, Edwards-Winser, Eyre, Firth, Fittock, Fleming, Gaywood, Mrs. George, Grint, Hogarth, Horwood, London, Ms. Lowe, Maskell, Mrs. Parkin, Pett, Piper, Raikes, Ramsay, Mrs. Sargeant, Scholey, Searles, Miss. Stack, Miss. Thornton, Towell, Underwood, Walshe, Williamson, Mrs. Bracken, Dibsall and Neal.

Apologies for absence were received from Cllrs. Cooke, Mrs. Dawson, Mrs. Hunter, McGarvey and Mrs. Purves.

58. **TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 21 FEBRUARY 2012**

Resolved: that the minutes of the meeting of the Council held on 21 February 2012 be approved as a correct record.

59. **TO RECEIVE ANY ADDITIONAL DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ITEMS OF BUSINESS INCLUDED ON THE AGENDA FOR THIS MEETING.**

The declarations of interest made by Members at meetings held between 9 February 2012 and 10 April 2012 were received. No additional declarations were made.

60. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman extended a warm welcome to two new Councillors. Councillor Mrs Jenny Dibsall representing Crockenhill and Well hill and Councillor Christopher Neil representing Cowden and Hever.

The Chairman also reported that a past member, Frank Shubert, had died of cancer on 3 March after a long illness. He had been the member for Fawkham and Hartley from 1975 until 1995 and Chairman of the Council for the municipal year 1987/88.

61. **TO RECEIVE ANY PETITIONS SUBMITTED BY MEMBERS OF THE PUBLIC.**

No petitions were received.

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

(a) The Developing Vision

Cllr Fleming moved and Cllr Mrs. Davison seconded that the Developing Vision for the District Council be adopted.

The report outlined the developing Vision of the District Council which could be summarised as "Pride in the District of Sevenoaks by working with the Community as a whole, to sustain and develop a fair, safe and thriving local economy." The following three core values would guide and define the District Council's policies for the District and the local area: Fairness, Integrity and Quality. These three Core Values develop the Vision with the resulting five promises:

- i) We will provide value for money;
- ii) We will work in partnership to keep the District of Sevenoaks safe;
- iii) We will continue to collect rubbish efficiently and effectively,
- iv) We will protect the Green Belt;
- v) We will support and develop the local economy.

Members held a debate on the motion which was put to the vote and CARRIED.

Resolved: That the developing Vision for the District Council be adopted.

63. PARTNERSHIP WORKING BETWEEN DARTFORD BOROUGH COUNCIL (DBC) AND SEVENOAKS DISTRICT COUNCIL (SDC) IN RELATION TO ENVIRONMENTAL HEALTH SERVICES

Cllr Fleming moved and Cllr Bracken seconded that:

- (a) the Managing Director being the Head of Paid Service at Dartford Borough Council be authorised to exercise the powers and functions as set out in the Appendix to the report and the necessary amendments to the Constitution.
- (b) the Scheme of Delegations be amended so as to authorise the Chief Executive being the Head of Paid Service at Sevenoaks District Council to exercise the powers and functions delegated by Dartford Borough Council as set out in the Appendix to the report and the necessary amendments to the Constitution.

The report outlined the scheme of delegations for the joint working arrangements between Sevenoaks District Council and Dartford Borough Council in relation to Environmental Health Services.

It was agreed by Cabinet on 13 October 2011 that the proposed operating model for the joint provision of Environmental Health Services with Dartford Borough Council be agreed, this was confirmed by Full Council on 29 November 2011.

It is necessary for the Councils to delegate and empower each other to discharge certain Agreed Functions via their Heads of Paid Service and these are to be set out within the Partnership Working Arrangements. Such arrangements do not prevent each authority making the delegation from exercising the functions itself.

The motion was put to the vote and CARRIED.

Resolved: That

- (c) the Managing Director being the Head of Paid Service at Dartford Borough Council be authorised to exercise the powers and functions as set out in the Appendix to the report and the necessary amendments to the Constitution; and
- (d) the Scheme of Delegations be amended so as to authorise the Chief Executive being the Head of Paid Service at Sevenoaks District Council to exercise the powers and functions delegated by Dartford Borough Council as set out in the Appendix to the report and the necessary amendments to the Constitution.

64. TO CONSIDER THE FOLLOWING REPORTS FROM THE CHIEF EXECUTIVE OR OTHER DIRECTORS ON MATTERS REQUIRING THE ATTENTION OF COUNCIL:

65. CALENDAR OF MEETINGS 2012/2013

Cllr Fleming moved and Cllr Mrs. Bracken seconded that the Calendar of Meetings for 2012/2013 be approved, subject to the confirmation of the Annual Meeting of the Council on 15 May 2012.

The motion was put to the vote and CARRIED.

Resolved: That the Calendar of Meetings for 2012/2013 be approved, subject to confirmation by the Annual Meeting of the Council on 15 May 2012.

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

There were no questions.

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

There were no questions.

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

The Leader of the Council reported on the work that he and the Cabinet had undertaken in the period 22 February 2012 to 10 April 2012. A significant amount of time had been spent reviewing the implications of the Government's welfare reform proposals which would have a significant impact. The Leader reported that the Services Select Committee had also been undertaking an in-depth review of the proposals.

The Leader also highlighted that there had been a briefing surrounding preparations for the Paralympics, a part of which would be hosted at Brands Hatch. The Leader acknowledged that there would be disruption to the Northern Parishes resulting from road closures but reiterated that the event represented a huge opportunity for the District. The District Council was working to minimise the impact of the road closures. A number of local events had been organised around the Paralympics and the torch relay. In addition to this, a significant number of local residents had volunteered to be stewards for the events.

In response to a question relating to the meeting regarding the future use of Fort Halsted, the Leader reported that the meeting had been with Qinetiq following rumours that the company would be moving off the site. Assurances were given by Qinetiq that the rumours were unfounded and that they were looking to remain on the site.

In response to a question concerning the outcome of the Ambition Board meeting, the Leader reported that issues surrounding welfare reform and the future of Council Tax Benefit had been high on the agenda. The Ambition Board had been considering the impact of the reforms across the whole of Kent.

Following a question regarding rumours that UPS would not be making any deliveries within 1 mile of Olympic venues and the potential impact that this would have on the residents of West Kingsdown, the Leader reported that he would investigate the rumours and provide assurances to the residents of West Kingsdown that any impact would be minimised.

69. TO RECEIVE A REPORT FROM THE CHAIRMEN OF THE SELECT COMMITTEES ON THE WORK OF THE COMMITTEES SINCE THE LAST COUNCIL MEETING.

The Council received the reports from the Chairmen of the Select Committees as follows:

- Environment Select Committee – 20 March 2012
- Social Affairs Select Committee – 27 March 2012
- Services Select Committee – 3 April 2012

70. TO RECEIVE A REPORT FROM THE CHAIRMAN OF THE PERFORMANCE AND GOVERNANCE COMMITTEE ON THE WORK OF THE COMMITTEE SINCE THE LAST COUNCIL MEETING

The Council received the report from the Chairman of the Performance and Governance Committee on the work undertaken by the Committee at its meeting on 13 March 2012.

THE MEETING WAS CONCLUDED AT 7.29 pm

Chairman

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**SCHEME OF DELEGATIONS**

**Annual Meeting of Council – 15 May 2012**

Report of the: Chief Executive

Status: For Decision and Information

Key Decision: No

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**Recommendation:** That

- (a) the delegations to Committees and Officers be approved, and
  - (b) to note the delegations made by the Leader of the Council.
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The attached pages are excerpts from the Council's Constitution, each section relating to the established Committees, including the Cabinet, the way in which the Overview and Scrutiny function operates and the Officer responsibilities and delegations. The delegations to Committees and Officers included in the Constitution require approval by Council on an annual basis.

In addition, to note the delegations made by the Leader of the Council. The full detail of these will be made available at the meeting.

**Background Papers:** Council's Constitution

**Contact Officer(s):** Robin Hales Ext. 7394

**ROBIN HALES**  
Chief Executive

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## **PART 3 –STANDARDS COMMITTEE**

### **1. Establishment**

1.1 The Council will establish a Standards Committee.

### **2. Composition**

2.1 Standards Committees do not have to comply with the political balance rules in section 15 of the Local Government and Housing Act 1989.

### **3. Membership**

3.1 The Standards Committee will be composed of at least:

- Two Members other than the Leader of the Council
- One person who is not a Member or an Officer of the Council or any body having a Standards Committee (an independent member)
- One Member of a parish or town council wholly or mainly in the Council's area (a parish/town council member)

### **4. Voting**

4.1 All members of the Committee will be entitled to vote at meetings of the Committee.

### **5. Parish/Town Council Members**

5.1 At least one parish/town council member must be present when matters relating to parish/town councils or their members are being considered.

### **6. Chairing the Committee**

6.1 A member of the Cabinet may not chair the Committee.

### **7. Role and Function (Terms of Reference)**

7.1 The Standards Committee will have the following role and functions:

- (a) promoting and maintaining high standards of conduct by Members and any Co-opted Members;
- (b) assisting the Members and any Co-opted Members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring and advising the Council about the operation of the Members' Code of Conduct in light of best practice, changes in the law and guidance from the Standards Board for England;

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- (e) advising, training or arranging to train Members and any Co-opted Members on matters relating to the Members Code of Conduct and ensuring that this training is actively promoted and that Members are aware of the standards expected from them under the Code;
- (f) granting dispensations to Members and any Co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) functions relating to standards of conduct of Members under any relevant provision of, or regulations made under, the Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007;
- (h) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer;
- (i) the exercise of (a) to (h) above in relation to the parish/town councils wholly or mainly in its area and the Members of those parish/town councils and any Co-opted Members; and
- (j) delegated authority to make amendments to the Local Assessment Procedure following any amendments to the Standards Committee (England) Regulations 2008 and the guidance produced by the Standards Board for England.
- (k) delegated authority to make amendments to the 'Guidance on Applying Appropriate Sanctions when a Member has breached the Code of Conduct' should any amendments to the Guidance be received from the Standards Board for England.

## **8. Codes and Protocols**

- 8.1 High standards lie at the root of the Council's activities and the work of the Standards Committee is supported by:

Appendix Q - Members' Code of Conduct

Appendix S - Procedure for Local Assessment of Complaints relating to Allegations of Member Misconduct

Appendix T – Sub-Committees of the Standards Committee

Appendix U - Guidance on Applying an Appropriate Sanction

Appendix V - Procedure and Protocol for Interviewing Independent and Parish and Town Council Representatives

Appendix K - Protocol on Gifts and Hospitality

Appendix O - Members' Register of Interest Form

Appendix W - Guidance of Disclosure of Confidential Information by Members

## **PART 4 – EXECUTIVE**

### **1. Role**

- 1.1 The Executive will carry out all of the District Council's functions which are not the responsibility of any other part of the District Council, whether by law or under this Constitution.

### **2. Form and Composition**

- 2.1 The Cabinet will consist of the Cabinet Leader together with at least 2, but not more than 9, Members appointed to the Cabinet by the Cabinet Leader. The membership of Cabinet can be found at Appendix H - Membership of Cabinet, Committees etc.

### **3. Leader**

- 3.1 The Leader will be a Member elected to the position of Leader by the Council. The Leader will hold office until:

(a) he/she resigns from the office; or

(b) he/she is suspended from being a Member under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

(c) he/she is no longer a Member; or

(d) the expiry date of his/her fixed term of office as Leader, which is the date of the post-election annual meeting which follows his/her election as Leader (e.g. for a Leader elected at the Annual Council in May 2011, the period of election will continue to the Annual Meeting in May 2015); or

(e) he/she is removed from office by resolution of the Council.

In the event of the Leader being removed from office by resolution of the Council, the new Leader may be appointed at the same or a subsequent meeting.

### **4. Other Cabinet Members**

- 4.1 The Leader must appoint one of the Executive as Deputy Leader, who will hold office until the end of the Leader's term of office, unless:

(a) he/she resigns from the office; or

(b) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

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(c) he/she is no longer a Councillor; or

(d) he/she is removed from office by the Leader, who must give written notice of any removal to the Chief Executive. The removal will take effect two clear working days after receipt of the notice by the Chief Executive.

Where a vacancy occurs, the Leader must appoint another Deputy Leader.

If for any reason the Leader is unable to act or the office of Leader becomes vacant (and pending the election of a new Leader) the Deputy Leader shall discharge all roles and functions of the Leader.

If, for any reason, both the Leader and Deputy Leader are unable to act or both offices become vacant, the Executive shall act in the Leader's place or arrange for another Member of the Executive to act in his/her place.

4.2 Other Cabinet members shall be appointed by the Leader who shall notify the Council of their appointment and they shall hold office until:

(a) they resign from office; or

(b) they are suspended from being Members under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or

(c) they are no longer Members; or

(d) they are removed from office on the expiry date of their appointed term of office, save that the Leader may remove the Cabinet Member from office at an earlier date if he/she so decides. The Leader must give written notice of any early removal of a Cabinet Member to the Chief Executive and the removal will take effect two clear working days after receipt of the notice by the Chief Executive.

## 5. Cabinet Procedure Rules

### Who may Make Executive Decisions?

5.1 The Leader will decide how executive functions are to be exercised.

5.2 The Leader may provide for Executive functions to be discharged by:

i) the Executive as a whole;

ii) a Committee of the Executive;

iii) an individual Member of the Executive;

iv) an officer; or

v) joint arrangements.

Delegation by the Leader

- 5.3 At the first Annual Meeting of the Council after a whole Council election, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation set out below. The document presented by the Leader will contain the following information about Executive Functions in relation to the coming year:
- (a) the names and addresses of the people appointed to the Cabinet by the Leader;
  - (b) the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;
  - (c) the terms of reference and constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet members appointed to them;
  - (d) the nature and extent of any delegation of Executive Functions to Area Committees, any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year; and
  - (e) the nature and extent of any delegation to Officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.

Further Delegation of Executive Functions

- 5.4 Where the Cabinet, a Committee of the Cabinet (if one is established) or an individual member of the Cabinet is responsible for an Executive Function, they may delegate further to joint arrangements or an Officer.
- 5.5 Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a Committee of the Cabinet or to an Officer.
- 5.6 Unless the Leader directs otherwise, a Committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an Officer.
- 5.7 Even where Executive Functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.
- 5.8 The Council's Scheme of Delegation and Executive Functions:
- (a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council.
  - (b) The Leader may amend the scheme of delegation relating to Executive Functions at any time during the year. To do so, the Leader must give written notice to the Chief Executive and to the person, body or Committee

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concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the Cabinet as a whole. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

(c) Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chairman.

(d) Where a Cabinet member would normally exercise Executive Functions delegated to him/her in respect of any matter but is unable to do so because of absence or indisposition, a decision on the matter may be taken by the Leader, by the Cabinet or by a Committee of the Cabinet.

(e) Where a Cabinet member would normally exercise Executive Functions delegated to him/her in respect of any matter but has a prejudicial interest in that matter as defined in the Members' Code of Conduct (Appendix Q - Members' Code of Conduct) he/she shall not exercise those delegated powers in respect of that matter. A decision on the matter shall be taken by the Cabinet or a Committee of the Cabinet and the normal rules for declaration of interests at meetings shall apply.

### 5.9 Conflicts of Interest:

(a) Where the Leader has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct. (Appendix Q - Members' Code of Conduct)

(b) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct. (Appendix Q - Members' Code of Conduct)

(c) If the exercise of an Executive Function has been delegated to a Committee of the Cabinet, an individual Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Member' Code of Conduct. (Appendix Q - Members' Code of Conduct)

5.10 The Cabinet will meet normally at least 12 times per year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

5.11 (a) Except in those cases where the Cabinet or a Committee of the Cabinet is discussing confidential or exempt information under the Access to Information Procedure Rules (Appendix A - Access to Information Procedure Rules), every meeting of the Cabinet or Committee of the Cabinet at which decisions are to be made will be held in public.

(b) Meetings of the Cabinet or Committees of the Cabinet which are not making Cabinet decisions will normally be held in private, except that the



Leader may exercise discretion about whether any of these meetings should be held in public.

- 5.12 The quorum for a meeting of the Cabinet, or a Committee of it, shall be one half of the total number of members of the Cabinet or a Committee including the Leader or person presiding in the Leader's absence.
- 5.13 (a) Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules (Appendix A - Access to Information Procedure Rules).
- (b) Where Cabinet decisions are delegated to a Committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

#### How are Cabinet Meetings Conducted?

- 5.14 Who Presides? If the Leader is present he/she will preside. In his/her absence, the Deputy Leader will preside. In the absence of both the Leader and Deputy Leader, then a person appointed to do so by those present shall preside.
- 5.15 Who May Attend?
- (a) Local Members will be invited to appropriate meetings of the Cabinet when issues are being discussed which affect their particular areas and to speak on them.
- (b) The Chairman may invite any Member of the Council who is not a member of the Cabinet to speak on any particular matter. The Chairman shall extend such an invitation to a Member who has moved a motion which has been referred to the Cabinet.
- (c) There will be a period of 15 minutes set aside for questions from Members.
- 5.16 What Business? At each meeting of the Cabinet the following business will be conducted:
- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) matters referred to the Cabinet (whether by a Select Committee, the Performance and Governance Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the appropriate Procedure Rules or the Budget and Policy Framework Procedure Rules (Appendix B - Budget and Policy Framework Procedure Rules) of this Constitution;
- (d) consideration of reports from a Select Committee or the Performance

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and Governance Committee; and

(e) matters set out in the agenda for the meeting, which shall indicate those that are key decisions and those that are not in accordance with the Access to Information Procedure Rules (Appendix A - Access to Information Procedure Rules).

- 5.17 Consultation - All reports to the Cabinet from any member of the Cabinet or an Officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and a Select Committee or the Performance and Governance Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

### Who can put Items on the Cabinet Agenda?

- 5.18 The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any Member or Officer in respect of that matter. The Chief Executive will comply with the Leader's requests in this respect.
- 5.19 Any member of the Cabinet may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the Chief Executive will comply.
- 5.20 There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by the Select Committees and the Performance and Governance Committee and Cabinet will send a formal response to the next appropriate meeting of the Select Committee or Performance and Governance Committee explaining how the comments from the Committee was taken into account when making a decision.
- 5.21 Any Member may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Member who asked for the item to be considered.
- 5.22 The Chief Executive, the Head of Legal and Democratic Services and/or the Corporate Resources Director may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, the Head of Legal and Democratic Services and/or the Corporate Resources Director are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the

agenda may also require that a meeting be convened at which the matter will be considered.

## **6. How Decisions are Made**

- 6.1 The Cabinet is the part of the Council which is responsible for most day-to-day decisions. When major decisions are to be discussed or made, these are published in the Cabinet's forward plan in so far as they can be anticipated.
- 6.2 All decisions which are to be discussed with Council Officers at a meeting of the Cabinet, will generally be open for the public to attend except where personal or confidential matters are being discussed.
- 6.3 The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework or recommend changes to policy, this must be referred to the Council as a whole to decide.

## **7. Responsibility for Functions**

- 7.1 The Leader will maintain a list setting out which individual members of the Cabinet, Committees of the Cabinet, Officers or joint arrangements are responsible for the exercise of particular Executive Functions.

## **8. Support Groups to Cabinet**

- 8.1 The Cabinet may form advisory groups from time to time to assist with its work, especially with the review of, or additions to, a policy within the Policy Framework. These advisory groups will be constituted on the basis of political proportionality and may include members of the relevant Select Committee or Performance and Governance Committee to which they may also report direct. The membership and terms of reference of these advisory groups are set out in Appendix R - Cabinet Advisory Groups.



## **PART 5 - OVERVIEW AND SCRUTINY FUNCTION**

### **1. Introduction**

- 1.1 There are Select Committees which support the work of the Cabinet and the Council as a whole. They allow local people to have a greater say in Council matters by enquiring into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Select Committees and to a degree the Performance and Governance Committee also monitor the decisions of the Cabinet. They can “call-in” a key decision which has been made by the Cabinet but has not yet been implemented. This enables them to consider whether the decision is appropriate.
- 1.2 They may recommend that the Cabinet should reconsider the decision and may also submit a report direct to the Council. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

### **2. Terms of Reference - General**

- 2.1 The Council will appoint the overview and scrutiny committees (known as Select Committees) set out below to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000 in relation to the matters also set out below. The number and Terms of Reference of the Select Committees will be reviewed from time to time by the Modern Local Government Group which may report to the Council.
- 2.2 The Select Committees may form advisory groups from time to time to assist with their work, especially with the review of, or additions to, a policy within the Policy Framework. These advisory groups will be constituted on the basis of political proportionality and may include a member or members of the Cabinet to which they may also report direct. Advisory groups should be set a specific task and/or function and should as a result be time limited on completion of the set task/function.
- 2.3 The terms of reference of the Select Committees set out below will be in addition to the following general powers in respect of the overview function (which will include policy development) and scrutiny (which will include reviewing policy implementation):
  - (a) to monitor and review all Council Services in respect of Best Value and Internal Service Inspections (ISIs) and make any recommendations to Council and/or the Cabinet that may be considered appropriate especially in respect of ISIs, reviewing the progress of Action Plan and the implementation of recommendations; bearing in mind the Council’s budgetary constraints; and
  - (b) to consider and report on any matter referred by the Council or the Cabinet.

### **3. General Role**

3.1 Within their terms of reference, the Select Committees may:

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (b) make reports and/or recommendations to the full Council and/or the Cabinet and/or any joint Committee in connection with the discharge of any functions;
- (c) consider any matter affecting the area or its inhabitants; and
- (d) exercise the right either to call for Cabinet papers in advance of decisions being made in order to provide timely advice to the Cabinet **or**, if this has not been done, to call-in for reconsideration decisions made but not yet implemented by the Cabinet.

### **4. Specific Functions**

#### Policy Development and Review

4.1 The Select Committees may:

- (a) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- (b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (c) consider and recommend to Council mechanisms to encourage and enhance community participation in the development of policy options;
- (d) question relevant members of the Cabinet and/or Committees and Directors on relevant issues and proposals affecting the area relevant to the review in question; and
- (e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

#### Scrutiny

4.2 The Select Committees may:

- (a) review and scrutinise the decisions made by, and performance of, the Cabinet and/or Committees and Council Officers both 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 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 bearing in mind the Council's budgetary constraints;
- (e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Select Committees and local people about their activities and performance; and
- (f) question and gather evidence from any person, with their consent.

### Report to Council on Overview and Scrutiny Matters

- 4.3 The Chairmen of the Select Committees to submit a report on the work of the Select Committees since the last meeting of the Council, to each ordinary meeting of the Council. Members may ask questions on any matter contained in the report, of the Chairmen (or in their absence, the Vice-Chairman) of the Select Committees without notice.

### Proceedings of the Select Committees

- 4.4 The Select Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in paragraph 5 below.

## **5. Overview and Scrutiny Procedure Rules**

### Number and Arrangements for Overview and Scrutiny Committees

- 5.1 The Council will have the Select Committees set out in this part of the Constitution and will appoint to them as it considers appropriate from time to time. The Select Committees may appoint Sub-Committees (advisory groups) which may be appointed for a fixed period, on the expiry of which they shall cease to exist.
- 5.2 The Select Committees will:
- (a) approve an annual work plan for itself ensuring that there is efficient use of the Committee's time, and that the potential for duplication of effort is minimised;
  - (b) ensure that matters considered are managed efficiently and within any limits set out in this Constitution; and
  - (c) have the powers of an "Overview and Scrutiny Committee" in relation to Cabinet decisions made but not implemented as set out in section 21(3) of the Local Government Act 2000.

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### Membership of the Select Committees

- 5.3 All Members except members of the Cabinet may be members of a Select Committee. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

### Co-optees

- 5.4 The Select Committees shall be entitled to recommend to Council the appointment of a number of co-opted non-voting members not exceeding two for each Committee.

### Meetings of the Select Committees

- 5.5 There shall be at least six ordinary meetings of each Select Committee in each year. In addition, other meetings may be called from time to time as and when appropriate. A meeting of a Select Committee may be called by the Chairman of the relevant Select Committee, by a quarter of the members of the relevant Committee or by the Chief Executive (in consultation with the relevant Chairman or Vice-Chairman, if available) if he considers it necessary or appropriate.

### Quorum

- 5.6 The quorum for a Select Committee shall be as set out for Committees in the Council Procedure Rules in Part 2 of this Constitution.

### Work Plan

- 5.7 The Select Committees will be responsible for setting their own Work Plan and in doing so they shall take into account the wishes of all members on that Committee.

### Agenda Items

- 5.8 Any member of a Select Committee shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda and the appropriate Chairman will be informed.
- 5.9 The Select Committees shall also respond, as soon as work plans permit, to requests from the Council and if it considers it appropriate, the Cabinet to review particular areas of Council activity. The Council and/or the Cabinet shall consider the report of the Select Committee within two months of receiving it.

### *Councillor Call for Action*

- 5.10 Under the Councillor Call for Action process, the public may raise issues of local concern with their ward Councillors. Members will try to resolve the



issue themselves first by contacting the relevant Head of Service or Partner organisation. However, if the matter cannot be resolved, then the Member can ask the relevant Select Committee to consider the issue.

- 5.11 Any member may give written notice to the Chief Executive that they wish a local government matter affecting their ward, or a person who lives or works in their ward, to be included on the agenda of the relevant Select Committee. This notice will set out the Member's reasons for making the request. If the Chief Executive receives such a notification, then he/she will include the item on the first available agenda of the Select Committee for consideration by the Committee and the appropriate Chairman will be informed.
- 5.12 The Chief Executive will exclude any request that does not meet the requirements of the legislation, regulations or the most recent guidance. If the request is not accepted, the Chief Executive shall inform the member who made the request of the rejection and the reasons for it.

### Policy Review and Development

- 5.13 Select Committees will consider petitions as required, in accordance with the Council's Petitions Scheme – Appendix Y of the Constitution.
- 5.14 The role of the Select Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules. (Appendix B - Budget and Policy Framework Procedure Rules)
- 5.15 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Select Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- 5.16 The Select Committees may, subject to budgetary constraints, enquire into and investigate the available options for future direction in policy development. They may recommend to the Council the commissioning of research, undertaking of surveys etc.

### Reports from the Select Committees

- 5.17 Once it has formed recommendations on proposals which may be developed further, a Select Committee will prepare a formal report and submit it to the Chief Executive for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 5.18 If the Select Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then no more than one minority report may be prepared by the Members concerned and submitted for consideration by the Council or Cabinet with the majority report.
- 5.19 The Council or Cabinet shall whenever possible consider the report of the

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Select Committee within one month of it being submitted to the Chief Executive.

### Ensuring that Overview and Scrutiny reports are considered by the Cabinet

- 5.20 Once a Select Committee has completed its deliberations on any matter the Chief Executive will allocate it to either or both the Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the Chief Executive refers the matter to Council, he/she will advise the Leader that the matter is to be referred to Council and supply a copy of the report to the Leader. The Cabinet will have four weeks in which to respond to the report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from a Select Committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Cabinet to the Overview and Scrutiny proposals.
- 5.21 The Select Committees will in any event have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Select Committee following consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

### Rights of the Select Committee Members to documents

- 5.22 In addition to their rights as Members of the Council, members of the Select Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules (Appendix A - Access to Information Procedure Rules).
- 5.23 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Select Committees as appropriate depending on the particular matter under consideration.

### Members and Officers Giving Account

- 5.24 The Select Committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Chief Executive, any Director and/or any Head of Service to attend before it to explain in relation to matters within their remit:
- (a) any particular decision or series of decisions;
  - (b) the extent to which the actions taken implement Council policy; and/or
  - (c) their performance.

and it is the duty of those persons to attend if so required.

- 5.25 Where any Member or Officer is required to attend a Select Committee under this provision, the Chairman of that Committee will inform the Chief Executive. The Chief Executive shall inform the Member or Officer in writing giving at least five clear working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 5.26 Where the Member or Officer is unable to attend on the required date, then the Select Committee shall in consultation with the Member or Officer arrange an alternative date for attendance to take place usually within 21 days from the date of the original request.

### Attendance by Others

- 5.27 The Select Committee may invite people other than those people referred to in paragraphs 5.26, 5.27 and 5.28 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from local people, stakeholders and Member and Officers in other parts of the public sector and shall invite such people to attend.

### Call-in

- 5.28 When a key decision is made by Cabinet the decision shall be published and shall be available at the main offices of the Council normally within two clear working days of being made.
- 5.29 All Members will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- 5.30 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five clear working days after the publication of the decision, unless the Committee objects to it and calls it in. This notification is included on each set of Cabinet minutes.
- 5.31 During that period, the Chief Executive shall call-in a key decision for scrutiny by a Committee if so requested by the Chairman or any three members of the a Select Committee, and shall then notify the decision-taker of the call-in. The Chief Executive shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chairman of the appropriate Committee, and in any case within five clear working days of the decision to call-in or may, in consultation with the decision-taker, refer the matter direct to the next meeting of the Council for consideration. Please refer to "Shadow Call-In" dates included on the Council's Calendar of meetings.
- 5.32 If, having considered the decision using the Call-In Protocol (Appendix C -

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Protocol for Call In of Key Decisions), the Committee is still concerned about it, then it may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further ten clear working days, amending the decision or not, before adopting a final decision.

- 5.33 If following an objection to a key decision, the Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Committee meeting, or the expiry of that further five clear day period, whichever is the earlier.
- 5.34 If the matter was referred to full Council and the Council does not object to a key decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole, or a Committee of it, a meeting will be convened to reconsider within ten clear working days of the Council request. Where the decision was made by an individual, the individual will reconsider within ten clear working days of the Council request.
- 5.35 If the Council does not meet, or if it does but does not refer the key decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- 5.36 The relevant Committee shall consider the parts of the Forward Plan within that Committee's terms of reference after it is published and may give notice to the Chief Executive that it wishes to be consulted on any matter included within it. In such an event, the Chief Executive shall advise the Leader of the Council and shall arrange for the report to the Cabinet to be sent to every Member of the relevant Committee as soon as it is ready for publication.
- 5.37 The Chairman or any five members of the relevant Committee may call a meeting of the Committee within five clear working days of the despatch of the report to consider the matter. The Cabinet shall not then make a decision on the matter until the Committee has had an opportunity to consider the report and make recommendations to the Cabinet.
- 5.38 If a meeting of the relevant Select Committee is not summoned within five clear working days of the despatch of the report or on the nearest most appropriate "Shadow Call-In" date, the Cabinet shall be free to make a decision on the matter.
- 5.39 If the procedure in paragraphs 5.37 and 5.38 have been invoked by a Select Committee, the call-in provisions set out in paragraphs 5.32 to 5.35 shall not

apply and any decision of the Cabinet shall not be subject to call-in.

#### Exceptions to Call-In

5.40 In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limits are to be placed on its use. These are:

(a) only key decisions (the definition of which is set out below) may be called in; and

*(A "key decision" means an executive decision which is likely:*

*(i) to result in the District Council incurring expenditure which is, or the making of savings which are, significant having regard to the District Council's budget for the service or function to which the decision relates i.e. decisions which exceed £50,000 in value (but procurement decisions within the budget e.g. refuse vehicles can be undertaken within delegated powers); or*

*(ii) to be significant in terms of its effects on communities living or working in an area comprising 2 or more wards in the area of the District Council.)*

(b) Three members of a Select Committee or the Performance and Governance Committee from at least two political parties are needed for a decision to be called in.

#### Call-in and Urgency

5.41 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in.

5.42 The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required.

5.43 In the absence of both the Chairman and the Vice-Chairman of the Council, the consent of the Chairman or Vice-Chairman of appropriate Select Committee shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

5.44 The operation of the provisions relating to call-in and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

#### Procedure at Meetings of the Select Committees

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- 5.45 The Select Committee shall consider the following business:
- (a) minutes of the last meeting;
  - (b) declarations of interest;
  - (c) consideration of any matter referred to the Committee for a decision in relation to call-in of a decision;
  - (d) responses of the Cabinet to reports of the Select Committee; and
  - (e) the business otherwise set out on the agenda for the meeting.
- 5.46 Where the Select Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the Kent Protocol on Overview and Scrutiny Inter-Authority Co-operation (Appendix P - Protocol of Overview and Scrutiny Inter-Authority Co-Operation) (if they apply) and the following principles:
- (a) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (b) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
  - (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- 5.47 When discussing any matter under investigation, the members of the Select Committee shall not normally resort to formal debate unless and until it becomes clear that a recommendation can only be reached on the basis of a majority vote. It shall be the duty of each Chairman of a meeting of the Select Committee to ensure, so far as is possible, that a consensus is reached on any matter, provided that this would not have the effect of minimising the effectiveness of the recommendation.
- 5.48 Following any investigation or review, the Select Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

### Matters within the remit of more than one Select Committee

- 5.49 Where a matter for consideration by the Committee also falls within the remit of one or more other Committees, the decision as to which Committee will consider it will be resolved by the appropriate Chairmen of the Committee(s) and the relevant Director.

## **6. Membership of the Select Committees**

- 6.1 Each Select Committee will each be made up of 19 Members that follow the

political proportionality of the Council. The membership of the Select Committees can be found at Appendix H - Membership of Cabinet, Committees etc.

## **7. Terms of Reference of the Environment Select Committee**

7.1 When referring to these terms of reference please take into account the general terms of reference as set out in Part 5 – paragraphs 1, 2, 3 and 4 of this Constitution.

7.2 The Environment Select Committee's terms of reference are to perform the policy development, review and scrutiny role in relation to the following matters:

(a) The development of the Council's planning policies, including the Development Plan and other plans for use and development of land;

(b) the built environment of the District, including both development control and building control, contaminated land, air quality, land drainage, sewerage and sewage disposal;

(c) highways and traffic, including public rights of way;

(d) transport, including vehicle parking;

(e) economic development and tourism;

(f) to scrutinise decisions of the Cabinet and to exercise the use of the Council's "Call-in" (of key decisions) procedure when appropriate;

(g) to ensure that the Council's business is subject to effective scrutiny;

(h) at the Cabinet's and the Chairman of the Select Committee's request to carry out specific research and development projects and to submit recommendations to Cabinet; and

(i) to advise the Council and Cabinet, at their request, on any other matter affecting the Council.

## **8. Terms of Reference of the Services Select Committee**

8.1 When referring to these terms of reference please take into account the general terms of reference as set out in Part 5 – paragraphs 1, 2, 3 and 4 of this Constitution.

8.2 The Services Select Committee's terms of reference are to perform the policy development, review and scrutiny role in relation to the following matters:

(a) The Council's management of Information Technology and Communications technology;

(b) the development and retention of staff;

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- (c) public relations;
- (d) the development of the Housing Strategy, including partnerships with social landlords, the improvement of private housing the provision of housing to meet identified needs, assistance to owner/occupiers, landlords, tenants and developers, and homeless people as well as arrangements for dealing with itinerants and gypsies;
- (e) waste and recycling;
- (f) the development of policies in relation to the Council's licensing functions;
- (g) consideration of payments or benefits under section 92 of the Local Government Act 2000 to persons who have been adversely affected by maladministration (whether or not the subject of a formal report by the Commissioner for Local Administration);
- (h) to scrutinise decisions of the Cabinet and to exercise the use of the Council's "Call-in" (of key decisions) procedure when appropriate;
- (i) to ensure that the Council's business is subject to effective scrutiny;
- (j) at the Cabinet's and the Chairman of the Select Committee's request to carry out specific research and development projects and to submit recommendations to Cabinet; and
- (k) to advise the Council and Cabinet, at their request, on any other matter affecting the Council.

### **9. Terms of Reference of the Social Affairs Select Committee**

- 9.1 When referring to these terms of reference please take into account the general terms of reference as set out in Part 5 – paragraphs 1, 2, 3 and 4 of this Constitution.
- 9.2 The Social Affairs Select Committee's terms of reference are to perform the policy development, review and scrutiny role in relation to the following matters:
  - (a) The maintenance and regeneration of communities in the area including:
    - (i) personal health (such as arrangements for medical treatment in and for the District and health education); and
    - (ii) public health (such as pest control, food hygiene, water supply, public nuisances, public conveniences, cemeteries and crematoria, and animal welfare:
  - (b) the means of facilitating greater social inclusion and integration, especially amongst groups such as young people or elderly people;



- (c) the cultural life of the District (including the theatre known as “The Stag”);
- (d) the provision and use of leisure facilities throughout the District;
- (e) the operation of Sencio Community Leisure;
- (f) financial and other assistance to organisations in the District;
- (g) crime and community safety matters, including police initiatives and closed-circuit television;
- (h) to scrutinise decisions of the Cabinet and to exercise the use of the Council’s “Call-in” (of key decisions) procedure when appropriate;
- (i) to ensure that the Council’s business is subject to effective scrutiny;
- (j) at the Cabinet’s and the Chairman of the Select Committee’s request to carry out specific research and development projects and to submit recommendations to Cabinet;
- (k) to undertake the over view and scrutiny role and in particular in relation to the Community Plan;
- (l) to advise the Council and Cabinet at their request, on any other matter affecting the Council.



## **PART 6 – PERFORMANCE AND GOVERNANCE COMMITTEE**

### **1. Introduction**

- 1.1 The Council will appoint the Performance and Governance Committee to discharge the functions conferred by the Accounts and Audit Regulations 2003 as amended by the Accounts and Audit (Amendment)(England) Regulations 2006 in relation to the matters set out below and specifically to consider the Council's Performance and Governance arrangements, including a review of the system of internal control and the effectiveness of internal audit, in compliance with Regulations 4 and 6 of the Accounts and Audit Regulations 2003, Amendments 2006 and any subsequent legislation.
- 1.2 The number of meetings and Terms of Reference of the Performance and Governance Committee may be reviewed from time to time by the Modern Local Government Group which may report to the Council.

### **2. Membership of the Committee**

- 2.1 All Members of the Council, except members of the Cabinet and the Chairman of the Council, may be members of the Performance and Governance Committee. However, no Member may be involved in reviewing a decision in which he/she has been directly involved.
- 2.2 The Committee will be made up of 14 elected Members that follow the political proportionality of the Council. The membership of the Committee can be found at Appendix H - Membership of Cabinet, Committees etc.
- 2.3 The Performance and Governance Committee shall be entitled to recommend to Council the appointment of up to two additional co-opted non-voting members.

### **3. Terms of Reference of the Performance and Governance Committee**

#### Performance

- (a) To consider Financial and Performance Management Reports and, in particular, to receive regular reports from the Finance Advisory Group (FAG).
- (b) To monitor the Cabinet's performance in the strategic management of the Council and to make recommendations for improvements.
- (c) To consider the development of the budget strategy. No decision to approve the Budget Strategy will be taken until the matter has been considered by the Committee first.
- (d) To review the Council's resources and the Council's management of property, assets acquisition and disposal, including strategies for proper

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management of assets already obtained. Unless there are special circumstances which justify an urgent decision, no decision will be taken to dispose of land until the proposal has been considered by the Performance and Governance Committee.

(e) To consider the development of the Council's Procurement Strategy and forward procurement plan.

(f) To consider the arrangements in place for the management and monitoring of the Council significant partnerships.

### Regulatory Framework

(g) To monitor the effective development and operation of corporate governance and risk management in the Council.

(h) To monitor Council policies on 'Raising Concerns at Work' and the anti-fraud and anti-corruption strategy and the Council's complaints process.

(i) To oversee the production of the Council's Statement on Internal Control and to recommend its adoption.

(j) To consider the Council's compliance with its own and other published standards and controls.

### Audit Activity

(k) To consider the development of the Council's Internal Audit Strategy, Charter or terms of reference.

(l) To consider the annual internal audit plan and a summary of internal audit activity regarding the level of assurance that it can give over the Council's internal control and corporate governance and risk management arrangements

(m) To consider the Audit and Efficiency Manager's annual report and assurance opinion.

(n) To consider progress reports from the Audit and Efficiency Manager regarding the progress of the Annual Internal Plan.

(o) To consider a report on the progress of all recommendations made by internal audit and other external regulatory or review agencies.

(p) To receive and consider the annual report on the review of the effectiveness of internal audit

(q) To consider reports on investigations carried out by Internal Audit of suspected fraud or corruption within the Council or its partners.

(r) To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

(s) To comment on the scope and depth of external audit work and to ensure it gives value for money.

(t) To consider any external audit report resulting from the Statement of Accounts and any recommendations and comments received from the District Auditor.

#### Accounts

(u) To review the annual Statement of Accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.

(v) To approve the Statutory Statement of Accounts when the deadline for approval does not allow approval by full Council.

(w) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts, and comments received from the District Auditor.

#### Miscellaneous

(x) to undertake a monitoring role in relation to the development of the budget strategy as and when appropriate.

(y) to undertake a monitoring role in relation to reviews of the Council's resources and the Council's management of property, asset acquisition and disposal strategies for the proper management of assets as already obtained as and when appropriate.

### **4. Performance and Governance Committee Procedure Rules**

The Committee will conduct their proceedings in accordance with the Procedure Rules set out below.

#### Appointment of Sub-Committees/Working Groups

4.1 The Committee may appoint Sub-Committees or working groups. These may be appointed for a fixed period or until the next Annual Council meeting.

#### Procedure at Meetings of the Performance and Governance Committee

4.2 The Performance and Governance Committee shall consider the following business:

(a) minutes of the last meeting;

(b) declarations of interest;

(c) responses of the Council, Cabinet or Council Committees to the

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Committee's reports or recommendations; and

- (d) the business otherwise set out on the agenda for the meeting.

### Meetings of the Performance and Governance Committee

- 4.3 There shall be at least five ordinary meetings of the Committee in each year. In addition, other meetings may be called from time to time as and when appropriate. A meeting of the Committee may be called by the Chairman of the Committee, by a quarter of the members of the Committee or by the Chief Executive (in consultation with the Chairman or Vice-Chairman, if available) if he considers it necessary or appropriate.

### Quorum

- 4.4 The quorum for the Performance and Governance Committee shall be as set out for Committees in the Council Procedure Rules in Part 2 of this Constitution.

### Work Plan

- 4.5 The Performance and Governance Committee will be responsible for setting its own Work Plan and in doing so shall take into account the wishes of all members on the Committee.

### Agenda Items

- 4.6 Any member of the Performance and Governance Committee shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda and the Chairman will be informed.
- 4.7 Any five Members who are not members of the Committee may give written notice to the Chief Executive that they wish an item relevant to the functions of the Committee to be included on the agenda of the Performance and Governance Committee. If the Chief Executive receives such a notification, then he/she will include the item on the first available agenda of the Committee for consideration by the Committee and the Chairman will be informed.
- 4.8 The Performance and Governance Committee shall also respond, as soon as work plans permit, to requests from the Council and if it considers it appropriate, the Cabinet or other Committees, to review particular areas of Council activity relevant to the functions of the Committee.

### Reports and Recommendations from the Performance and Governance Committee

- 4.9 Once it has formed recommendations, the Performance and Governance Committee will submit these in writing to the Chief Executive for consideration by the Cabinet, Council or the relevant Committee.

- 4.10 The Council, Cabinet or Committee shall whenever possible consider and respond to the report and/or recommendations of the Committee within two months of it being submitted to the Chief Executive.

Members and Officers Attending Committee

- 4.11 In discharging its terms of reference, the Performance and Governance Committee may require any member of the Cabinet, the Chairman of a Committee, the Chief Executive, any Director and/or any Head of Service to attend before it to answer questions in relation to matters within their remit. For the avoidance of doubt, such a person may be required to answer questions on the Council's relationships with partner organisations, contractors and/or other public bodies, providing that person is responsible for managing that relationship as part of their duties. It is the duty of those persons to attend if so required.
- 4.12 Where any Member or Officer is required to attend the Performance and Governance Committee under this provision, the Chairman of the Committee will inform the Chief Executive. The Chief Executive shall inform the Member or Officer in writing giving at least five clear working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend and whether any papers are required to be produced for the Committee. Where the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 4.13 Where the Member or Officer is unable to attend on the required date, then the Committee shall in consultation with the Member or Officer arrange an alternative date for attendance to take place usually within 21 days from the date of the original request.

Attendance by Others

- 4.14 In discharging its terms of reference, the Performance and Governance Committee may review the performance/governance of partner organisations, contractors and/or other public bodies. It may also invite people other than those people referred to in paragraph 5.11 to provide it with a report, address it and/or answer questions.

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## **PART 7 – DEVELOPMENT CONTROL COMMITTEE**

(Please also refer to Appendix N - Development Control Protocol)

### **1. Terms of Reference of the Committee**

- (a) All planning, listed building and advertisement applications.
- (b) Revocation, modification and discontinuance orders and planning agreements relating to planning applications.
- (c) Enforcement of planning control; including the issue of Enforcement notices, listed building Enforcement notices, stop notices and abatement notices, and Enforcement and prosecution of contraventions of tree preservation orders, including the requirement for replacement planting.
- (d) Preservation and planting of trees, including the consideration of appeals against tree preservation orders and applications made thereunder.
- (e) All matters arising out of the operation of the Hedgerow Regulations 1997 or any subsequent changes thereto; and,
- (f) All decisions of the Council as Hazardous Substance Authority.

### **2. Membership of the Committee**

19 Members of the Council to be chosen according to political proportionality rules. The Membership of the Committee can be found at Appendix H - Membership of Cabinet, Committees etc.

### **3. Procedure at Development Control Committee and Site Inspections**

- (1) *This code will be applied in such a way that the right of the Chairman of the Committee to control the debate will be maintained.*
- (2) *“Local Member” means the Member for the District Council ward affected by a planning application which is to be included on an agenda for consideration by the Development Control Committee.*
- (3) *The agenda for the Development Control Committee will be dispatched a minimum of 5 working days before the meeting eg on the Wednesday of the preceding week for a Thursday Committee meeting. It is incumbent on Members of the Committee to ensure that they remain impartial and receptive to all points of debate before reaching a decision to vote on an application.*

- 3.1 The Chairman, Vice Chairman and other Members, whether or not Members of the Committee, should recognise the effect that their behaviour can have on the public’s perception of the Council and should conduct themselves

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accordingly. Members should represent the interests of the District as a whole.

- 3.2 Members should remain at meetings of the Committee until the end of the meeting unless they have a compelling reason not to do so.
- 3.3 Where a planning application has been submitted by the District Council and the appropriate Cabinet Member (responsible Portfolio Holder) is a Member of the Committee, that Member is strongly advised to leave the meeting when the matter is considered and not take part in the discussion or voting. Members should also be informed when an application on Council-owned land is to be considered by the Committee even if the applicant is not the District Council.
- 3.4 The Development Control Committee operates in a quasi-judicial manner. Accordingly, Members who enter the meeting during discussion of an application, or are not present during the whole of the discussion, should not vote on the application as they will not have heard all the arguments for and against the proposal. Members must make declarations of Interest, Lobbying and Pre-determination before any applications are debated. Copies of lobbying material received should where practicable be forwarded to the Head of Development Services
- 3.5 Any Local Member who wishes to reserve an item for debate at Development Control Committee is asked to notify the Chairman/Vice Chairman prior to the meeting.

Subject to the Chairman's right to control the debate:

- (a) Any reports deferred for any reason from previous meetings of the Committee will normally be reserved for debate.
- (b) The Chairman will indicate those applications in respect of which members of the public have asked to speak, which shall automatically be reserved for debate.
- (c) When a Local Member has indicated to the Chairman of the Committee that s/he would wish to address the Committee on a particular application, the application will be reserved by the Chairman for subsequent discussion.
- (d) The Chairman will then read out the details of each remaining planning application from the index to the report, so that Members of the Committee who wish to move an amendment to the Head of Development Service's recommendation or make a comment on any particular application may so indicate, when such applications will automatically be reserved for debate.
- (e) The Chairman will then put all unreserved items to the vote en bloc; and,

- (f) The Chairman will then deal with items before the Committee in the following order:
  - (i) Items deferred from previous meetings of the Committee.
  - (ii) Items with public speakers.
  - (iii) Items reserved by Members of the Committee.
  - (iv) Enforcement cases.
  - (v) Amendments or variations to existing permissions; and,
  - (vi) Objections to Tree Preservation Orders.

3.6 In respect of any item reserved for debate the following procedure will be followed:

- (a) The Chairman will read out the application reference and address. The Officer will introduce the item and outline the key considerations and constraints, summarise the consultation responses and representations and provide the recommendation.
- (b) Address to Committee:- Speakers, who have previously registered to do so are invited to address the Committee in the following order, for a maximum of 3 minutes, (Local Members will have 4 minutes):
  - (i) A member of the public wishing to speak against the application.
  - (ii) The applicant, agent or another member of the public wishing to speak in favour of the application.
  - (iii) The Local Council representative (Town Council or Parish Council)
  - (vi) The Local Member(s) (whether or not a Member of the Committee) wishing to speak for a maximum of 4 minutes speech time. (Normal rules relating to motions and amendments as set out in the Constitution apply).
- (c) Those addressing the Committee including the local member(s) will not normally participate further in respect of that item. However, at the Chairman's discretion any of the initial speakers or local members may be asked a question of clarification. Any local Member who is a member of the Committee and speaks at the start of the item and has not uttered a prejudicial view will continue to be allowed to debate and vote on the item.
- (d) Members of the Committee will have the opportunity to ask questions of the Officers present.
- (e) Normal discussion of the Planning merits will then take place.

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- (f) If a Member wishes to raise a new aspect to the debate on the item as a result of information brought to light during the debate then they will be allowed to do so at the discretion of the Chairman.
- (g) Members are requested not to speak at length on items where they are in full agreement either with the Officers' report or with the views of a Member who has spoken earlier in the discussion.
- (h) The vote will be taken after a motion has been moved and seconded, and after the Chairman, or other mover of a motion, has summed up. The Chairman will advise the meeting on the result of the vote including whether planning permission has been granted, refused etc.
- (i) The Legal Officer will inform the Chairman (unless already requested) of a need for him/her to advise the Committee in respect of any issues that arise from the debate, to ensure that the decision is based upon accurate and relevant law and to advise the Committee with regard to the legal impact of any proposed recommendation or motion.

### Decisions Contrary to Officer Recommendation

- 3.7 All Members are encouraged to raise any queries or issues they may have regarding a specific application report with the appropriate Area Team Manager as soon as possible, and in any event before the Chairman's briefing. This will enable Officers to consider the issues raised and discuss them with the Chairman.
- 3.8 Under normal circumstances a Member, having considered the Officers report and who has any factual questions or concerns about an aspect of that report, may contact the Development Control Manager or the Head of Development Services. This will enable such matters to be discussed at the Chairman's briefing, that normally takes place 2 working days before the Committee meeting, and to prepare for any additional advice for the meeting. If a Member's concerns relate to matters which require a visual assessment, the Area Team Manager or the Head of Development Services may discuss the desirability of arranging a Committee Site Inspection with the Chairman. Committee Members are encouraged to attend these Site Inspections whenever possible.
- 3.9 On receipt of concerns from a Committee Member, the Development Control Manager or the Head of Development Services may choose to withdraw the report from the agenda to allow for further discussion or re-assessment.
- 3.10 A Planning Officer if so requested should assist in giving general policy reasons for refusal or conditions for approval to be attached to any permission. In the event of an appeal or a judicial review, it is imperative that the correct grounds for refusal or conditions for approval be cited on the published notice of decision.
- 3.11 In the event of a motion contrary to the Officer's recommendation being formally moved, the Officer(s) present will have the opportunity to address

the Committee on the implications of such a decision having regard to the provisions of the Development Plan and all other material considerations, inclusive of implications for any subsequent appeal, before a vote on the motion is taken. Where appropriate the Officer may recommend to the Chairman (whose sole decision it shall be whether to accept that recommendation) that a decision on the application be deferred to enable a further report to be presented to the Committee addressing these issues raised by the debate and the implications.

- 3.12 Where a decision to grant or refuse permission contrary to the Officer recommendation occurs the reasons for such a decision taken by Committee should be clearly minuted. In the event of an appeal where the Committee has made a decision contrary to Officer advice, the appropriate Local Member or a Member of the Committee is expected to be actively involved in the Appeal if by written representation and to attend any Hearing or Public Enquiry when such is held.

### Report Deferrals

- 3.13 Any decision to defer a report should be taken BEFORE any other decision to approve or refuse the report. Should the Committee be minded to refuse/approve the report pending deferral to await further information, then, when the report comes back to the Committee, debate must centre around the effect of the additional information on the proposal keeping in mind the opinion to approve or refuse voiced in the first instance. Public speakers may not speak again.
- 3.14 Should a report be deferred for further information without the Committee's opinion on whether it is minded to approve or refuse, then a debate may take place on the whole of the report together with the additional information.
- 3.15 If a report is withdrawn or deferred without the opportunity for a registered public speaker to present their views then the public speaker(s) will be given the opportunity to address the Committee when the item is re-presented for decision.
- 3.16 Members may feel that the application should be viewed on site before a decision is made in which case an amendment/resolution for a Site Inspection is put to the Committee and, if approved, a set procedure is then followed at the Site Inspection.

### **Site Inspections**

- 3.17 A single Site Inspection time will be used for applications deferred by Committee and those identified for a pre-meeting inspection. This inspection will usually take place on the day of the Committee meeting.
- 3.18 Sites for pre-meeting inspections should be identified to the Chairman by Development Control Committee or Local Members at the earliest possible opportunity and in any event a full 3 working days before the Committee

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meeting, eg by 5pm on a Monday when the Committee meeting is at 7pm on a Thursday.

- 3.19 The Site Inspection will be open for all Development Control Committee and Local Members to attend.
- 3.20 No representations will be heard at Site Inspections and no recommendation will be formulated or a vote taken. The purpose is to view relevant features on or around the site.
- 3.21 The inspection will then inform the debate at the following Development Control Committee meeting.
- 3.22 Members' Site Inspections will be carried out where applications are to be determined by the Development Control Committee. The Chairman, in consultation with the Head of Service, will normally identify the need for any Site Inspections in advance of the meetings. Members who believe that a Site Inspection is appropriate in a particular case are encouraged to contact the Head of Development Services as soon as possible. This will include selecting appropriate viewpoints. Only exceptionally should an item be deferred for a Site Inspection. All Site Inspections will only be arranged where the proposal to hold a Site Inspection fits at least one of the following criteria.
- 3.23 A Site Inspection may be determined to be necessary if;
  - i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
  - ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
  - iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
  - iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
  - v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.
- 3.24 When requesting the Chairman of the Development Control Committee to authorise a Site Inspection, the person making such a request (whether the Head of Service or an elected Member) must state under which of the above five criteria the Inspection is requested and must also provide supporting justification.
- 3.25 The purpose of a Site Inspection is to view the site and its surroundings and to relate the application proposals to the site. Officers will explain the submitted drawings. Neither the applicant nor any supporters or any objectors should take part. Where an applicant has to be present to allow access to the site,

the visiting Members should stand away from him or her (or if necessary, ask the Applicant to stand away) and should not engage in any discussions.

- 3.26 Members should avoid any discussion of the merits of the case on site, on the journey to/from the site, or anywhere other than the Committee meeting.

### **Rules for Addresses to the Committee at Meetings of Development Control Committee**

- 3.27 Addresses to the Committee will be allowed on planning applications being considered by the Development Control Committee. Public speaking will not be permitted on decisions made under the delegated authority of the Community and Planning Services Director and/or the Head of Development Services or on Enforcement items or Tree Preservation Orders.
- 3.28 Registering to Speak – Apart from Local Members, those wishing to speak must contact the District Council before 5pm on the day of the meeting at the latest. However at the Chairman’s discretion, late registration may be accepted until the start of the meeting. Local Members have until the start of the meeting to register. Only one public speaker against the application and one public speaker supporting the application will be permitted except where the Head of Development Services or Development Control Manager instructs otherwise eg for special meetings of the Development Control Committee.<sup>1</sup>
- 3.29 Main Objector – the first objector (eg the objector whose request is received first by the Council) will be the public speaker and subsequent objectors will be so advised.
- 3.30 Main Supporter – where an applicant or agent indicates a desire to speak they will be given preference over other supporters.
- 3.31 Local Member(s) – will be able to speak for a maximum of 4 minutes.
- 3.32 Local Council – a representative of the Town or Parish Council(s) in which an application site is situated.
- 3.33 Time Limits – Only the main objector and main supporter may speak, each being allowed 3 minutes. A Local Council representative will be able to speak for a maximum of 3 minutes. A Local Member may speak for a maximum of 4 minutes. After the speaker has spoken there will not normally be an opportunity for any speaker to participate or address any of the issues raised in the subsequent debate. However, at the Chairman’s discretion any of the initial speakers or local members may be asked a question of clarification. Any local Member who is a member of the Committee and speaks at the start of the item and has not uttered a prejudicial view will continue to be allowed to debate and vote on the item.

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<sup>1</sup> As an exception, a Local Member who is also a Member of the Committee may indicate a wish to address the Committee as a Speaker, during the declarations of interest or predetermination, as set out in the Agenda.

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- 3.34 Visual Aids – All speakers are allowed to use visual aids such as plans, drawings, photos etc and these will be displayed on the projector in the meeting room during the speaker’s speaking time. No other visual aids may be used. All speakers who wish to have permitted visual aids displayed must provide them to Development Services Team before 5pm at the latest the day before the meeting eg if the meeting is to be held on a Thursday then contact must take place before 5pm on the preceding Wednesday.

*(Written information is not permitted to be used as a “visual aid” by public speakers.)*

- 3.35 Those applications in respect of which members of the public have asked to speak shall automatically be reserved for debate at the Committee.
- 3.36 If a report is withdrawn from the agenda or deferred without the opportunity for a registered public speaker to present their views then the public speaker(s) will be given the opportunity to address the Committee when the item is re-presented for decision.
- 3.37 If an application is deferred after addresses to the Committee have taken place, then public speaking will not be permitted when the application is re-presented for decision. If an objector or supporter has not exercised their right to speak in the first instance then their right to speak is waived when the application is re-presented for decision.

### **Training**

- 3.38 Members must not participate in decision making at meetings dealing with planning matters unless they have undertaken suitable training, including any training designated by the Cabinet as mandatory.
- 3.39 Members are encouraged to attend Planning training sessions, which will be provided from time to time, as these are designed to extend their knowledge of planning procedures, policies and practice.



## **PART 8 – LICENSING COMMITTEE**

### **1. Licensing Committee**

- 1.1 Composition: Fifteen Members of the District Council reflecting the political proportionality of the Council
- 1.2 Terms of Reference
- (a) Except as provided in the Licensing Act 2003 and the Gambling Act 2005, the discharge of all functions of the District Council as licensing authority prescribed by those acts;
  - (b) the issue, renewal, transfer, suspension and revocation of hackney carriage, private hire vehicle, driver and operator licenses;
  - (c) applications for the licensing of sex establishments; and
  - (d) the discharge of all other functions relating to licensing and registration in so far as they are the responsibility of the District Council.

### **2. Licensing Hearing Sub-Committees**

- 2.1 The Licensing Committee has established five Licensing Hearing Sub-Committees. The Chief Executive will call a meeting of one of the sub-committees whenever there is business to be transacted.

Composition: Each Sub-Committee will contain three Members of the Licensing Committee. Any member of the Licensing Committee may act as a substitute on any of the Licensing Sub-Committees. Democratic Services must be notified by the members concerned of any substitutions at least one working hour prior to a sub-committee meeting.

- 2.1 Terms of Reference

Licensing Act 2003:

- (a) determination of application for the grant/ renewal of a personal licence where an objection notice has been given by the Police;
- (b) consideration of Police objection notice following conviction of personal licence holder;
- (c) determination of application for the variation of a designated premises supervisor where a notice has been received from the Police;
- (d) determination of application for the transfer of a premises licence where a notice has been received from the Police;
- (e) determination of application for:
  - (i) premises licence;

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- (ii) club premises certificate;
- (iii) provisional statement;
- (iv) variation of premises licence / club premises certificates;
- (v) review of a licence following an application by a senior police officer;

where relevant representations have been made;

- (f) determination of application for the review of a premises licence/club premises certificate;
- (g) determination on review of premises licence following closure order;
- (h) consideration of Police objection notice given in response to a temporary event notice; and
- (i) consideration of Police notice given in response to an interim authority notice.

### Gambling Act 2005:

- (a) determination of application for the grant/ variation/ transfer/ reinstatement of premises licence;
- (b) determination on review of premises licence;
- (c) determination of application for provisional statement;
- (d) consideration of notice of objection to temporary use notice;
- (e) determination of application for the grant/ renewal of family entertainment centre gaming permit, club gaming permit, club machine permit, licensed premises gaming machine permit, gaming machine permit; and
- (f) cancellation of club gaming permit, club machine permit, licensed premises gaming machine permit.

### **3. Procedure at Sub-Committees of the Licensing Committee (established in accordance with Section 9 of the Licensing Act 2003)**

- 3.1 In accordance with Section 9 (1) of the Licensing Act 2003, the Licensing Committee has resolved to establish five Sub-Committees, each consisting of three members of the Committee.
- 3.2 The Sub-Committees have delegated authority to determine those functions that are reserved for decision by the Sub-Committees in accordance with Appendix B of the Council's Statement of Licensing Policy dated 7<sup>th</sup> January 2008.

- 3.3 Hearings shall be conducted in accordance with this Procedure Note and The Licensing Act 2003 (Hearings) Regulations 2005 subject to the right of the Sub-Committee to vary that procedure at their absolute discretion if considered in the public interest.
- 3.4 The quorum for a Sub-Committee shall be two members.
- 3.5 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 3.6 The order of business at hearings shall be:
- (a) Election of Chairman.
  - (b) Declarations of interests.
  - (c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.
  - (d) Chairman ascertains who is assisting or representing the parties.
  - (e) Applicant (or his/her representative) addresses the Sub-Committee.
  - (f) Applicant questioned by members. At the discretion of the Sub-Committee, other parties may be permitted to question the applicant.
  - (g) Persons who have made representations in respect of the application (or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.
  - (h) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the applicant may be permitted to question other parties.
  - (i) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.
  - (j) Applicant (or his/her representative) makes closing address.
  - (k) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.
  - (l) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.
  - (m) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulation.



## **PART 9 – ELECTORAL ARRANGEMENTS COMMITTEE**

### **1. Terms of Reference**

1.1 To advise the Council on all matters relating to:

- (a) Parliamentary, County, District, and Parish/Town Council elections and referenda, including the revision of parish boundaries;
- (b) the overall number of Members of the District Council;
- (c) the preferred numbers of Members for each District Council Ward;
- (d) the number of Wards for the District of Sevenoaks;
- (e) the names and boundaries of District Council Wards; and
- (f) and any matters ancillary thereto.

### **2. Membership**

2.1 Ten Members of the Council to be chosen according to political proportionality rules. The membership of Committee can be found at Appendix H - Membership of Cabinet, Committees etc.



## **PART 10 – APPOINTMENTS COMMITTEE**

### **1. Terms of Reference**

- (a) To interview applicants for the post of Chief Executive and recommend appointment to Council; and
- (b) To interview and appoint to the post of Director(s).

### **2. Membership**

- 2.1 Ten Members of the Council to be chosen according to political proportionality rules but which shall include the Leader of the Council and relevant Portfolio Holders. The membership of Committee can be found at Appendix H - Membership of Cabinet, Committees etc.





## **PART 11 – MODERN LOCAL GOVERNMENT GROUP**

### **1. Terms of Reference**

1.1 To advise the Council on all matters relating to:

(a) any review of the Council's decision-making arrangements undertaken by the Group;

(b) any review of the Council's Constitution;

(c) any review of the Members' Allowances Scheme and make recommendations for change to the Council and, if required, to the Independent Remuneration Panel and

(d) any conclusions / recommendations for change that come about as a result of its deliberations.

### **2. Membership**

2.1 Ten Members of the Council to be chosen according to political proportionality rules. The membership of Group can be found at Appendix H - Membership of Cabinet, Committees etc.

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## **PART 12 – HOMELESSNESS REVIEW BOARD**

### **1. Terms of Reference**

- 1.1 Full powers of the Council to adjudicate and decide upon the following issues (where they have not been resolved through Officers' review) as allowed under Section 202(1) of the Housing Act 1996:
- (a) an applicant's eligibility for assistance (Sections 185-1886);
  - (b) what duty (if any) is owed to the applicant if s/he is homeless or threatened with homelessness (Sections 190-193, 195-197);
  - (c) the cessation of the full housing duty where the applicant was previously subject to it (Sections 193(5) – (7));
  - (d) whether the conditions for referral to another authority are satisfied (Section 198(5));
  - (e) the duty owed in the case of a potential or actual referral (Sections 200(3) – (4));
  - (f) the suitability of accommodation offered in discharge of any duty owed (Sections 206 and 210).

### **2. Membership**

- 2.1 The membership of Board can be found at Appendix H - Membership of Cabinet, Committees etc.

### **3. Procedure for Homelessness Review Boards**

- 3.1 The procedure for the Board to carry out reviews is:
- (a) Should the appellant or his/her representative fail to attend or notify the Clerk to the Board they do not wish to attend, the Board may decide to continue the Review taking into account the views of the Community and Planning Services Director (*the Housing Officer*) and any written submission supplied by the appellant. The appellant will be asked to submit a written representation whether or not he/she wishes to attend the hearing.
  - (b) The Chairman will introduce him/herself and other Members of the Board and the Clerk (*a member of the Democratic Services Team*) and the Secretary to the Board (*a member of the Legal Services Team*).
  - (c) The Chairman will take appearances from the Community and Planning Services Director's representative (*the Housing Officer*) and the appellant or his/her representative who will both state their name and position and the names and positions of any witnesses they intent to call.
  - (d) Witnesses shall be present only when giving evidence. The appellant or

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his/her representative and the Community and Planning Services Director's representative will however be present throughout the presentation of the case.

(e) The Community and Planning Services Director's representative will summarise the reasons for the decision.

(f) The Community and Planning Services Director's representative may call witnesses. Each witness in turn:

(i) gives evidence;

(ii) may be questioned by the appellant or his/her representative (the appellant's representative does not at this stage, make statements or comments, the opportunity to do so comes later);

(iii) may be questioned by Members of the Board;

(iv) may, if necessary be re-questioned by the Community and Planning Services Director's representative.

(g) The appellant or his/her representative summarises his/her case.

(h) The appellant or his/her representative may call the appellant and any other witnesses. Each witness in turn;

(i) gives evidence;

(ii) may be questioned by the Community and Planning Services Director's representative;

(iii) may be questioned by Members of the Board;

(iv) may, if necessary, be re-questioned by the appellant or his/her representative.

(i) The Community and Planning Services Director's representative sums up the Director's case.

(j) The appellant or his/her representative sums up the appellant's case.

(k) Members of the Board may ask the parties or, if necessary, any witnesses who may be recalled for this purpose, for any additional information or clarification required.

(l) The parties, their representatives and any witnesses then present shall withdraw.

(m) The Board will then deliberate in private, attended by the Clerk and the Secretary to the Board if required. If it intends to reach a decision, then it will either recall the parties, their representatives and witnesses to announce its decision or will inform the parties in writing within five clear working days.

The decision and the reasons for reaching such a decision will be confirmed in writing by the Chief Executive.

(n) The Board may wish to adjourn to an appropriate date if it feels it did not have sufficient information to make a full and considered opinion. If the Board decides not to make a decision immediately, then its decision will be notified in writing to the applicant and his/her representative by the Chief Executive within five clear working days of the decision being made by the Board.

(o) The Board will comprise of three elected Members. The Chairman shall be the Portfolio Holder for Balanced Communities and the remaining membership will be drawn from the Council ignoring, if necessary, proportionality rules.

(p) No meeting of the Board shall take place unless the 3 Members are present.



## 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	<p>Overall corporate management and operational responsibility (and Head of Paid Service) (including overall management responsibility for all Officers)</p> <p>Provision of professional advice to all parties in the decision-making process.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p>
Community and Planning Services Director	<p>Leisure (non-Trust), community development, environmental health, direct services, planning, housing, economic development, tourism and building control.</p>
Corporate Resources Director	<p>Central support services, finance, administration, legal, governance support, IT and technical support services and customer services.</p> <p>Together with the Head of Legal and Democratic Services (Monitoring Officer), responsibility for a system of record keeping for all the Council’s decisions.</p>

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- 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, Monitoring Officer and Chief Finance Officer

- 2.4 The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Head of Legal and Democratic Services	Monitoring Officer
Corporate Resources Director	Chief Finance Officer (Section 151 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**

### Discharge of Functions by the Council

- 3.1 The Chief Executive will report to full Council on 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 Chief Finance Officer if a qualified accountant.

#### **4. Functions of the Monitoring Officer (Head of Legal and Democratic Services)**

##### Maintaining the Constitution

4.1 The Monitoring Officer (Head of Legal and Democratic Services) 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 the Corporate Resources Director (Chief Finance Office), the Head of Legal and Democratic Services (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.

##### Supporting the Standards Committee

4.4 The Head of Legal and Democratic Services (the Monitoring Officer) will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

##### Receiving Reports

4.5 The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of the case tribunals.

##### Conducting Investigations

4.6 The Head of Legal and Democratic Services (the Monitoring Officer) will conduct investigations into matters referred by Ethical Standards Officers 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) will ensure that Cabinet decisions, together with the reasons for those decisions and relevant Officer

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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 the Chief Finance 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 the Chief Finance 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 Chief Finance Officer or the Head of Paid Service.

## **5. Functions of the Chief Finance Officer (Corporate Resources Director)**

### Ensuring Lawfulness and Financial Prudence of Decision-Making

- 5.1 After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance 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 Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

### Contributing to Corporate Management

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

### Providing Advice

- 5.4 The Chief Finance 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 Chief Finance Officer will provide financial information to the media, members of the public and the community.

Restrictions on Functions

- 5.6 The Chief Finance 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 Chief Finance Officer and the Returning Officer**

- 6.1 The Council will provide the Monitoring Officer, Chief Finance 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**

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

## Agenda Item 7a

- (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 (the Head of Paid Service) or the Monitoring Officer under sections 4 and 5 of the Local Government and Housing Act 1989 or of the Corporate Resources Director (Chief Finance 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.

## Agenda Item 7a

- 10.3 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.
- 10.4 In exercising delegated powers, Officers shall consult with such other Officers as they determine appropriate and shall have regard to any advice given.
- 10.5 This scheme shall operate from 25<sup>th</sup> September 2007.
- 10.6 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 postholder's appointment.
- 10.7 In each case the delegated authority does not authorise the postholder 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.
- 10.8 In each case, except where the Chief Executive is exercising delegated authority under (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, 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).
- 10.9 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.
- 10.10 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.
- 10.11 Reference to any enactment, regulation, order or byelaw shall include any amendment, re-enactment or re-making of the same.
- 10.12 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

## Agenda Item 7a

particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded.

### **11. Delegation to the Chief Executive**

- (a) To be Head of the Paid Service.
- (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 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 sections 83, 84 and 89 of the Local Government Act 1972 and regulation 3 of the Local Authorities (Executive Arrangements)(Access to Information) (England) Regulations 2000.
- (g) The power to authorise staff to carry out surveillance under the Regulation of Investigatory Powers Act 2000.
- (h) To be the proper officer of the Council for the purposes of Part II of the Local Authorities (Standing Orders)(England) Regulations 2001.
- (i) 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.
- (j) The Chief Executive, or in his absence, the Community and Planning Services Director, the authority to give authorisation of a dispersal order under the Anti-Social Behaviour Act 2003 Part 4 (Sections 30 and 31).
- (k) 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.
- (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 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.

## **12. Delegation to Corporate Resources Director**

- (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 land that is necessary for the Council's current programme.
- (c) 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 £500 and rent arrears exceeding £500 shall be subject to approval by the Cabinet.
- (d) 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.
  - (e) 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.
  - (f) To authorise Officers to represent the Council before all Courts and Tribunals.
  - (g) 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.
  - (h) 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.
  - (i) To have the responsibility for taking care of all securities and title deeds of all property held in the name of the Council.

## Agenda Item 7a

- (j) To manage central training and job evaluation.
- (k) To determine and issue guidelines to Officers for the management of human resources and in particular recruitment, training, conditions of service, rewards and discipline.

### **13. Delegation to the Community and Planning Services Director**

#### Development Services

- (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 Director of Community and Planning Services, 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 Director, would set a significant precedent.
    - (iii) A written request for consideration by the Development Control Committee, supported by an appropriate planning reason<sup>1</sup>, 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 Director of Community and Planning Services in relation to any application where a decision could not otherwise be made by Committee before the statutory deadline for determination.

Where amended plans and/or information of a significant nature (as determined by the Director of Community and Planning Services) are received on an application, an additional call-in period will be given, the period for which will be specified by the Director of Community and Planning Services 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 Director of Community and Planning Services of a proposed recommendation which is contrary to representations received in support of, or in objection to, an

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<sup>1</sup> A 'Planning Reason' includes accordance with a relevant Development Plan Policy or a material planning consideration. The Head of Development Services or Development Control Manager will offer advice if necessary on an appropriate planning reason.



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 family<sup>2</sup>.
- (2) Where the Council is a consultee to an application eg 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 Director of Community and Planning Services, 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.
- (b) To exercise all the Council's powers and duties with regard to Building Control under the Building Act 1984 and regulations made thereunder.
- (c) To take all necessary action to secure compliance with the Building Act 1984 and regulations made thereunder, including the service of statutory notices.
- (d) 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 Building Act 1984 and regulations made thereunder (including actions for injunctions).
- (e) To take all necessary action to defend legal proceedings against the Council.
- (f) To exercise all the Council's powers under the Criminal Justice and Public Order Act 1984.
- (g) To exercise the functions of the Council with regard to environmental improvements and access to the Countryside.

#### Housing Services

- (a) To exercise all the functions of the Council as a housing authority, including

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<sup>2</sup> 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.

## Agenda Item 7a

the responsibility for the Council's Housing Strategy and policies, the enabling role, the Homelessness and Housing advice service, standard and fitness or 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) Acts including the Environmental Protection Act 1990, Prevention of Damage by Pests Act 1949, Public Health Act 1936, Public Health Act 1961, Houses, Grants, Construction and Regeneration Act 1996, Housing Act 1985, Housing Act 1996, Local Government and Housing Act 1989, Caravan Sites and Control of Development Act 1960, Building Act 1984, Home Energy Conservation Act 1995, Criminal Justice and Public Order Act 1994, Mobile Homes Act 1983, Caravans Sites Act 1968, Police and Criminal Evidence Act 1984, Mobiles Homes Act 1975, The Water Industry Act 1991, The National Assistance Act 1948, The Local Government (Miscellaneous Provisions) Act 1976 and The County of Kent Act 1981 etc.

### Local Policy and Environment

To exercise all the powers of the Council as the local planning authority with regard to strategic and local planning policy, listed buildings and arboricultural matters under the Planning Acts.

### Community Development

- (a) To be responsible for the implementation and co-ordination of the Council's duties and functions under the Crime and Disorder Act 1998, 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 (Local Agenda 21) and other matters of environmental management and policy agreed by the Council.
- (e) To undertake the Council's involvement in Health Improvement Plans and general matters in relation to the implementation of Health Policy.

- (f) To be responsible for the implementation, with other partners, of the Sevenoaks District Community Plan on behalf of the Council.
- (g) The responsibility, with other parts, for the implementation of the Voluntary Sector Compact.
- (h) To facilitate youth development within the Council's policies.
- (i) To operate the Council's capital schemes in parishes.
- (j) In the absence of the Chief Executive, the Community and Planning Services Director has authority to give authorisation of a dispersal order under the Anti-Social Behaviour Act 2003 Part 4 (Sections 30 and 31).

### Environmental and Operational Services

#### *Direct Services*

- (a) To operate the activities of Sevenoaks Direct Services.
- (b) To operate playgrounds to ensure health and safety requirements are met, and to seek alternative management of playgrounds as appropriate.
- (c) To monitor and review the Council's grounds maintenance contract and ensure corrective action is taken when required.
- (d) To deal with all matters relating to high hedges under Part 8 of the Anti-Social Behaviour Act 2003.
- (e) To deal with any matters relating to the powers contained in the Clean Neighbourhood and Environment Act 2005.

#### Environmental Services

- (f) 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.
- (g) To exercise all the functions of the Council with regard to matters relating to environmental health, including food hygiene and health and safety (including the authorisation of legal proceedings).
- (h) 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*

- (i) To authorise legal proceedings in respect of any contravention arising from the Licensing Act 2003, the Gambling Act 2005 and the Charities Act 2006.
- (j) To determine all applications for a personal license, where no objections

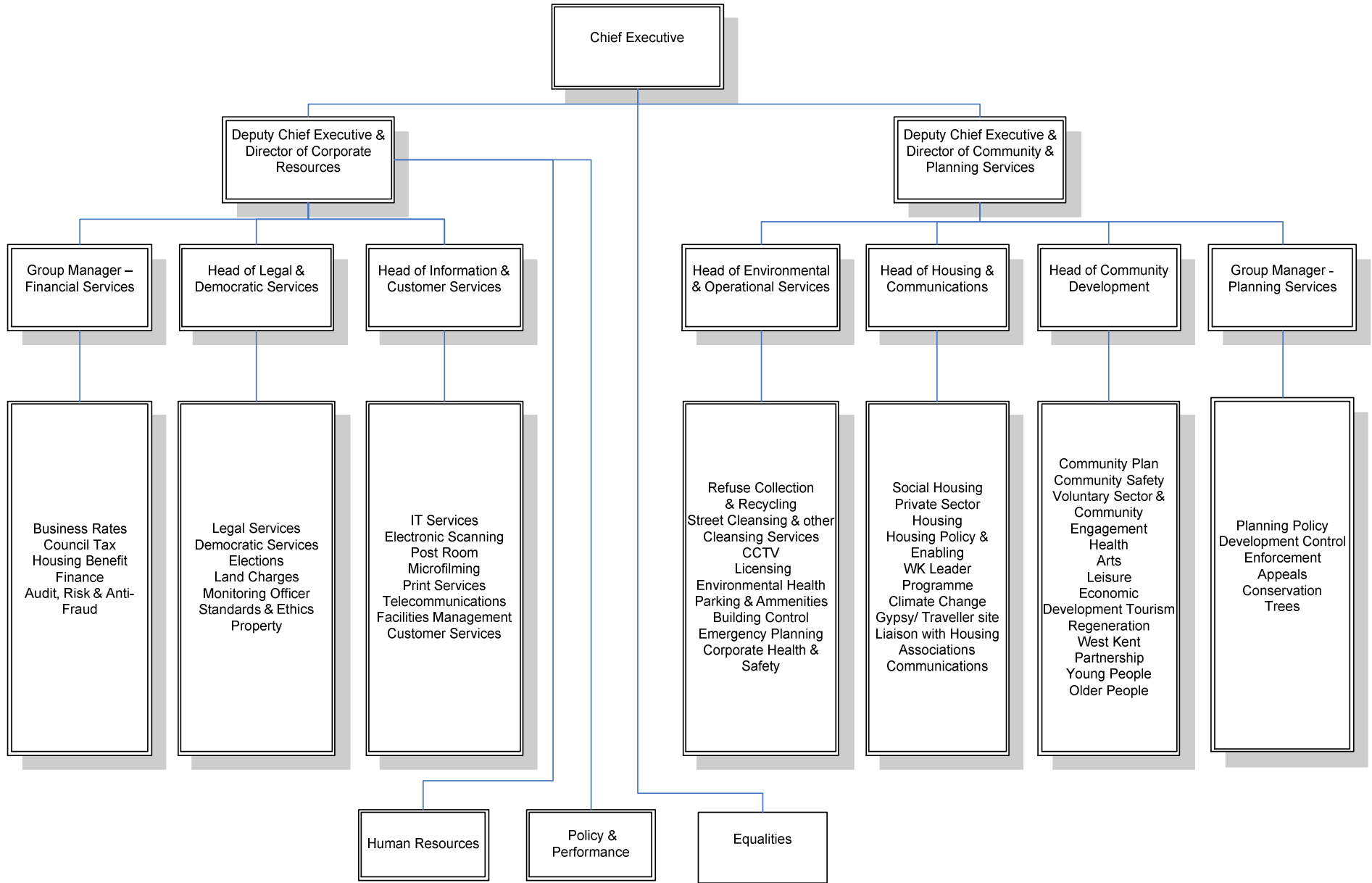
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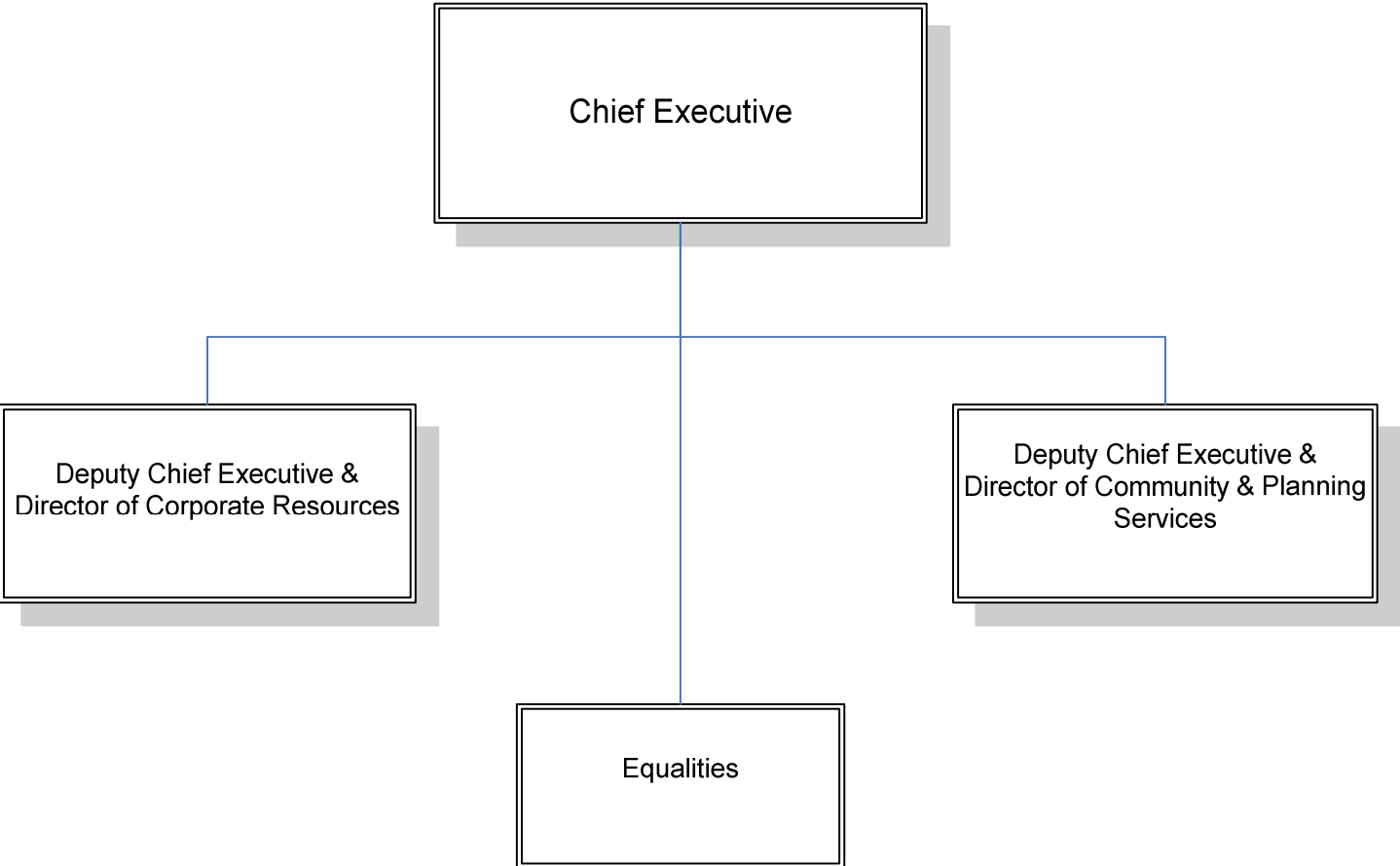
have been made

- (k) To determine all applications for a premises licence/club premises certificate, where no representations have been made.
- (l) To determine all applications for a provisional statement where no representations have been made.
- (m) To determine all applications to vary premises licences/club premises certificates where no relevant representations have been made.
- (n) To determine all applications to vary designated personal licence holders, except where there is a police objection.
- (o) To determine all requests to be removed as designated personal licence holders.
- (p) To determine all applications by way of Interim Authority Notices except where there is a police objection.
- (q) To determine whether representations submitted are irrelevant, frivolous, vexatious etc.
- (r) To determine all applications for Minor Variations to premises/club premises licences.
- (s) To determine all applications for removal of the mandatory condition to have a Designated Premises Supervisor at Community Premises.
- (t) To maintain the Licensing Register.
- (u) 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.
- (v) To exercise all the Council's functions with regard to hypnotism street collections (including the variation of any conditions imposed on any licence).

### **14. Delegation to all Directors, Head of Development Services, Head of Environmental and Operational Services, Head of Customer and Information Services, Head of Housing Services and Head of Finance and Human Resources**

To authorise staff to carry out covert surveillance or use a covert human intelligence source under the Regulation of Investigatory Powers Act 2000 in accordance with the Council's policies.





Deputy Chief Executive &  
Director of Corporate Resources

Head of Legal & Democratic  
Services

Head of Information  
& Customer Services

Group Manager –  
Financial Services

Legal Services  
Democratic Services  
Elections  
Land Charges  
Monitoring Officer  
Standards & Ethics  
Property

IT Services  
Electronic Scanning  
Post Room  
Microfilming  
Print Services  
Telecommunications  
Facilities Management  
Customer Services

Business Rates  
Council Tax  
Housing Benefit  
Finance  
Audit, Risk & Anti-Fraud  
Risk Management

Human Resources

Policy & Performance

Deputy Chief Executive & Director of  
Community & Planning Services

Head of Environmental &  
Operational Services

Refuse Collection  
& Recycling  
Street Cleansing & other  
Cleansing Services  
CCTV  
Licensing  
Environmental Health  
Parking & Ammenities  
Building Control  
Emergency Planning  
Corporate Health & Safety

Head of Housing &  
Communications

Social Housing  
Private Sector Housing  
Housing Policy & Enabling  
WK Leader Programme  
Climate Change  
Gypsy/ Traveller site  
Liaison with WKHA  
Communications & Consultation

Head of Community  
Development

Community Plan  
Community Safety  
Voluntary Sector & Community  
Engagement  
Health  
Arts  
Leisure  
Economic Development Tourism  
Regeneration  
West Kent Partnership  
Young People  
Older People

Group Manager – Planning  
Services

Planning Policy Development  
Control  
Enforcement  
Appeals  
Conservation  
Trees



CALENDAR OF MEETINGS 2012/13

Annual Meeting of the Council – 15 May 2012

Report of the: Corporate Resources Director

Status: For Decision

Portfolio Holder Cllr. Fleming

Head of Service Head of Legal and Democratic Services – Mrs. Christine Nuttall

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**Recommendation:** It be RESOLVED that the Calendar of Meetings for 2012/13, attached as an Appendix to this report, be approved.

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- 1 The draft calendar of meetings for the municipal year 2012/13 was agreed in principle at the meeting of Council on 24 April 2012. All Members and Senior Officers have been consulted on the dates.
- 3 It is the responsibility of the Annual Meeting of the Council to confirm the Council's calendar of meetings for the oncoming year.

**Risk Assessment Statement**

- 4 The Council is under a legal duty to hold an Annual Meeting during a particular period and to set a Council Tax by a specific date. The calendar proposed meets those requirements.

**Sources of Information:** Calendars of Meetings from previous years and comments from Officers and Members

**Contact Officer(s):** Democratic Services Ext. 7241

Dr. Pav Ramewal  
Corporate Resources Director

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**CALENDAR OF MEETINGS 2012/2013**

	Monday	Tuesday	Wednesday	Thursday	Friday
MAY	30 April	1	2	3	4
MAY	7 PUBLIC HOLIDAY	8	9	10 Public Cabinet 7.30pm (Chamber)	11
MAY	14	15 Annual Full Council Meeting 7.00pm (Chamber)	16	17	18
MAY	21	22	23	24 Cabinet Briefing 2.00pm (Conference)	25
				Development Control Committee 7.00pm (Chamber)	
MAY/JUNE	28	29 Environment Select Committee 7.00pm (Conference)	30	31	1

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	Monday	Tuesday	Wednesday	Thursday	Friday
JUNE	4 PUBLIC HOLIDAY	5 PUBLIC HOLIDAY	6	7 Local Development Framework Group 5.30pm (Conference)	8
JUNE	11	12 Performance and Governance Committee 7.00pm (Conference)	13 Finance Advisory Group 9.30am Committee)  Sevenoaks Joint Transportation Board 7.00pm (Conference)	14 Public Cabinet 7.00pm (Conference)	15
JUNE	18	19 Services Select Committee 7.00pm (Conference)	20	21 <i>Cabinet Briefing</i> 2.00pm (Conference)  Social Affairs Select Committee 7.00pm (Conference)	22
JUNE	25	26 Licensing Committee 6.00pm (Conference)	27	28 Development Control Committee 7.00pm (Chamber)	29

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	Monday	Tuesday	Wednesday	Thursday	Friday
<b>JULY</b>	2	3 Modern Local Government Group 5.30pm (Conference)	4	5	6
JULY	9	10 Standards Committee 7.00pm (Conference)	11 Electoral Arrangements Committee 7.00 pm (Conference)	12 Public Cabinet 7.00pm (Conference)	13
JULY	16	17	18	19	20
JULY	23	24 Council 7.00pm (Chamber)	25 Finance Advisory Group 9.30am (Conference)	26 <i>Cabinet Briefing</i> 2.00pm (Conference)  Development Control Committee 7.00pm (Chamber)	27
JULY/ <b>AUGUST</b>	30	31	1	2 <i>Cabinet Briefing</i> 2.00pm (Conference)	3
AUGUST	6	7	8	9	10
AUGUST	13	14	15	16	17

## Agenda Item 8

	Monday	Tuesday	Wednesday	Thursday	Friday
AUGUST	20	21	22	23 <i>Cabinet Briefing</i> 2.00pm (Conference)	24
				Development Control Committee 7.00pm (Chamber)	
AUGUST	27 PUBLIC HOLIDAY	28	29	30	31
SEPTEMBER	3	4 Environment Select Committee 7.00pm (Conference)	5	6 Social Affairs Select Committee 7.00pm (Conference)	7
SEPTEMBER	10	11	12 Sevenoaks Joint Transportation Board 7.00pm (Conference)	13 Public Cabinet 7.00pm (Conference)	14
SEPTEMBER	17	18 Services Select Committee 7.00pm (Conference)	19	20 <i>Cabinet Briefing</i> 2.00pm (Conference)	21
				Development Control Committee 7.00pm (Chamber)	

## Agenda Item 8

	Monday	Tuesday	Wednesday	Thursday	Friday
SEPTEMBER	24	25 Performance and Governance Committee 7.00pm (Conference)	26	27	28
OCTOBER	1	2	3 Local Development Framework Group 5.30pm (Conference)	4 Modern Local Government Group 5.30pm (Conference)	5
OCTOBER	8	9	10 Licensing Committee 6.00pm (Conference)	11 Public Cabinet 7.00pm (Conference)	12
OCTOBER	15	16 Council 7.00pm (Chamber)	17	18 <i>Cabinet Briefing</i> 2.00pm (Conference)  Development Control Committee 7.00pm (Chamber)	19

## Agenda Item 8

	Monday	Tuesday	Wednesday	Thursday	Friday
OCTOBER	22	23 Environment Select Committee 7.00pm (Conference)	24 Finance Advisory Group 9.30am (Conference)	25	26
OCTOBER/ NOVEMBER	29	30 Social Affairs Select Committee 7.00pm (Conference)	31	1 Services Select Committee 7.00pm (Conference)	2
NOVEMBER	5	6	7	8 Public Cabinet 7.00pm (Conference)	9
NOVEMBER	12	13 Performance and Governance Committee 7.00pm (Conference)	14	15 <b>Police Commissioner Elections</b>  <i>Cabinet Briefing</i> 2.00pm (Conference)	16
NOVEMBER	19	20	21	22 Development Control Committee 7.00pm (Chamber)	23



## Agenda Item 8

	Monday	Tuesday	Wednesday	Thursday	Friday
NOVEMBER	26	27 <b>Council</b> <b>7.00pm</b> <b>(Chamber)</b>	28	29	30
DECEMBER	3	4	5 Local Development Framework Group 5.30pm (Conference)	6 Public Cabinet 7.00pm (Conference)	7
DECEMBER	10	11	12 Sevenoaks Joint Transportation Board 7.00pm (Conference)	13 <i>Cabinet Briefing</i> <i>2.00pm</i> <i>(Conference)</i>  Development Control Committee 7.00pm (Chamber)	14
DECEMBER	17	18	19	20	21
DECEMBER	24 OFFICE CLOSED ?	25 PUBLIC HOLIDAY	26 PUBLIC HOLIDAY	27	28
DECEMBER/ JANUARY 2013	31	1 PUBLIC HOLIDAY	2	3	4

## Agenda Item 8

	Monday	Tuesday	Wednesday	Thursday	Friday
JANUARY	7	8 Performance and Governance Committee 7.00pm (Conference)	9	10 Public Cabinet 7.00pm (Conference)	11
JANUARY	14	15 Environment Select Committee 7.00pm (Conference)	16	17 <i>Cabinet Briefing</i> 2.00pm (Conference)  Development Control Committee 7.00pm (Chamber)	18
JANUARY	21	22 Social Affairs Select Committee 7.00pm (Conference)	23 Finance Advisory Group 9.30am (Conference)  Modern Local Government Group 5.30pm (Conference)	24 Standards Committee 7.00pm (Conference)	25
JANUARY/ <b>FEBRUARY</b>	28	29 Services Select Committee 7.00pm (Conference)	30 Licensing Committee 6.00pm (Conference)	31	1
FEBRUARY	4	5	6	7 Public Cabinet 7.00pm (Conference)	8

## Agenda Item 8

	Monday	Tuesday	Wednesday	Thursday	Friday
FEBRUARY	11	12	13	14 <i>Cabinet Briefing</i> 2.00pm (Conference)	15
				Development Control Committee 7.00pm (Chamber)	
FEBRUARY	18	19 <b>Council (Budget)</b> 7.00pm (Chamber)	20	21	22
FEBRUARY/ <b>MARCH</b>	25	26	27	28	1
MARCH	4	5 Local Development Framework Group 5.30pm (Conference)	6	7 Public Cabinet 7.00pm (Conference)	8
MARCH	11	12 Performance and Governance Committee 7.00pm (Conference)	13 Sevenoaks Joint Transportation Board 7.00pm (Conference)	14 Development Control Committee 7.00pm (Chamber)	15

## Agenda Item 8

	Monday	Tuesday	Wednesday	Thursday	Friday
MARCH	18	19 Environment Select Committee 7.00pm (Conference)	20	21 <i>Cabinet Briefing</i> 2.00pm (Conference)	22
MARCH	25	26 Social Affairs Select Committee 7.00pm (Conference)	27 Finance Advisory Group 9.30am (Conference)  Licensing Committee 6.00pm (Conference)	28	29 PUBLIC HOLIDAY
APRIL	1 PUBLIC HOLIDAY	2	3	4 Services Select Committee 7.00pm (Conference)	5
APRIL	8	9	10	11 Public Cabinet 7.00pm (Conference)	12
APRIL	15	16	17	18 <i>Cabinet Briefing</i> 2.00pm (Conference)  Development Control Committee 7.00pm (Chamber)	19

## Agenda Item 8

	Monday	Tuesday	Wednesday	Thursday	Friday
APRIL	22	23 <b>Council</b> 7.00pm (Chamber)	24	25	26
APRIL /MAY	29	30	1	2 <b>Kent County</b> <b>Council</b> <b>Elections</b>	3
MAY	6 PUBLIC HOLIDAY	7	8	9 Public Cabinet 7.00pm (Conference)	10
MAY	13	14 <b>Annual Council</b> 7.00pm (Chamber)	15	16	17
MAY	20	21	22	23	24

*Italics:* These meetings are for Councillors' reference only

### **Other Regular Meetings**

In addition the following dates are reserved for meetings but are subject to cancellation if not required:

**Licensing Sub-committee:** 10.30 am on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month (excluding 27 August and 24 December)

**Standards Sub-committee:** 2.00 pm on the last Wednesday of each month (December meeting on 19 December)

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### **Retiring Chairman's Report 2011/12**

My year as Chairman has passed remarkably quickly. It does not seem that 12 months ago I took on the challenge of being Chairman during a period of what I referred to as a year of Civic Frugality!

During that time I have attended nearly 160 engagements and at most of which my wife Sylvia has been with me in a very supportive role as Chairman's escort. Compare this with the 300 plus events attended by the former Chairman.

Over 87% of attended events have been within the Sevenoaks District in line with my desire to concentrate on those organisations providing Voluntary and Caring services to our citizens. Of the remainder, I would highlight the services at Rochester Cathedral for both the new Lord Lieutenant and the new High Sheriff. Both of whom have been unstinting in their support for many of the Voluntary Organisations that I also support and it has been a great pleasure to meet with them on many occasions. Our visit to the Buckingham Palace Garden Party was blessed with a warm sunny day.

Looking back over the year and trying to pick out specific events has been quite difficult so I have broken them down under specific headings in no order of priority.

#### **CHURCH SERVICES**

19 in total including 6 Carol services! Highlights for totally different reasons were the Sevenoaks Mencap Carol evening – a noisy joyous and uplifting evening that proved that a mental illness does not stop you having fun. The other event that I was privileged to attend was the Military Funeral, in Eynsford Parish Church, of Lieutenant Oliver Augustin 42 Commando Royal Marines. Killed in Afghanistan on 17<sup>th</sup> May 2011, aged 23 years. A poignant reminder that my father, a professional soldier, also served in Afghanistan as far back as 1912!

#### **SCHOOL VISITS**

11 in total including pre Olympic events at Primary Schools as well as visits to Knole Academy and Sevenoaks School.

Our visits to Dorton House and Valence School were inspirational both from the dedication of the staff working on a one to one basis with the children but also from the happy and relaxed atmosphere that existed in both locations. Many of the staff were still teenagers themselves and displayed both maturity and empathy beyond their years.

#### **SPORTS EVENTS**

From opening the new Chipstead football club junior pitches to celebrating the Centenary of both the Sevenoaks Bowling and Hockey clubs, again showed what can be achieved by dedicated volunteers and the sporting prowess of our citizens.

## Agenda Item 10

### THE ARTS

Sevenoaks Philharmonic, the Lydian Orchestra, Sevenoaks Symphony Orchestra, the Sevenoaks & Tonbridge Concert Band together with Dance and Pantomime at the Stag, again provided memorable evenings of entertainment culminating in the Sevenoaks Young Musician of the Year competition in March.

Again demonstrating a wealth of talent we have within the district.

### VOLUNTARY ORGANISATIONS

During my year I have visited or attended meetings with very many of the organisations that receive financial support from us. I do not propose to list them all as they are all well known to you.

I will however highlight two organisations, Riding for the Disabled and Sailability who provide and teach the disabled to sail small boats on Chipstead Lake. Both have large numbers of volunteers who turn out on several days of the week and have achieved remarkable results. That support is absolutely vital to their continued wellbeing and their appreciation of our efforts is demonstrated by the thousands of hours willingly provided in the service of others.

In concluding my year of office I express my thanks to the Vice Chairman for her support throughout the year, to my wife for her support and encouragement and to Margaret Hagger for sharing her immense knowledge of all things Civic with me and ensuring that I appeared at the right place on the right day!

Robert V. Orridge  
Chairman 2011/2012