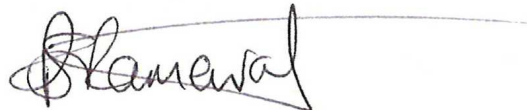


Despatched: 02.05.14

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 13 May 2014 to transact the under-mentioned business.



Chief Executive

AGENDA

Apologies for absence

1. To elect a Member to be Chairman for the municipal year 2014/15.
2. To elect a Member to be Vice-Chairman for the municipal year 2014/15.
3. To approve as a correct record the minutes of the meeting of the Council held on 1 April 2014. (Pages 1 - 10)
4. Declarations of Interest
5. Chairman's Announcements
6. To appoint the Chairmen, Vice-Chairmen and Membership of Committees for the municipal year 2014/15 (Appendix to follow). (Pages 11 - 12)
7. Scheme of Delegations
 - a) To agree delegations to Committees (as set out in Parts 3-12 of the Constitution) and to confirm/approve delegations to Officers (as set out in Part 13 of the Constitution). (Pages 13 - 80)
 - b) To note the delegations of executive functions and appointments to the Cabinet made by the Leader. To follow
8. To confirm the Calendar of ordinary Meetings for the municipal year 2014/15. (Pages 81 - 84)
9. To appoint representatives on other organisations (Appendix to follow). (Pages 85 - 86)
10. To note the outgoing Chairman's Report (Pages 87 - 88)

11. Matters considered by the Cabinet:

- a) Budget: Council Tax Support Funding for Town and Parish Councils (covering minute from Cabinet to follow) (Pages 89 - 120)

EXEMPT INFORMATION

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

The Annual Meeting of the Council will be followed immediately by a special meeting of the Cabinet to appoint the membership of Advisory Committees and to make appointments to other outside 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 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 1 April 2014 commencing at 7.00 pm

Present: Pett (Chairman)

Mrs. Davison (Vice-Chairman)

Cllrs. Abraham, Mrs. Ayres, Ayres, Mrs. Bayley, Ball, Bosley, Mrs. Bosley, Mrs. Bracken, Brookbank, Brown, Ms. Chetram, Clark, Mrs. Clark, Mrs. Cook, Cooke, Davison, Mrs. Dawson, Dickins, Eyre, Fittock, Fleming, Gaywood, Mrs. George, Grint, Horwood, Mrs. Hunter, London, Ms. Lowe, Maskell, McGarvey, Mrs. Morris, Neal, Orridge, Mrs. Parkin, Piper, Mrs. Purves, Ramsay, Mrs. Sargeant, Scholey, Searles, Miss. Stack, Miss. Thornton, Underwood and Williamson

Apologies for absence were received from Cllrs. Edwards-Winsler, Firth, Hogarth, Raikes, Towell and Walshe

41. To Approve as a correct record the Minutes of the Meeting of the Council held on 18 February 2014

Resolved: That the Minutes of the meeting of the Council held on 18 February 2014 be approved and signed as a correct record.

42. To receive any declarations of interest not included in the register of interest from Members in respect of items of business Included on the agenda for this Meeting

No further declarations of interest were received.

43. Chairman's Announcements

The Chairman firstly welcomed Chief Inspector Tim Cook, District Commander, to the meeting.

The Chairman extended his gratitude and thanks to the local schools who took part and the residents who came out in their droves to congratulate Lizzy; and Go buses, Arriva and the Sevenoaks Chronicle. It was an excellent showcase for the Council. He could not believe the number of people who wanted to be photographed with him, as well as Lizzy. He advised that he had learned after the event that he had a closer connection than he realised in that he had worked with her Grandmother 25 years ago when he had been a lecturer and she had been a librarian at the same college.

He expressed his pride in the Council's officers who had organised a professional, first class event in a very short time, and understood that in the past couple of weeks he knew that many had worked exceptionally hard to make the parade a great success.

It was particularly noteworthy that this occurred at the same time as the Sports Relief Mile event on Sunday 23 March at Sevenoaks Preparatory School, which was coupled with the launch of the Air Alert scheme. The workload and pressures were illustrated by

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the fact that that he had received an important communication at 8.20pm on the Saturday evening from the officer concerned. Again he congratulated all involved.

The Chairman had been privileged to lead the Council team at Sunday's Sports Relief Mile, which had raised in excess of £120 so far. One team member did the mile; the remainder did three, including the Chairman. Anyone minded to contribute to this very worthy cause should please log onto: <https://my.sportrelief.com/sponsor/chairmans-sevenoaks-council-team>.

The Chairman advised that he had attended the memorial service for John Thompson Spare OBE, who had been a long serving former Councillor at Tunbridge Wells Borough Council and at one time its youngest Mayor. He had also been the founder/president of Voluntary Action Tunbridge Wells (VATW) which later became and is now known as Voluntary Action West Kent (VAWK).

The Chairman reported that he had also spent a day on what he called the 'dust carts', but the Chief Officer Environmental and Operational Services was at pains to tell him there were called 'waste collection freighters' these days. It was incredibly illuminating, and indicative of a huge need to educate the Council's waste generators (residents) as to what was and what was not recyclable, to help improve the Council's recycling rates. He expressed his thanks to the crew who took him out, and to all of the refuse collectors, who were clearly much more significant ambassadors of the Council than may be appreciated.

He took the opportunity to remind Members of the Sevenoaks 'In Bloom' competition.

The Chairman extended an invitation to all Members to attend his Civic Service at St Mary the Virgin Church, Woodlands, Knatts Valley at 3.00 p.m. on Sunday 13 April 2014. If interested, he requested that Members email him. It was a very small Church with limited space so it would be on a first come, first served basis.

CHANGE IN AGENDA ITEM ORDER

With the Council's agreement consideration of agenda item 10 (a) was moved forward to be taken after agenda item 6 (a).

44. To receive any Questions from Members of the Public under Paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.

Two questions had been received from members of the public in accordance with paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.

Question 1: Mr. John Morrison

'Can the Leader of the Council explain the lack of any provision in the proposal for recurring management costs and staffing for the new car parks, including CCTV monitoring?

Given the lack of such provision and the lack of any perimeter at ground level to limit pedestrian access, how will the new car parks be able to meet the minimum security and safety standards to obtain the British Parking Association/ACPO 'PARK MARK' certificate?

What consultation has the council had with police on the safety and security aspects of the proposal?’

Response: Leader of the Council

‘In calculating a rate of return on the investment the Council has taken into account all ongoing revenue costs, including maintenance, management, enforcement, business rates and CCTV. The project provides a satisfactory return on investment including the economic benefits for the Town. The Council has engaged a leading specialist parking consultant who have extensive expertise in the conceptual design of parking structures, to assist the Council in design, specification and preparing the planning application. The design will cover all safety and security aspects including emergency lighting, CCTV provision, fire safety, entry/exit control and pedestrian safety. Once a planning application has been submitted a full planning consultation exercise will be undertaken. The planning application will be determined by the Council’s Development Control Committee.’

Question 2: Mr. Roger FitzGerald

‘Why is the Council not thinking strategically and why is it not integrating the proposed new car parks into a wider masterplan for the town centre?’

Response: Leader of the Council

‘I don’t believe that the proposals for a decked car park to provide increased long stay parking provision for the town precludes the possibility of a wider master plan, and in fact I believe it could form a corner stone to the further development of such a plan, the fact remains that this proposal could be delivered in a timely and cost effective manner to the benefit of residents and businesses in the town.’

There was no further discussion.

45. To receive any Petitions submitted by Members of the Public under Paragraph 18 of Part 2 (The Council and District Council Members) of the Constitution.

No petitions were received.

46. Matters Considered by the Cabinet

(a) Sevenoaks Town Centre Parking Review

Councillor Fleming proposed and Councillor Ms. Lowe seconded the recommendations from Cabinet. The report detailed a proposal to provide additional parking capacity in Sevenoaks Town by ‘decking’ the existing Council owned Buckhurst 2 and/or the Suffolk Way car parks; a review of current parking provision and the results and conclusions from a parking survey undertaken by an independent company in November 2013; details of estimated construction costs for various options for these two car parks and the existing planning policies and scope for both sites; and provided a breakdown of estimated costs per option and the likely estimate of additional income generated whilst providing options for funding the project. The report also identified opportunities for increasing parking in the areas near the railway station by ‘decking’ the existing Council owned Bradbourne car park. Members noted the decision already taken by Cabinet to submit a planning

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application to provide an additional 300 car park spaces on the existing Buckhurst 2 car park by providing a two storey elevated car deck; and requested the Economic & Community Development Advisory Committee to set up a Working Group to look at car parking technology such as smart ticketing.

A Member expressed concern that the proposals would have a detrimental impact on the town through overbuilding and increased traffic and that further consultation should have taken with interested parties such as Sevenoaks Town Council, the Chamber of Commerce and other interested parties.

Another Member commented that proposals for the Buckhurst car park had been proposed over twenty years ago but shelved on a change of administration. She asked for assurance that the works would be completed in a timely manner and asked whether there would be any environmental enhancements.

The Leader stated that there was unmet demand for long stay parking for businesses and residents already in the town. There were over 100 applications on the waiting list for business permits, and there was an increasing number of residential units and more over shop accommodation being returned to residential accommodation causing further pressure on spaces. The difference between now and twenty years ago was that construction methods had moved on and it was possible to build these structures, on site, quicker and in a more environmentally friendly manner within 6-8 weeks rather than months. With regards to environmental enhancements these new structures would be cladding with appropriate finishes. He advised that he had been approached about existing unsightly plans but pointed out that there were no plans as yet that anyone could look at. Agreeing the recommendation would allow proper plans and a consultation process where people could look at the proposals. The Town Council were contacted in February and would be part of the consultation process.

A Member asked whether there would be a comprehensive risk assessment carried out. Other Members commented on the need for more parking to benefit the residents of the District. Another Member stated that it was a question of stewardship as to whether to have a sleepy historic town or a thriving vibrant one.

In reply and response, the Leader advised that the old concrete multi storey car parks were the least environmentally friendly options and it was cost prohibitive to cut into the ground, even the cost of providing surface car parking had increased. With regards to the vibrancy of the town, many of the residents commuted to London, other than shoppers parking was needed for workers within the town. The Town had ridden the recession better than most but could not stand still.

The motion was put to the vote and it was

Resolved: That

- a) subject to planning consent, to undertake a Procurement exercise for the project and subject to the successful tender being within the estimated costs as outlined in this report, to award a contract to design and build the elevated car park decks on the existing Buckhurst 2 car park;

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- b) a budget of £3.5-£4.0 million be approved to be financed by borrowing from the Public Works Loan Board;
- c) that delegated authority be granted to the Portfolio Holders for Finance and Resources and Economic and Community Development to, after consideration of the tender evaluation, accept the most economically advantageous tender, to award the contract and authorise expenditure and approvals within the estimated costs outlined in this report and the borrowing approval;
- d) that a planning application be submitted for the decking of the existing Bradbourne car park to increase parking capacity in the area adjacent to the railway station; and
- e) a planning application be submitted to provide additional parking spaces in the existing Suffolk Way car park by providing either a one or two storey elevated car deck, to allow for longer term provision of additional short stay parking capacity.

47. To receive a presentation from Chief Inspector Tim Cook, the District Commander on the Policing arrangements for the District following the recent reorganisation

Chief Inspector Tim Cook, District Commander Kent Police reported that Kent Police had seen a series of financial reductions already losing £53 million and about to lose another £20 million. This had led to a reduction in staffing and a necessary remodelling of the workforce. Both the Commissioner and Chief Constable shared a joint vision placing victims first, focusing on reducing crime and protecting the public from harm. Strategic priorities within the plan included: cutting crime and catching criminals; ensuring visible, community policing was at the heart of Kent's Policing Model; putting victims and witnesses first; protecting the public from serious harm; meeting national commitments for policing; and delivering value for money. The Police and Crime Plan reflected the Commissioner's commitment to retain visible, community policing as the bedrock of policing in the county.

The Chief Inspector would have 65 Constables and there would be 24/7 policing. He would be accountable for the policing seen. Police Community Support Officers (PCSOs) were magnificent ambassadors for Kent Police and would be the staff delivering day to day local and on-going community engagement at a ward level. There would be a Community Policing team, which would have a Sergeant and a team of four who would deal with more strategic longer term delivery on more problematic issues. This would start on 24 June 2014.

Chief Inspector Cook was happy to answer questions relating to the reorganisation. He advised that he would also be attending the Council's Scrutiny Committee the next day and welcomed further questions from Members there.

A Member requested that PCSOs make themselves known to their ward councillors. Other Members praised their local PCSOs and made pleas that they not be removed because of invaluable local knowledge they had built up. Members also requested that PCSOs attend local Town or Parish Council meetings. A Member requested that that differentiation between different parts of wards needed to be acknowledged. The Chief

Inspector thanked Members on behalf of the PCSOs, he added that they were the bedrock of delivering local policy. Some PCSOs had to be moved for career progression or other reasons but he gave assurance that he would retain PCSOs in the areas about which they had built up local knowledge wherever possible, would keep Members informed about any changes and would make appropriate cover arrangements for any PCSOs who had to be moved. There was no reason why PCSOs would not be able to attend meetings and he would expect that of the officers. In response to a question he advised that there was a clear policy with regards to supporting events such as Remembrance Sunday parades which was taken by the Chief Constable.

48. Matters Considered by Governance and Licensing Committees

(b) Community Governance Review

Councillor Fleming proposed and Councillor Mrs. Davison seconded the recommendations from the Governance Committee and it was

Resolved: That

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

(c) Polling Districts and Polling Places Review

Councillor Fleming proposed and Councillor Mrs. Davison seconded the recommendations from the Governance Committee and it was

Resolved: That the polling scheme shown as Appendix A to the report, be approved.

(d) Review of New Governance Arrangements

Councillor Fleming proposed and Councillor Mrs. Davison seconded the recommendations from the Governance Committee along with an additional recommendation that no Member could Chair more than one Advisory Committee.

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

- a) the Scrutiny Committee changes to a fixed membership of 9 members plus a Chairman and Vice Chairman with all members of the committee being independent of the Cabinet Advisory Committees;

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- b) the membership of the Cabinet Advisory Committees increase from 10 members to 12 members including the relevant Cabinet and Deputy Cabinet Members on each of the Cabinet Advisory Committees;
- c) Members be able to sit on more than one Cabinet Advisory Committee;
- d) with the number of Cabinet Advisory Committees remaining at 5 the Committees should normally meet 4 times a year;
- e) the Advisory Committees be able to choose their own Chairman;
- f) the Governance Committee continue to investigate future Governance arrangements in general to allow the newly elected administration in 2015 to consider future governance;
- g) Portfolio Holders to individually present a report to each ordinary Full Council meeting in the same way the Chairmen of the Select Committees did previously;
- h) a comprehensive training plan for Members be developed for implementation in May 2015; and
- i) no Member to be Chairman of more than one Advisory Committee.

(e) Recorded Votes at Budget Meetings

Councillor Fleming proposed and Councillor Mrs. Davison seconded the recommendations from the Governance Committee and it was

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

(f) Recording of Meetings

Councillor Fleming proposed and Councillor Mrs. Davison seconded the recommendations from the Governance Committee along with an additional recommendation to publish the recordings on the Council's website.

A Member of the Governance Committee explained that the issue of publishing the recordings on the website had been discussed by the Committee at length and it had been decided that this should not be done until after the trial period. Councillor Fleming, with the agreement of the seconder, withdrew the additional recommendation.

The recommendations from the Governance Committee were therefore put to the vote and it was

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

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- (g) Hackney Carriage and Private Hire Licensing: Licence Fees 2014/2015

Councillor Fleming proposed and Councillor Mrs. Morris seconded the recommendations from the Licensing Committee and it was

Resolved: That from 1 April 2014 the list of fees and associated costs for licences in respect of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators be varied as set out in paragraph 7 of the report.

(Councillor Mrs. Dawson abstained from voting as taxis were her main mode of transport)

- (h) Adoption of Kent Licensing Compliance and Enforcement Protocol

Councillor Fleming proposed and Councillor Mrs. Morris seconded the recommendations from the Licensing Committee and it was

Resolved: That the revised Kent and Medway Compliance and Enforcement Protocol be adopted

49. To consider the following reports from the Chief Executive or other Chief Officers on matters requiring the attention of Council:

- (a) Draft Calendar of Meetings for the Municipal Year 2014/15

Councillor Fleming proposed and Councillor Ms. Lowe seconded approval of the draft meetings calendar. A Member requested that should additional meetings of the Development Control Committee be scheduled, that they avoid the first Wednesday of a month.

Resolved: That the calendar of meetings for 2014/15 be approved subject to formal adoption at the Annual meeting of Council on 13 May 2014.

50. 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.

No questions had been received.

51. To consider any motions by Members under paragraph 20 of Part 2 (the Council and District Council Members) of the Constitution, notice of which have been duly given.

No motions had been received.

52. 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 1 February to 14 March 2014. The Leader added his thanks to Officers for all the work undertaken for the Lizzy Yarnold tour of the District which was exceptional and brilliantly organised with hundreds of school children.

53. Annual Report from Audit Committee

The Chairman of Audit Committee commended his report to the Council, there were no questions.

54. Annual Report from Scrutiny Committee

The Chairman of Scrutiny Committee commended his report to the Council, there were no questions.

THE MEETING WAS CONCLUDED AT 8.05 pm

Chairman

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**APPOINTMENT OF CHAIRMEN, VICE CHAIRMEN AND MEMBERSHIP OF COMMITTEES
2014/15**

Annual Council – 13 May 2014

Report of Chief Officer Legal and Governance

Status: For Decision

Key Decision: No

Contact Officer(s) Vanessa Etheridge Ext. 7199

Recommendation to Annual Council: It be resolved that the appointments of Chairmen, Vice Chairmen and membership of Committees for 2014/15, attached as an Appendix to this report, be approved.

Introduction and Background

- 1 At each Annual meeting of Council and beginning of the Municipal year, Members are asked to agree the Chairmen, Vice Chairmen and membership of Committees in line with the Council's Constitution and decision making structure.

Key Implications

Financial

None directly arising from this report.

Legal Implications and Risk Assessment Statement

None directly arising from this report.

Equality Impacts

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

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Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

Appendices

Council Committee Memberships (To follow)

Background Papers:

[Council's Constitution](#)

Christine Nuttall

Chief Officer for Legal and Governance

PART 3 –STANDARDS COMMITTEE

1. Establishment

1.1 The Council will establish a Standards Committee.

2. Composition

2.1 Standards Committees have to comply with the political balance rules under the Local Government Act 1972.

3. Membership

3.1 The Standards Committee will be composed of:

- Seven Members other than the Leader of the Council and no more than one Member selected from a particular Parish Boundary.
- Only one Member out of the above seven Members to be an Executive Member without being a Chair of the Committee as Standards is a Council function as opposed to an Executive function (s.27(8), Part 1, Chapter 7 of the Localism Act 2011.
- Up to two co-opted Members of a Parish or Town Council (a Parish/Town Council Member)

4. Voting

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

4.2 Any Co-opted Parish or Town Council representatives would not have voting rights.

5. Quorum

5.1 The quorum of the Standards Committee will be three voting members.

6. Number of meetings

6.1 At least one meeting will be held each year.

7. Role and Function (Terms of Reference)

7.1 To discharge the functions as set out in Part 1, Chapter 7 of the Localism Act 2011 including:

- (a) to promote and maintain high standards of conduct by Members and Co-opted Members of the District Council and to make recommendations to Council on improving standards;

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- (b) to advise and assist Parish/Town Councils and Parish/Town Councillors to maintain high standards of conduct and to make recommendations to Parish/Town Councils on improving standards;
- (c) to advise the District Council on the adoption of or revisions to its Code of Conduct;
- (d) to advise, train or arrange to train Members, Co-opted Members of the District Council on matters relating to the Code of Conduct;
- (e) to assist the Members and Co-opted Members of the District Council to observe their respective Codes of Conduct;
- (f) to monitor and assess the operation and effectiveness of the District Council Code of Conduct and to review and manage the Arrangements for dealing with Code of Conduct Complaints;
- (g) to advise on local ethical governance protocols and procedures;
- (h) to maintain oversight of the District Council's arrangements for dealing with Code of Conduct complaints;
- (i) to act as an advisory body in respect of any ethical governance matter;
- (j) to monitor and review the procedures for the Register of Members' Interests including reviewing interests other than Disclosable Pecuniary Interests (DPIs) called Non Pecuniary Interests (NPIs);
- (k) to receive reports from the Monitoring Officer on the number and nature of complaints received and action taken as a result in consultation with the Independent Person;
- (l) to receive the Monitoring Officer's annual report which includes a summary of the District Council's ethical governance arrangements;
- (m) to appoint a Sub-Committee being a Standards Assessment Working Party to consider complaints of an extremely serious nature or other similar exceptional circumstance that may exist as set out within the procedures entitled "Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011";
- (n) to appoint a Sub-Committee being a Standards Hearing Sub Committee following an investigation and finding that a breach of the Code of Conduct has occurred and no informal resolution can be found in accordance with "Arrangements for Dealing with Code of Conduct Complaints under the Localism Act 2011";

- (o) delegated authority to grant dispensations pursuant to S33(2) of the Localism Act 2011 only if, after having had regard to all relevant circumstances, it is considered that:
- without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business (s.33(2)(b) of Part 1, Chapter 7 of the Localism Act 2011;
 - granting the dispensation is in the interests of persons living in the authority's area (s.33(2)(c) of Part 1, Chapter 7 of the Localism Act 2011;
 - it is otherwise appropriate to grant a dispensation (s.33(2)(e) of Part 1, Chapter 7 of the Localism Act 2011.

8. Standards Assessment Working Party (Terms of Reference)

- 8.1 It is recognised that complaints may be received which are of an extremely serious nature or other similar exceptional circumstances exist as set out within the procedures entitled "Arrangements for Dealing with Code of Conduct Complaints under the Localism Act 2011". In such a situation the Monitoring Officer can set up a Working Party comprising three members of the Standards Committee.
- 8.2 The Working Party will examine thoroughly the contents of the complaint and after consultation with the Independent Person make recommendations to the Monitoring Officer on whether an investigation should take place.
- 8.3 The Working Party will produce a written summary of its consideration of the complaint to include the main points considered, its conclusion on the complaint and the reasons for that conclusion.

9. Standards Hearings Sub-Committee (Terms of Reference)

- 9.1 A Sub-Committee comprising three voting Members of the Standards Committee having a quorum of three established to conduct Hearings into allegations referred to it by the Monitoring Officer that a Member or Co-opted Member (the Subject Member) has failed to comply with the relevant Code of Conduct appertaining to that Subject Member.
- 9.2 To hold a hearing and make a determination in relation to a complaint referred to it by the Monitoring Officer alleging a breach of the Code of Conduct appertaining to the Subject Member.
- 9.3 Where the Sub-Committee determines that a Subject Member has failed to comply with the Subject Member's Code of Conduct to determine what action to take in respect thereof including the power to make recommendations to the Subject Member's Council and power to instruct the Monitoring Officer to

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publicise its decision on the District Council's web site and/or newspaper circulating in the locality.

- 9.4 To give notice in writing of any of its determinations including the reasons for such determination.

10. Standards Sub-Committee for Granting Dispensations

10.1 The Sub-Committee can be summoned by the Monitoring Officer to grant dispensations in accordance with its delegated powers referred to above at paragraph 7.1(n).

10.2 The Sub-Committee will comprise three voting Members of the Standards Committee having a quorum of three.

10.4 A written record of the Sub-Committee decision will be made and given to the Monitoring Officer. The written record will specify the reasons for the Sub-Committee's decision and if a dispensation is granted the written record will evidence the name of the Member or Co-opted Member receiving the dispensation and the period for which it has effect.

11. Codes and Protocols

11.1 High standards lie at the root of the Council's activities and the work of the Standards Committee is supported by policies and protocols including:

Members' Code of Conduct

Arrangements for Dealing with Code of Conduct Complaints under the Localism Act 2011

Procedure for Making a Recommendation for the Appointment of an Independent Person

Protocol on Gifts and Hospitality

Members' Register of Interest Form

Powers to Grant Dispensations

Guidance of Disclosure of Confidential Information by Members

PART 4 – EXECUTIVE

1. Role

- 1.1 The Executive (known as the Cabinet) 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 Council Leader. It will usually be Chaired by the Leader. The membership of Cabinet can be found at Appendix H – Membership of Council Committees, Cabinet and Advisory Committees.

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 no longer a Member; or
 - (c) 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
 - (d) he/she is removed from office by resolution of the Council.
- 3.2 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 no longer a Councillor; or
 - (c) 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.
- 4.2 Where a vacancy occurs, the Leader must appoint another Deputy Leader.

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- 4.3 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.
- 4.4 If, for any reason, both the Leader and Deputy Leader are unable to act or both offices become vacant, the Cabinet shall act in the Leader's place or arrange for another Member of the Executive to act in his/her place.
- 4.5 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 no longer Members; or
 - (c) 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 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.

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- (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 Disclosable Pecuniary 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 10 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 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.

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 an Advisory Committee, the Scrutiny Committee, the Audit 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 an Advisory Committee, the Scrutiny Committee or the Audit 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 Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of

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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 Advisory Committees, Scrutiny Committee and the Audit Committee and Cabinet will send a formal response to the next appropriate meeting of that 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 Monitoring Officer and/or the Section 151 Officer 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 Monitoring Officer and/or the Section 151 Officer 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 Notice of Key Decisions 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 committees from time to time to assist with its work, especially with the formulation of policies within the Policy Framework. These advisory committees will be constituted on the basis of political proportionality and may include members of the Scrutiny Committee to which they may also report direct. The membership and terms of reference of these advisory committees are set out in Appendix R - Cabinet Advisory Committees.

PART 5 - SCRUTINY FUNCTION

1. Introduction

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

2. Role and Scope

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

3. Specific Functions

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

4. Membership

- 4.1 The Scrutiny Committee will comprise a permanent Chairman and Vice Chairman, and 9 other elected Members, that follow the political proportionality of the Council. No Members of the Committee may be members of the Cabinet, their deputies or members of any of the Cabinet Advisory Committees. The membership of the Committee can be found at Appendix H - Membership of Council Committees, Cabinet and Advisory Committees.

PART 6 – AUDIT COMMITTEE

1. Introduction

- 1.1 The Council will appoint the Audit Committee to discharge the functions conferred by the Accounts and Audit Regulations 2011 in relation to the matters set out below and specifically to consider the Council's Financial and Governance arrangements, relating to the system of internal control and the effectiveness of internal audit, the annual governance statement; including the arrangements for the management of business risks, in compliance with Regulations 4 and 6 of the Accounts and Audit Regulations 2011 and any subsequent legislation.
- 1.2 The number of meetings and Terms of Reference of the Audit Committee may be reviewed from time to time by the Governance Committee which may report to the Council.

2. Membership of the Committee

- 2.1 All Members of the Council, except members of the Cabinet or their deputies and the Chairman of the Council, may be members of the Audit 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 9 elected Members, one of which shall serve as Chairman, that follow the political proportionality of the Council. The Chairman will not be a member of any Cabinet Advisory Committee. The membership of the Committee can be found at Appendix H - Membership of Council Committees, Cabinet and Advisory Committees.
- 2.3 The Audit Committee shall be entitled to recommend to Council the appointment of up to two additional co-opted non-voting members. Any co-opted members must have the necessary technical knowledge and skills to be of value to the business of the Committee.

3. Terms of Reference of the Audit Committee

Audit Activity

- (a) To review, in collaboration with the Audit, Risk and Anti-Fraud Manager, the Internal Audit Charter on an annual basis and to consider and approve any further development of the Council's Internal Audit Charter, Strategy or terms of reference such as shall be appropriate.
- (b) To consider and approve the annual internal audit plan, including a summary of internal audit activity regarding the level of assurance that it can give over the Council's internal control, corporate governance and risk management arrangements. Further, to commission work as required from both Internal and External Audit.

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- (c) To consider the Audit, Risk and Anti-Fraud Manager's annual report and assurance opinion.
- (d) To consider quarterly progress reports from the Audit, Risk and Anti-Fraud Manager regarding the progress of the Annual Internal Plan. The Committee may request to review any individual audit report should they or the Audit, Risk and Anti-Fraud Manager deem it appropriate to do so.
- (e) To consider a report on the progress of all recommendations made by internal audit and other external regulatory or review agencies.
- (f) To receive and consider the annual report on the review of the effectiveness of the internal audit function.
- (g) To consider confidential reports on investigations carried out by Internal Audit of suspected fraud; corruption or bribery allegations within the Council or its partners.
- (h) To liaise with the Audit Commission regarding the appointment of the Council's External Auditor; to consider the appointed External Auditor's annual letter, relevant reports, and the report to those charged with governance.
- (i) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (j) To consider any external audit report resulting from the Statement of Accounts and any recommendations and comments received from the District Auditor.

Regulatory Framework

- (k) To maintain an overview of the effective development and operation of corporate governance and risk management in the Council, and to monitor compliance with statutory duties and the Council's Constitution in respect of Financial and Contract Procedure Rules.
- (l) To monitor Council policies on 'Raising Concerns at Work'; the anti-fraud and anti-corruption strategy; the Bribery Act; and the Council's complaints process; including the Council's whistleblowing arrangements.
- (m) To consider and approve the Council's Annual Governance Statement and recommend its adoption to Council
- (n) To monitor the Council's arrangements for corporate governance and if necessary to recommend actions to ensure compliance with best practice;

and to also consider compliance with the Council's own and other published standards and controls.

- (o) To receive and consider reports from the monitoring officer on lawfulness and/or maladministration; to review any issue referred by the Chief Executive, a Chief Officer, or a Statutory Officer.
- (p) To monitor the implementation of the Members' Allowance Scheme.

Accounts

- (q) To review the annual Statement of Accounts. Specifically to consider whether appropriate accounting policies, including International Financial Reporting Standards, 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.
- (r) To approve the Statutory Statement of Accounts when the deadline for approval does not allow approval by full Council.
- (s) 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.

4. Audit Committee Procedure Rules

- 4.1 The Committee will conduct their proceedings in accordance with the applicable Committee protocols as specified within Section 33 of Part 2 of the Council's Constitution, and with the further Procedure Rules set out below.

Appointment of Sub-Committees/Working Groups

- 4.2 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 Audit Committee

- 4.3 The Audit 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 Committee's reports or recommendations; and
 - (d) the business otherwise set out on the agenda for the meeting.

Meetings of the Audit Committee

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- 4.4 There shall be four 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.
- 4.5 The Audit Committee shall periodically set aside time during a meeting where any matters pertaining to the remit of the Committee may be discussed with the Audit, Risk and Anti-Fraud Manager without the presence of other officers of the Council. The Chairman of the Committee will also meet informally with the Audit, Risk and Anti-Fraud Manager and other relevant officers as appropriate prior to all ordinary meetings.

Work Plan

- 4.6 The Audit 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 and in consultation with key officers of the Council.

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- 4.7 Any member of the Audit 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.
- 4.8 The Audit 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 Audit Committee

- 4.9 Once it has formed recommendations, the Audit Committee will submit these in writing to the Chief Executive for consideration by the Cabinet, Council or the relevant Committee. Whenever possible a response to the submitted report and/or recommendations of the Committee will be formed within two months of it being submitted to the Chief Executive.

Members and Officers Attending Committee

- 4.10 In discharging its terms of reference, the Audit Committee may require any member of the Cabinet, the Chairman of a Committee, the Chief Executive, and/or any Chief Officer 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.

- 4.11 Where any Member or Officer is required to attend the Audit 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.
- 4.12 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 as soon as practically possible.

Attendance by Others

- 4.13 In discharging its terms of reference, the Audit 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 4.10 to provide it with a report, address it and/or answer questions that may be appropriate to the Committee's remit.

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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 Council Committees, Cabinet and Advisory Committees.

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

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- 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 Chief Planning Officer.
- 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 Chief Planning Officer'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)
 - (iv) 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.
- (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.

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- (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 Chief Planning Officer. 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 Chief Planning Officer 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 Chief Planning Officer 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 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.

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- 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 Chief Planning Officer, 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 Chief Planning Officer 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 Chief Planning Officer 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 Chief Planning Officer 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 Chief Planning Officer or Development Control Manager instructs otherwise e.g. for special meetings of the Development Control Committee.¹
- 3.29 Main Objector – the first objector (e.g. 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.
- 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

¹ 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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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 e.g. 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: Thirteen 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
- (d) the discharge of relevant functions relating to the Police Reform and Social Responsibility Act 2011; 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 four 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.

2.2 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;

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- (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;
 - (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 or Environmental Health 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 where relevant representations have been received.;
- (b) determination on review of premises licence;
- (c) determination of application for provisional statement where relevant representations have been received;
- (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 where relevant representations have been received; and
- (f) cancellation of club gaming permit, club machine permit, licensed premises gaming machine permit where relevant representations have been received.

Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27, Policing and Crime Act 2009

- (a) determination of application for the grant/ renewal/ transfer of a sex shop, sex cinema or sexual entertainment venue

Town Police Clauses Act 1847, Public Health Act 1875 and Local Government (Miscellaneous Provisions) Act 1976

- (a) 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, the licensing of private hire operators and the granting of permits for small buses where the matter has been referred by the delegated officer.

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 four 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 7th January 2011.
- 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.

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- (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 – GOVERNANCE COMMITTEE

1. Terms of Reference of the Governance Committee

Regulatory Framework

- 1.1. To review the number of meetings and Terms of Reference of the Audit Committee.
- 1.2. To consider the Council's compliance with its own and other published standards and controls.

Constitutional Matters

- 1.3. To advise the Council on all matters relating to any review of the Council's decision-making arrangements.
- 1.4. To advise the Council on all matters relating to any review of the Council's Constitution.

Members' Allowance Scheme

- 1.5. To receive the recommendations of the Joint Independent Remuneration Panel and make recommendations for change the Members' Allowance Scheme to the Council and, if required, to the Joint Independent Remuneration Panel.

Electoral Arrangements

- 1.6. To advise the Council on all matters relating to:
 - (a) Parliamentary, County, District and Parish/Town Council elections and referenda, including European Elections and England and Wales Police and Crime Commissioner Elections;
 - (b) the revision of parish boundaries;
 - (c) the overall number of Members of the District Council;
 - (d) the preferred number of Members for each District Council Ward;
 - (e) the number of Wards for the District of Sevenoaks;
 - (f) the names and boundaries of District Council Wards;
 - (g) carrying out Parish Governance Reviews under the Local Government and Public Involvement in Health Act 2007; and
 - (h) any matters ancillary thereto.

2. Membership of the Committee

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- 2.1. The Governance Committee will comprise 7 elected Members, one of which shall serve as Chairman, that follow the political proportionality of the Council. The membership of the Committee can be found at Appendix H – Membership of Council Committees, Cabinet and Advisory Committees.

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 Chief Officer(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 Council Committees, Cabinet and Advisory Committees.

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PART 11 – HEALTH LIAISON BOARD

1. Terms of Reference

1.1 To allow Members to co-operate and co-ordinate information on developments and progress in Health matters across the District.

1.2 In particular the Committee should aim to bring together views from Members in the following positions:

- LINK Membership
- Sevenoaks District Kent Locality Board
- Economic and Community Development Cabinet Advisory Committee
- Portfolio Holder for Economic and Community Development
- Community Health Trust
- West Kent Health and Wellbeing Board
- Dartford, Gravesham and Swanley Health and Wellbeing Board
- Kent County Council Health Overview and Scrutiny Board
- Other positions of responsibility such as governors of Acute Trusts

2. Membership

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

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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 185-186);
 - (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 Council Committees, Cabinet and Advisory Committees.

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 Chief Officer Housing (*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 Chief Officer Housing'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 his/her representative and the Chief Officer Housing's representative will

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however be present throughout the presentation of the case.

- (e) The Chief Officer Housing's representative will summarise the reasons for the decision.
- (f) The Chief Officer Housing'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 Chief Officer Housing'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 Chief Officer Housing'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 Chief Officer Housing's representative sums up the Chief Officer'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

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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 with the responsibility for Homelessness 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.

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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> <p>The Section 151 Officer.</p> <p>The Returning Officer and Electoral Registration Officer for the Council.</p> <p>Responsibility for Regeneration.</p>
Chief Officer Communities & Business	<p>Community Engagement, Community Plan, Community Safety, Economic Development, Grants, Health, Leisure, Health and Wellbeing Boards, Older People, Safeguarding, West Kent Partnership, Young People.</p>
Chief Officer Environmental & Operational	<p>Building Control, Business Continuity, Corporate Health & Safety, CCTV, Emergency Planning, Environmental Health, Licensing, Parking & Amenity, Procurement, Refuse Collection & Recycling, Street & Other</p>

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

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

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

2.4 The Council will designate the following posts as shown:

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

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

Structure

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

Delegations to Dartford Borough Council

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

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

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

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

Discharge of Functions by the Council

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

Restrictions on Functions

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

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

Maintaining the Constitution

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

Ensuring Lawfulness and Fairness of Decision-Making

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

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Supporting the Standards Committee

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

Conducting Investigations

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

For Access to Information

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

Advising Whether Cabinet Decisions are Within the Budget and Policy Framework

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

Providing Advice

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

Restrictions on Posts

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

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

Ensuring Lawfulness and Financial Prudence of Decision-Making

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

*Footnote: See Appendix S of the Constitution ' Arrangements for Code of Conduct Complaints.'

Administration of Financial Affairs

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

Contributing to Corporate Management

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

Providing Advice

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

Giving Financial Information

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

Restrictions on Functions

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

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

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

7. Conduct

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

8. Employment

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

9. Delegations to Officers

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Introduction - Overall Basis

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

Overall Limitations

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

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

10. Further Provisions:

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

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

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

11. General Delegations to All Chief Officers Acting Individually

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

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

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

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

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

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

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

This authority is limited in the following cases:

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

*Footnote: See Appendix D of the Constitution 'Finance Procedure Rules.'

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

13. Delegation to the Chief Finance Officer

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

Agenda Item 7a

management arrangements are in place across the Council.

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

14. Delegation to the Chief Officer Legal & Governance

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

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

15. Delegation to Chief Planning Officer

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

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

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

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

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

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

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

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

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

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

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

The quorum for a Panel meeting shall be three Members.

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

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

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

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

16. Delegation to the Chief Officer Environmental & Operational Services

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

Environmental and Operational Services

Direct Services

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

Parking & Amenity

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

Environmental Services

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

Licensing

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

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- (y) To determine all applications for Minor Variations to premises/club premises licences.
- (z) To determine all applications for removal of the mandatory condition to have a Designated Premises Supervisor at Community Premises.
- (aa) To make a representation to applications for Premises Licence or Club Premises Certificate under the Licensing Act 2003.
- (bb) To make an application for a premises licences or club premises certificate to be reviewed without having to wait for another Responsible Authority to make an application.
- (cc) To determine all applications for a premises licence/club premises certificate under the Gambling Act 2005, where no relevant representations have been made.
- (dd) To determine all applications for a provisional statement under the Gambling Act 2005, where no relevant representations have been made.
- (ee) To determine all applications to vary premises licences/club premises certificates under the Gambling Act 2005, where no relevant representations have been made.
- (ff) To maintain the Licensing Register.
- (gg) 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, the licensing of private hire operators and the granting of permits for small busses.
- (hh) To exercise all the Council's functions with regard to hypnotism street collections (including the variation of any conditions imposed on any licence)

Additional Functions

- (ii) To carry out the land charges function.
- (jj) To carry out street naming and numbering.
- (kk) To carry out the retaining of walls near streets.
- (ll) To carry out the Council's functions in relation to temporary road and footpath closures.
- (mm) To carry on the functions associated with parking contraventions.
- (nn) To exercise as appropriate all relevant legislation as follows:
 - Animal Boarding Establishments Act 1963

- Animal Welfare Act 2006
- Animals Act 1941
- Breeding of Dogs Act 1973 & 1991
- Dogs (Fouling of Land) Act 1996
- Clean Air Act 1993
- Control of Pollution Act 1974
- Control of Dogs Order 1991
- Criminal Justice and Public Order Act 1994
- Anti- Social Behaviour Act 1972
- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Environment Act 1995
- European Communities Act 1972
- Food Safety Act 1984 and 1990
- Food Hygiene (England) Regulations 2006
- Food and Environment Protection Act 1985
- Guard Dogs Act 1975
- Health Act 2006
- Health and Safety at Work etc Act 1974
- National Assistance (Amendment) Act 1951
- National Assistance Act 1948
- Noise Act 1996
- Noise and Statutory Nuisance Act 1993
- Offices, Shops and Railway Premises Act 1963

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- Performing Animals (Regulations) Act 1925
- Pet Animals Act 1951
- Pesticides Act 1995
- Pollution Prevention and Control Act 1990
- Police and Criminal Evidence Act 1984
- Prevention of Damage by Pests Act 1949
- Public Health (Amendment) Act 1907 and 1961
- Public Health Act 1936, 1925, 1961
- Public Health (Control of Diseases) Act 1984
- Refuse Disposal (Amenity) Act 1978
- Riding Establishments Act 1964 & 1970
- Scrap Metal Dealers Act 2013
- Christmas Day Trading Act 2004
- Sunday Trading Act 1847
- Goods Vehicle (Licensing of Operators) Act 1995
- Towns Improvement Clauses Act 1847
- The Water Supply (Water Quality) Regulations 2010
- Water Industry Act 1991
- Wildlife and Countryside Act 1981
- The Private Water Supply Regulations 2009
- Zoo Licencing Act 1981
- Road Traffic Act 1988 and 1991
- Road Traffic Regulation Act 1984
- Traffic Management Act 2004

- Town Police Clauses Act 1847
- Highways Act 1980
- House to House Collections Act 1939
- Local Government Act 1972
- The Local Government (Miscellaneous Provisions) Act 1976 and 1982
- Commons Act 1899
- Local Authorities (Goods and Services) Act 1970
- Sunbeds Regulation Act 2010
- Localism Act 2011

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

17. Delegation to the Chief Officer Housing

Housing Services

- (a) To exercise all the functions of the Council as a housing authority, including the responsibility for the Council's Housing Strategy and policies, the enabling role, the Homelessness and Housing advice service, standard and fitness 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) To exercise where appropriate all other relevant legislation as follows:
 - Houses, Grants, Construction and Regeneration Act 1996
 - Housing Acts 1977, 1985, 1988, 1989, 1996, 2002 and 2004
 - Environmental Protection Act 1990
 - Local Government Acts 1933 & 1972
 - Caravan Sites and Control of Development Act 1960
 - Caravan Sites Act 1968

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- Building Act 1984
- The Water Supply (Water Quality) Regulations 2010
- The Water Industry Act 1991 as amended
- The Private Water Supply Regulations 2009
- Prevention of Damage by Pests Acts 1949
- Public Health Acts 1936 & 1961
- Public Health Control of Disease Act 1984 as amended
- Landlord and Tenant Act 1985
- National Assistance Act 1948
- Local Government (Miscellaneous Provisions) Act 1976 & 1982
- Criminal Justice and Public Order Act 1994
- Home Energy Conservation Act 1995 as amended
- Land Drainage Act 1991
- Rent (Agricultural) Act 1976
- Protection from Eviction Act 1977
- Mobile Homes Act 1975 and 1983
- Police and Criminal Evidence Act 1984
- The National Assistance Act 1948
- The Local Government (Miscellaneous Provisions) Act 1976
- The Kent Acts
- Localism Act 2011

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

18. Delegations to the Chief Officer Communities & Business

Communities and Business

- (a) To be responsible for the implementation and co-ordination of the Council's duties and functions under the Crime and Disorder Act 1998 as amended, including the authorisation of seeking appropriate orders under the Act.
- (b) To manage the Council's contractual relationship with Sencio Community Leisure and to operate the Council's leisure facilities that are not under the management of the Leisure Trust, including seeking alternative management of leisure facilities or funding or assistance from the Lottery Arts Fund save that where support or rejection for such assistance arises from a town or parish council, the Local Member(s) shall be consulted.
- (c) In partnership, facilitate arts (arts development in partnership with Kent County Council) within Council policies and manage the Council's contractual relationship for the operation of the Stag (formerly known as Sevenoaks Playhouse).
- (d) To exercise co-ordination of all matters relating to sustainable development and other matters of environmental management and policy agreed by the Council.
- (e) To be responsible for the implementation of Economic Development Policy and Programmes.
- (f) To be responsible for Strategic and Operational Tourism.
- (g) To undertake the Council's involvement in Health Improvement Plans, Health and Wellbeing Boards and the implementation of Health Policy.
- (h) To be responsible for the implementation, with other partners, of the Sevenoaks District Community Plan on behalf of the Council.
- (i) The responsibility, with other partners, for the implementation of the Voluntary Sector Compact.
- (j) To facilitate youth development and safeguarding within the Council's policies.
- (k) To operate the Council's capital schemes in parishes and other grant schemes.
- (l) To authorise and maintain a list of assets of community value and to make adjudications and decisions in relation thereto.
- (m) To exercise where appropriate all other relevant legislation as follows:
 - Anti-Social Behaviour Act 2003 and consequential amendments
 - Police Reform Act 2002
 - Police & Justice Act 2006
 - Localism Act 2011

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or such other Acts of Parliament as relate to the relevant statutory functions for Community Safety.

19. Delegations to Chief Officer Corporate Support

(a) To be responsible for the following functions

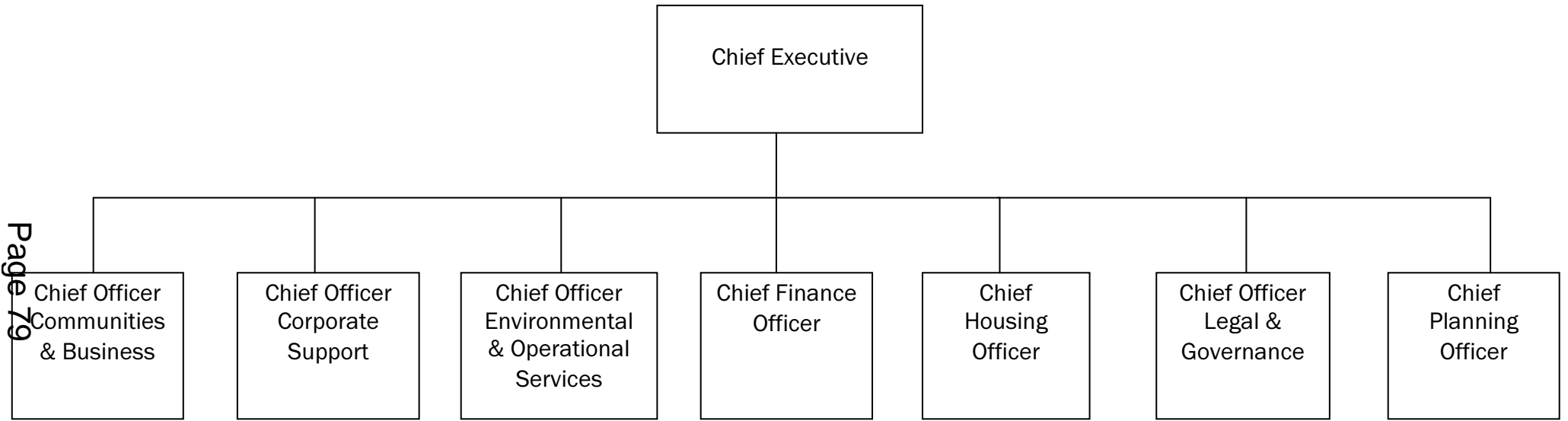
- Customer services
- Facilities Management
- IT Services
- Property Services,
- Post Room and Scanning
- Telecommunications

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

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

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

Organisational Structure



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CALENDAR OF MEETINGS FOR THE MUNICIPAL YEAR 2014/15

Annual Council – 13 May 2014

Report of Chief Officer Legal and Governance

Status: For Consideration

Key Decision: No

Portfolio Holder Cllr. Fleming

Contact Officer(s) Vanessa Etheridge Ext.7199

Recommendation: That the Calendar of Ordinary Meetings for the municipal year 2014/15 be confirmed.

Introduction

- 1 The draft calendar of meetings for the municipal year 2014/15 was agreed at Council on 1 April 2014 to go forward to the meeting of Annual Council for formal adoption.
- 2 The calendar avoids meetings on Mondays and Wednesdays, except for one Licensing Committee on a Monday and one Development Control meeting on a Wednesday. It also attempts to keep meetings away from school holidays as much as is possible, and apart from Development Control Committee keeps August free of formal meetings. In order to avoid adding meetings later in the year, Development Control Committee has now been arranged as much as possible on a three-week cycle. Whilst this increases the number of programmed meetings it more truly reflects the number of meetings that have been historically held in previous municipal years.
- 4 Whilst best endeavours will be maintained to avoid evening meetings on Mondays and Wednesdays it may be necessary to look at these dates if additional meetings are called. All additional meeting dates are set up in consultation with the relevant Chairman
- 5 Since the meeting of Council on 1 April 2014, one small change has been made to this calendar. Cabinet will now take place on 17 July (not 10 July) and Governance Committee will take place on 10 July 2014 (not 17 July), a straight swap of meeting dates.

Conclusion

- 4 It is the responsibility of the Annual Meeting of the Council to confirm the Council's calendar of meetings for the oncoming year. However, it is considered sensible to

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put it before this meeting of the Council to allow more time for the publication of the calendar and for the booking of meeting rooms.

Key Implications

Financial

None directly arising from this report.

Legal Implications and Risk Assessment Statement.

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 here meets those requirements.

Equality Impacts

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

Conclusions

Members are requested to consider the attached draft Calendar of Meetings and recommend it to the meeting of Annual Council for formal adoption.

Appendices

Draft Calendar of meetings for the municipal year 2014/15

Christine Nuttall
Chief Officer for Legal and Governance

SEVENOAKS DISTRICT COUNCIL - DRAFT CALENDAR OF MEETINGS 2014/15

(for the most up to date information please check the Council's website)

	APRIL 2014		MAY 2014				JUNE 2014				JULY 2014				
MONDAY	21 Easter Monday	28	5 Public Holiday	12	19	26 Public Holiday	2	9	16	23	30	7	14	21	28
TUESDAY	22	29 Housing & Community Safety Advisory Cttee	6	13 Annual Council Sp. Cabinet	20 DCC	27	3 Finance & Resources Advisory Cttee	10 Audit Committee	17 Housing & Community Safety Advisory Cttee	24 Strategy & Performance Advisory Cttee	1 Local Planning & Environment Advisory Cttee	8 Economic & Community Development Advisory Cttee	15 Scrutiny Committee	Council	29
WEDNESDAY	23	30	7	14	21	28	4	11	18	25	2 Health Liaison Board (2pm)	9	16	23	30
THURSDAY	24 DCC	1 Economic & Community Development Advisory Cttee	8 Cabinet	15 Strategic Board	22 European Elections	29	5 Cabinet	12 DCC	19 Sevenoaks District Joint Transportation Board	26 Licensing Committee (6pm)	3 DCC	10 Governance Committee	17 Cabinet	24 DCC	31
FRIDAY	25	2	9	16	23	30	6	13	20	27	4	11	18	25	1

	AUGUST 2014				SEPTEMBER 2014					OCTOBER 2014				NOVEMBER 2014	
MONDAY	4	11	18	25 Public Holiday	1	8	15	22	29	6	13	20	27	3	10
TUESDAY	5	12	19	26	2 Finance & Resources Advisory Cttee	9 Audit Committee	16 Sevenoaks District Joint Transportation Board	23	30 Licensing Committee (6pm)	7 Strategy & Performance Advisory Cttee	14 Housing & Community Safety Advisory Cttee	21 Economic & Community Development Advisory Cttee	28	4 Council	11 Finance & Resources Advisory Cttee
WEDNESDAY	6	13	20	27	3	10	17	24	1 Health Liaison Board (2pm)	8	15	22	29	5	12
THURSDAY	7	14 DCC	21	28	4 DCC	11 Cabinet	18 Governance Committee	25 DCC	2 Scrutiny Committee	9 Cabinet	16 DCC	23 Local Planning & Environment Advisory Cttee	30	6 DCC	13 Cabinet
FRIDAY	8		22	29			19					24	31		14

Key (Most meetings start at 7pm and are held at the Council Offices in Argyle Road - please check the Council website for details.)

- Council
- Development Control Committee
- Licensing Committee 6pm
- Audit Committee
- Scrutiny Committee
- Governance Committee
- Standards Committee

- Cabinet
- Strategy & Performance Advisory Committee
- Economic & Community Development Advisory Committee
- Finance & Resources Advisory Committee
- Housing & Community Safety Advisory Committee
- Local Planning & Environment Advisory Committee
- District Strategic Board
- Joint Transportation Board
- Health Liaison Board 2pm

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SEVENOAKS DISTRICT COUNCIL - DRAFT CALENDAR OF MEETINGS 2014/15

(for the most up to date information please check the Council's website)

	NOVEMBER 2014			DECEMBER 2014					JANUARY 2015				FEBRUARY 2015		
MONDAY	17	24		1	8	15	22	29	5	12	19	26	2 Licensing Committee (6pm)	9	16
TUESDAY	18 Strategic Board	25 Governance Committee		2 Strategy & Performance Advisory Cttee	9 Sevenoaks District Joint Transportation Board	16	23	30	6	13 Audit Committee	20 Finance & Resources Advisory Cttee	27 Local Planning & Environment Adviaory Cttee	3 Scrutiny Committee	10 Housing & Community Safety Advisory Cttee	17 Council (Budget)
WEDNESDAY	19	26		3 Health Liaison Board (2pm)	10	17	24	31	7	14	21	28	4	11	18
THURSDAY	20 Scrutiny Committee	27 DCC		4	11 Cabinet	18 DCC	25 Public Holiday	1 Public Holiday	8 DCC	15 Cabinet	22 Standards Committee	29 DCC	5 Cabinet	12 Economic & Community Development Advisory Cttee	19 DCC
FRIDAY	21	28		5	12	19	26 Public Holiday	2	9	16	23	30	6	13	20
	FEB 2015		MARCH 2015					APRIL 2015				MAY 2015			
MONDAY	23		2	9	16	23	30	6 Easter Monday	13	20	27	4 Public Holiday	11	18	25 Public Holiday
TUESDAY	24 Reserve Council (Budget)	3 Strategy & Performance Advisory Cttee	10 Sevenoaks District Joint Transportation Board	17 Audit Committee	24 Local Planning & Environment Advisory Cttee	31 Council		7	14 Finance & Resources Advisory Cttee	21 Strategic Board	28 Scrutiny Committee	5	12	19 Annual Council Cabinet	26 DCC
WEDNESDAY	25 Health Liaison Board (2pm)	4	11	18	25	1 DCC		8		22	29 Health Liaison Board (2pm)	6	13	20	27
THURSDAY	26 Governance Committee	5 Cabinet	12 DCC	19 Licensing Committee (6pm)	26 Housing & Community Safety Advisory Cttee	2		9	16 Cabinet	23 Economic & Community Development Advisory Cttee	30 DCC	7 Elections	14	21	28
FRIDAY	27	6	13	20	27	3 Good Friday		10	17	24	1	8	15	22	29

Key (Most meetings start at 7pm and are held at the Council Offices in Argyle Road - please check the Council website for details.)

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> Council Development Control Committee Licensing Committee 6pm Audit Committee Scrutiny Committee Governance Committee | <ul style="list-style-type: none"> Cabinet Strategy & Performance Advisory Committee Community & Economic Development Advisory Committee Finance & Resources Advisory Committee Housing & Community Safety Advisory Committee Local Planning & Environment Advisory Committee | <ul style="list-style-type: none"> District Strategic Board Joint Transportation Board Health Liaison Board 2pm |
|--|---|--|

APPOINTMENTS TO OTHER ORGANISATIONS 2014/15 – NON-EXECUTIVE

Annual Council – 13 May 2014

Report of Chief Officer Legal and Governance

Status: For Consideration

Key Decision: No

Portfolio Holder Cllr. Fleming

Contact Officer(s) Vanessa Etheridge Ext.7199

Recommendation: That the attached Appendix setting out the appointments to other organisations for the municipal year 2014/15 be confirmed.

Introduction

- 1 It is the responsibility of the Annual Meeting of the Council to confirm the Council’s non-executive appointments to other organisations.

Key Implications

Financial

Attendance at meetings of Outside Bodies to which an Elected Member has been appointed by the Council constitutes an approved duty and there are costs involved.

Legal Implications and Risk Assessment Statement.

Appointments to represent the Council on outside bodies are made in accordance with s.111 Local Government Act 1972 where the Council is satisfied that such appointments are necessary to, conducive to, or calculated to facilitate the discharge of their statutory functions. In not appointing to those Outside Bodies listed within the Appendix, there is a risk that the Council’s designated representation on such organisations would not be fulfilled.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	N/A

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

Conclusions

Members are requested to consider and approve the attached appointments.

Appendices

List of proposed appointments to other organisations
(to follow)

Christine Nuttall
Chief Officer for Legal and Governance

Chairman's Report 2013-4

I must begin by expressing my sincere thanks to all Members for their kindness and support throughout my year of office, particularly those who have welcomed me to their wards. My thanks also to the officers of the 'engine room' of Democratic Services, who have provided me with much help, despite the changes that have affected their routine, and always with grace and charm. Thanks also to the other Council officers with whom I have had cause to work this year, all of whom have been most helpful and always good humoured, notwithstanding the pressures upon them.

I would also like to express my warm thanks to my Vice-Chairman, Cllr Mrs Davison, for her support and advice during the year, and wish her and Cllr Davison as fruitful and rewarding year as Chairman and Escort as I have enjoyed.

The year of a Chairman is one of great contrasts. There is the pomp and ceremony of Civic Services at venues as diverse as Canterbury Cathedral and the smallest parish church in Rochester diocese. As my predecessor found, the annual Battle of Britain Memorial Day event at Capel-le-Ferne was highly memorable, as being both very moving and very humbling.

Much of the year is taken up with events that celebrate the cultural aspects of the District. I attended many concerts, plays and musical productions of song and dance, a number at the Knole Academy. A particularly noteworthy production at the academy was prompted by the forthcoming centenary of the outbreak of World War I. This outstanding performance was so profound, and deeply moving, that I think that many in the audience were brought to tears. This was by a cast of Year 8 & 9 students. Extraordinarily powerful. All of these events were immensely enjoyable, whether by young people or by adults, and showcase the talent in the District. It is good to be able to show appreciation by attending these events.

I took part in some carol events, most notably the SDC staff event at St Luke's (which gets better every year!) and that at Mencap, markedly different!

There has been the usual round of AGMs, where the presence of the Chairman validates the work done by the organisation, generally through the work of an army of volunteers, unsung heroes all. It is a great opportunity to thank those volunteers without whom many of the most unfortunate in our society would lead much poorer lives. It is a worry that funding cuts may drive some of these voluntary organisations out of existence.

I have had the pleasure of attending events associated with the older members of our community, and with the young, who always show a sense of appreciation that they have been recognised.

I have particularly enjoyed being able to participate in a number of activities, such as a Sky ride cycle ride, the Sport Relief run and a day out working with our refuse collectors.

I cannot leave out what was probably the most amazing event of the year, the open top bus victory tour of the District by our very own Olympic Gold medallist, Lizzy Yarnold. My

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congratulations to her on her fine achievement, both at the Winter Olympics and in becoming World Champion. I was absolutely astonished by the huge number of people who came out onto the streets of the District to wave and cheer during the tour. The massive sense of pride and identification with 'our girl' was palpable! Lizzy is an absolutely charming person who seems unmoved by her huge success, and is keen to use herself in inspiring others to achieve great things. Long may she do this!

I anticipate that I shall have attended approaching 140 events in my term of office, and have found interest in all of them, a sense of pride in what our community in the District is achieving but also concern that ongoing budget cuts may compromise the future of this. However, I feel that the Chairman should have been invited to many more, such is the range of activities and events in the District that are worthy of recognition by way of a formal visit.

My deepest concern is that Sevenoaks District Council is in danger of becoming an 'invisible authority'. There is widespread public ignorance of the shire county three tier system, and there is the common misconception that a 'mayor' is more important than a 'chairman', something that has also been noted by the other District Council Chairmen that I have met over the year. As a consequence, I believe that the Chairman of Sevenoaks District Council is not invited to events that the post holder should be as the First Citizen of the District. If this misconception is not remedied, I fear that the District Council will be regarded as simply the body that collects the Council Tax (and keeps it all) and does nothing other than collect refuse, and possibly deal with some planning matters. Town/parish and county councils will continue to have a standing with the public, without the opprobrium of being tax collectors. I believe that the role of the Chairman of Sevenoaks District Council needs to be promoted much more actively, to enable the post holder to be an effective and visible ambassador for the Council to a much wider audience.

As an exemplar, I have been invited to a single event at one Infants' School only (by the school), and another to make an award by the award maker. I have received several invitations to events promoted by only one secondary school. Are these the only schools in the District?

Finally, my deepest thanks to my Escort, Sylvia, a very private person, who has undertaken a very public role with enormous grace and charm, a role which she would not have chosen for herself! I am most grateful for her support.

Alan W. L. Pett

**Chairman
2014**

April

Item 11 (a) – Budget: Council Tax Support Funding for Town and Parish Councils

The attached report will be considered by the Cabinet on 8 May 2014. The relevant minute extract will follow.

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BUDGET: COUNCIL TAX SUPPORT FUNDING FOR TOWN AND PARISH COUNCILS

COUNCIL – 13 MAY 2014

Report of Chief Finance Officer

Status: For Decision

Also considered by: Cabinet – 8 May 2014

Key Decision: No

Executive Summary:

At the Council meeting on 18 February 2014 it was resolved that “no Council Tax Support funding for Town and Parish Councils be issued as no money had been ring-fenced for this purpose in the Government Grant Settlement, and the approach be agreed and adopted”. This was also recommended by Cabinet on 6 February 2014.

Westerham Town Council supported by Sevenoaks Town Council and Dunton Green Parish Council have said they intend to seek a judicial review of this decision. It was believed that the decision was not as clear as it could have been.

The Council Leader, Chief Finance Officer and Legal Services Manager met representatives of the three Town and Parish Councils on 3 April 2014 and it was agreed that a report would be taken to Council on 13 May 2014 to give Members the opportunity to reconsider passing Council Tax Support funding to Town and Parish Councils.

This report supports the Key Aim of providing value for money.

Portfolio Holder Cllr. Ramsay

Contact Officer(s) Adrian Rowbotham Ext. 7153

Recommendation to Cabinet:

That one of the following options be recommended to Council:

- a. An amount of funding is passed to Town and Parish Councils for Council Tax Support in 2014/15 equivalent to the amount passed on in 2013/14 less 24% (the Council’s reduction in Revenue Support Grant);
- b. A different amount is passed to Town and Parish Councils for Council Tax Support in 2014/15;
- c. No funding is passed to Town and Parish Councils for Council Tax Support in 2014/15.

Recommendation to Council:

That one of the following options be approved:

- a. An amount of funding is passed to Town and Parish Councils for Council Tax Support in 2014/15 equivalent to the amount passed on in 2013/14 less 24% (the Council's reduction in Revenue Support Grant);
- b. A different amount is passed to Town and Parish Councils for Council Tax Support in 2014/15;
- c. No funding is passed to Town and Parish Councils for Council Tax Support in 2014/15.

Reason for recommendation: The amount of Revenue Support Grant given by Government to Sevenoaks District Council has reduced by 24% in 2014/15 and will continue to reduce in future years. If a proportion of this grant is passed on to Town and Parish Councils, further savings would be required to continue to have a balanced 10-year budget.

The majority of Town and Parish Councils increased their Council Tax in 2013/14 by above inflation which may have been to offset the effect of not expecting to receive the funding in later years.

Introduction and Background

- 1 The Government introduced a change from Council Tax Benefit (CTB) to Council Tax Support (CTS) from 1 April 2013.
- 2 CTB was fully reimbursed by Government resulting in local authorities receiving the same level of income via either Council Tax or CTB or whether a household received 100% CTB or 0% CTB.
- 3 CTS is a Council Tax Discount (similar to the Single Person Discount) and local authorities now only receive the amount of Council Tax they collect.
- 4 To partly offset this, the Government gave a grant to Major Precepting Authorities (i.e. Sevenoaks District Council, Kent County Council, Fire, and Police) in 2013/14 amounting to 90% of the CTB they had received in 2012/13. Town and Parish Councils were initially excluded from this but the Government later changed their minds and allocated an additional identifiable grant to billing authorities to pass on to Town and Parish Councils.
- 5 When allocating this additional grant for 2013/14, the Government pointed out that this may not continue in future years. Officers advised Town and Parish Councils that in view of the information published by Government it could not be certain that this additional funding would be paid in future years. This resulted in many Town and Parish Councils increasing their Council Tax Precept (as Town and

Parish Councils do not have a referendum limit like Major Precepting Authorities) to offset the future likely loss of this funding stream. (Appendix D).

- 6 Officers informed Town and Parish Councils throughout 2013/14 that if this additional funding could not be clearly identified in the 2014/15 grant settlement, nothing would be passed on to Town and Parish Councils (Appendix C).

Government Funding

- 7 When the Government announce the funding settlement each year they can show funding in the following three ways:
 - a. Ring-fence an amount so that it has to be spent on a specific purpose or it has to be returned.
 - b. Highlight an amount for a specific purpose using a separate formula (e.g. Homelessness in 2014/15); this does not have to be spent on the specific purpose.
 - c. Revenue Support Grant – a formula based grant that can be used for any legal purpose.
- 8 In 2013/14 the additional funding for Town and Parish Councils was shown as a (b), in 2014/15 the Government agrees that it is within (c) and no specific amount for this purpose is shown.
- 9 Governments have treated other funding in a similar way in the past, e.g. Concessionary Fares, when funding was initially separately identified but was later included within the Revenue Support Grant.
- 10 As the additional funding for Town and Parish Councils was clearly identified in 2013/14, Sevenoaks District Council was early to commit to pay the full amount.
- 11 Officers have not been able to identify a specific amount for Town and Parish Councils within the Government Grant Settlement. Our external advisers have also not been able to identify it.
- 12 The Council Leader has been communicating with Brandon Lewis MP, Parliamentary Under Secretary of State, to ask where the funding for Town and Parish Councils is within the Government Grant Settlement. As shown in Appendix B the Minister has been unable to provide a firm response.
- 13 The amount of Revenue Support Grant funding is reducing by 47% over the next two years with 10% annual reductions assumed in the 10-year budget for later years. At that rate it would not be long before the amount included for Council Tax Support in 2013/14 exceeded the total Revenue Support Grant received for the whole of the District Council.

Judicial Review

- 14 Westerham Town Council sent a pre action protocol letter to the Council on 10 March 2014 which is an initial step towards seeking a Judicial Review of the decision made by Council on 18 February 2014 (Appendix A).

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- 15 Officers have obtained the advice of a leading Queens Counsel who confirms that Sevenoaks District Council has discretion whether to pass any funding on to Town and Parish Councils. Counsel has advised that the Council should make a fresh decision whether to pass on any funding on the basis that some funding may have been included regardless of the Council's view that no funding was included in the Government Grant Settlement.
- 16 Cllr Alan Wesley, Chairman Westerham Town Council has asked several questions in his letter to Cllr Fleming dated 10 April 2014, which are answered as follows:
- Have you been allocated specific funding in respect of the local council tax support scheme for 2014/15? – *No specific funding in respect of the local council tax support scheme for 2014/15 has been allocated to Sevenoaks District Council.*
 - If so, the amount of that allocation. – *Not applicable.*
 - The total amount of the funding in respect of the local council tax support scheme you received (i.e. including the amount of £274,000 passed down to local councils) for the 2013/14 year. – *£1.008m.*
 - Full reference to the content of my prior to action letter. – *The letter is included in Appendix A.*
 - The minority position Sevenoaks District Council now finds itself in. – *17 out of 241 billing authorities who are parished have not passed any funding on to Town and Parish Councils. Across Kent the majority of billing authorities are passing on some funding although the majority passed on significantly less than £274,000 in 2013/14 and have reduced the amount further in 2014/15. Very few Kent authorities are fully parished so the impact on them is much less.*
 - The lack of equality in denying us any money whereas your RSG continued to be paid to you, albeit at a lesser level of the previous year's provision. – *This is a matter for Government who have chosen not to ring-fence or highlight for a specific purpose any amount for Town and Parish Councils as they did in 2013/14.*
 - And that your overall local government funding shows only a 0.8% reduction. – *The 0.8% reduction referred to is the change in 'Spending Power', which is the Government's assumption about all of the income the Council will receive, not the amount that the Government will actually provide. For example it includes Council Tax which is collected from residents. It also makes a national assumption for Business Rates growth which is unlikely to reflect the true opportunities available in a district such as Sevenoaks.*

Key Implications

Financial

If a decision is made to pass funding on to Town and Parish Councils, compensating adjustments will be required to retain a balanced 10-year budget. This could include

taking actions to increase income further or making additional savings or reductions in services to the amount of any funding passed on.

Legal Implications and Risk Assessment Statement.

A leading Queens Counsel's advice has been obtained which confirms the Council has an unfettered discretion as regards passing on funding.

Public Sector Equality Duty

In considering what action to take, Members should openly consider whether any actions could be taken which can avoid or mitigate any impacts on particular groups, in line with their responsibilities to have due regard to eliminating discrimination and advancing equality of opportunity, as required by the Public Sector Equality Duty. In considering each of the options Members should note the following:

- If Town and Parish Councils receive less funding than they had planned for, there is the potential for there to be a detrimental impact on services provided by Town and Parish Councils which could disadvantage protected groups.
- If we decide to provide Town and Parish Councils with an amount of funding, there is the potential for there to be a detrimental impact on services provided by the District Council which could disadvantage protected groups.
- We have sought to mitigate the impact by consulting with Town and Parish Councils over the possible decision over the last year.

In summary, there is the potential for an impact on people with protected characteristics who use public services whichever option Members decide to adopt. It will be necessary to monitor the impact of the decision and gather evidence about which services might be affected by any funding reductions and whether these are used by people with protected characteristics. The District Council and Town and Parish Councils are both subject to the public sector equality. The relevant decision-making authority would need to engage the duty when taking further decisions about service changes or reductions following the funding decision.

Conclusions

The funding provided by Government to local authorities continues to reduce and decisions have to be made as to how this is used. Many Town and Parish Councils within the district increased their Council Tax in 2013/14 as it was uncertain whether the funding they received for Council Tax Support would continue after 2013/14.

Following advice from a leading Queens Counsel, Council is asked to discuss this matter and decide whether any funding should be passed on to Town and Parish Councils in 2014/15.

Appendices

Appendix A – Correspondence between Cllr Alan Wesley, Westerham Town Council and Sevenoaks District Council.

Appendix B – Correspondence between the Council

Agenda Item 11a

Leader and Brandon Lewis MP.

Appendix C – Emails from Sevenoaks District Council to Town and Parish Councils and minutes of the KALC Sevenoaks Area Meeting on 11 January 2013.

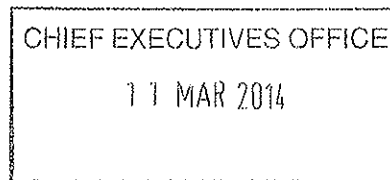
Appendix D – Changes in Council Taxes for Town and Parish Councils

Background Papers:

[Cabinet – 6 February 2014 – Revenue Budget and Council Tax](#)

[Council 18 February 2014 – Budget and Council Tax Setting 2014/15](#)

**Adrian Rowbotham
Chief Finance Officer**



Cllr Peter Fleming
Leader Sevenoaks District Council
Leader's Room
Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG

10th March 2014

Dear Cllr Peter Fleming,

I refer to your letter of 5th February 2014 in which you set out your reasons for denying Westerham Town Council and all other Town and Parish Councils in the Sevenoaks District any element of Council Tax Support Funding. As SDC did not meet until 18th February 2014 to pass the "no funding for Town and Parish Councils" resolution we do not know what authority you claim to have for the decision in your letter of 5th February.

Be that as it may, having taken advice, we are now taking the steps necessary in order to be able to seek a Judicial Review of your decision. This letter is the first step in the Judicial Review process under the heading of pre-action protocol. As such a response from SDC is expected within fourteen days.

The reasons we consider a judicial review appropriate to quash your Council's decision are as follows:

1. The letter from Brandon Lewis MP dated 24th December 2013 clarifies that the Department for Communities and Local Government (DCLG) expects billing authorities (such as Sevenoaks) to "pass down" to local Councils some of the funding provided to the billing authorities "to mitigate the impact of localised council tax support schemes on the council tax base" in 2014 – 2015.

Your letter of 5th February 2014 does not refer to that expectation. Instead, it refers to the fact that a specific sum for that purpose was ring-fenced last year (2013–2014), and concludes that "if this funding wasn't identifiable in our grant settlement [this year] we wouldn't be in a position to pass anything on".

This "no ring-fence no money" excuse is inconsistent with the letter of 20th December 2012 from SDC official, Roy Parsons who wrote to all Town and Parish Councils stating "Indications are that in future years the funding will be included in the Council's overall Rate Support Grant settlement. You should be aware that, if future years RSG settlements are lower, this will affect the level of grant that the District passes on."

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Russell House, Market Square,
Westerham, Kent TN16 1RB
Tel 01959 562147 / Fax 01959 569373
Email westerhamtowncouncil@btconnect.com

This position has not been adhered to in subsequent communications from SDC officials where the above reference to levels of support has been replaced by "no support."

You go on to say that "Ministers are unwilling or unable to identify the money and therefore we have to take the position that the money isn't there" and "The District Council would always pass 100% of monies clearly identified for another authority on to that authority, as we did last year, unfortunately the government has made this impossible for us to do this year."

The DCLG has clearly passed on its expectations to billing authorities and both DCLG and Sevenoaks knew full well that the grant funding to local councils at Town and Parish levels would not be ring-fenced. Notwithstanding the absence of ring-fencing, however, there was a clear expectation that some funding would be passed down.

2. You have acted as if your hands were tied, ignoring the fact that you have discretion to give grants to local Councils where you could have:

- i) kept the funding for local Councils at the same level as last year;
- ii) reduced the level of grants to local Councils to reflect the proportion of the cut to your own funding levels;
- iii) phased out grant support over a number of years.
- iv) utilized the Budget Stabilisation Reserve to mitigate the reduction in your RSG and thereby provide Council Tax Support Funding to Town and Parish Councils. After all this is exactly what that reserve is there to do as set out in the Cabinet minutes of the 10/1/2013 meeting, page 22, point 67. "Chairman reported that a Minister in DCLG stated further 8.5% reduction in funding affecting 13/14. This would impact SDC and Towns and Parishes - it was important that the Council had a healthy budget stabilization fund in order to mitigate against the impact of future proposals." The Budget Stabilisation Reserve is indeed healthy at £4,051,000.

Instead of pursuing the above, you decided to off-set the cuts to your funding by cancelling all grants to local Councils.

3. Your decision has been based upon irrelevant considerations, i.e. that funding for local Councils had not been ring-fenced.

Your decision ignored relevant considerations, namely that funding had been made available by DCLG for grants to local Councils and that the DCLG expected such grants to be made.

The decision is irrational ("if this funding wasn't identifiable in our grant settlement [this year] we wouldn't be in a position to pass anything on").

You have failed to exercise, or even acknowledge, your discretion.

You have used your powers for an ulterior motive to nullify the effect of the cuts in your overall budget.

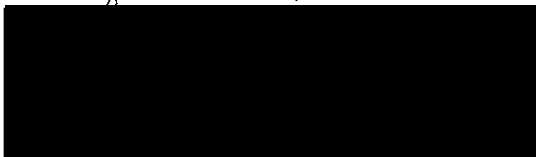
You failed to consult your local Councils in an appropriate manner to determine their views and the impact of your stated decision. Further your officials communicated that decision to local Councils before your Council considered the matter in session as you did in your premature letter of 5th February 2014

You have apparently failed to consider your public sector equality duties as, inter alia, this decision fails to foster good relations between SDC and Town and Parishes.

4. We are supported in this application by many affected Sevenoaks District Town and Parish Councils.

I would suggest a meeting with you to discuss the foregoing prior to your written response. Given the level of concern generated by this perverse decision, I suggest also in attendance should be a representative number of Towns and Parishes as referred to in point 4 above.

Yours truly

A large black rectangular redaction box covering the signature and name of the sender.

Alan Wesley
Chairman

cc The Rt Hon Michael Fallon MP
The Rt Hon Brandon Lewis MP



Councillor Alan Wesley
Westerham Town Council
Russell House,
Market Square,
Westerham,
TN16 1RB

Tel No: 01732 227475
Ask for: Legal Services
Email: leslie.roberts@sevenoaks.gov.uk
My Ref: PL11 517
Your Ref:
Date: 13 March 2014

Dear Councillor Wesley

COUNCIL TAX SUPPORT FUNDING

I have been instructed by the Council Leader Peter Fleming to deal with your pre action protocol letter of the 10th March 2014 the receipt of which I acknowledge.

I am in the process of considering the documentation relating to this matter and I hope to be able to respond in detail by the 24th March 2014. If I am not able to do so before that time I will advise you and if necessary request any necessary extension of time.

I note you have suggested a meeting with the Council Leader Peter Fleming as potential means of resolving the matter. I consider that such a meeting would be a political rather than a legal meeting and as such I will leave it to Councillor Fleming to decide if that might move matters forward in a useful way.

Yours sincerely



Leslie Roberts. Solicitor
Legal Services Manager
DX 30006 SEVENOAKS



Chief Executive: Dr. Pav Ramewal
Council Offices, Argyle Road, Sevenoaks, Kent TN13 1HG
Telephone: 01732 227000 DX 30006 Sevenoaks
Email: information@sevenoaks.gov.uk
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Councillor Alan Wesley
 Westerham Town Council
 Russell House,
 Market Square,
 Westerham,
 TN16 1RB

Tel No: 01732 227475
 Ask for: Legal Services
 Email: leslie.roberts@sevenoaks.gov.uk
 My Ref: PL11 517
 Your Ref:
 Date: 28 March 2014

Dear Councillor Wesley

COUNCIL TAX SUPPORT FUNDING

I am now responding to your pre-action protocol letter dated the 10th March 2014.

Adopting the numbering in your letter

- 1 I note the Governments stated intention as regards funding as set out in the letter from Brandon Lewis MP. The Council's Leader Councillor Peter Fleming has written seeking clarification of how this intention has been translated into action. He has asked but has yet to receive a reply as to what sum if any has been provided to Sevenoaks District Council to pass down to Parish and Town Councils.

While not directly referring to the expectation in the letter of the 5th of February Councillor Peter Fleming does refer to the "mantra the districts have your money" and there is no intention in the letter to deceive you as to the position.

The 2012 email from Mr Parsons to which you refer has clearly been superseded by events. I would refer you to the various letters and emails sent during 2013 advising you of the Council's position on this matter. These allowed you to prepare your budget accordingly and increase your precept which I note you have in fact done. In any event as an officer of the Council Mr Parsons has no authority to bind the Council to any future course of action in such matters.

- 2 The Council has prepared its budget in accordance with its Constitution. It has carefully considered how to deal with Council Tax Support funding through a series of budget reports prepared by officers, debated and as necessary amended by Cabinet and debated and as necessary amended in full Council on the 18th February 2014.

The Council has not previously provided Council Tax Support funding to Parish and Town Councils merely passed on money clearly identified for that purpose.

- 3 The failure of the Government to clearly identify any sum of money or a

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 Email: information@sevenoaks.gov.uk
 www.sevenoaks.gov.uk



percentage of Council Tax Support funding as being money for Parish and Town Councils is entirely relevant to this issue. It is denied that the Council has acted irrationally, has ignored relevant considerations, has failed to exercise discretion or used any of its powers for an ulterior motive.

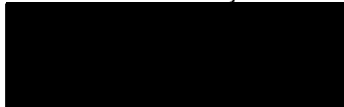
The Council did consult Town and Parish Council's along with others in the preparation of its budget as it is required to do in accordance with the Constitution. Town and Parish Council's were advised in writing during 2013 of the situation and were given the opportunity to adjust their budgets via their precepts. Your Town Clerk attended a forum meeting on the 14th January 2014 when the position was extensively explained the Council's Chief Executive and the Council's Chief Finance officer.

The public sector equality duty was considered during the process of preparing the budget.

4 The support you set out is noted

I trust this explanation is sufficient for your purposes but should you feel the need to take the matter further any proceedings should be addressed to Legal Services at the Council.

Yours sincerely



Leslie Roberts, Solicitor
Legal Services Manager
DX 30006 SEVENOAKS

Lexcel
Practice Management Standard
Law Society Accredited

10 April 2014

Councillor P. Flemming
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG

Dear Councillor Fleming,

I refer to our meeting on the 3rd April 2014. I did request that you write confirming your agreement to bring before Council, at the next meeting, this matter again. Would you please do so as it is relevant to the limited timescale for a judicial review and should be disclosed by us in our application for permission.

Since we met, the small number of billing authorities refusing to pass on tax support to Towns and Parishes has become clear with only 17 out of 241 who are "parished," remaining in the "no" category.

Had I possessed that information on the 3rd April I would have asked the question, "how can 93% of billing authorities identify funds to pass on but SDC can't?" Perhaps you can answer that question now.

Hearing your repeated unwillingness to pass on the funds in question, our advisers say we need to ask three specific questions for written replies from you. These are;

1. Have you been allocated specific funding in respect of the local council tax support scheme for 2014-2015?
2. If so, the amount of that allocation and
3. the total amount of the funding in respect of the local council tax support scheme you received, (i.e. including the amount of £274,000 passed down to local councils), for the 2013-2014 year.

Also, in correspondence with Charles Merritt of DCLG, I am told that the total local government funding to SDC has only fallen by 0.8% as compared with an England average reduction of 2.9%. These broader definition funds include Business Rates, Council Tax and any New Homes Bonus, as well as your RSG. Would you please validate these figures, or otherwise as we intend to use them in our evidence.

Turning to your May meeting, the question arises as to the content of your briefing documentation to Members given Cabinet's previous stance.



I have spoken to a number of District Councillors who believed SDC's decision to refuse to "pass on" was in line with other billing authorities. Will you therefore include;

1. full reference to the content of my prior to action letter,
2. the minority position SDC now finds itself in,
3. the lack of equality in denying us any money whereas your RSG continued to be paid to you, albeit at a lesser level of the previous year's provision
4. and that your overall local government funding shows only a 0.8% reduction.

We are advised that your decision to examine the matter again is irrelevant to the timetable for a Judicial Review and your May 13th date is outside the three months limit so if we are not to fall at the first hurdle we must press on.

Councillor Fleming, at the end of the day the legal costs are for the taxpayers' account and with a Protective Costs Order, whatever the outcome, more for your coffers than ours and our supporters. There is also the very serious damage to the relationship between District and Towns and Parishes, something which I think has been forgotten by SDC.

I expect you have seen the recent Press Release from NALC urging the 17 remaining Councils to rethink their "short-sighted" decision and demanding further action by Government. We support those comments and await your prompt reply to the points in this letter.

Yours truly,

Alan Wesley
Chairman Westerham Town Council.

Councillor Peter Fleming
Leader of the Council



Alan Wesley
Chairman Westerham Town Council
Westerham Town Council
Russell House
Market Square
Westerham
Kent TN16 1RB

Tel No: 01732 227180
Ask for: Cllr Fleming
Email: Cllr.Fleming@sevenoaks.gov.uk
My Ref: PF/kd
Your Ref:
Date: 14 April 2014

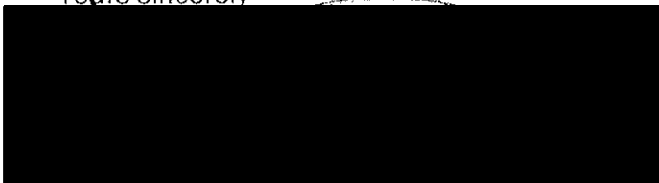
Dear Mr Wesley

I acknowledge receipt of your letter of the 10th of April.

I confirm it is my intention to bring a further report on the council tax support funding for Parish and Town Councils to Council in May. As explained in the meeting of the 3rd April the content of the report is a matter for this Council but all relevant correspondence will be appended to the report. The report will where appropriate respond to the questions raised by you and others.

Given this assurance that the decision is to be reconsidered, I would venture that judicial review would now be pointless. A successful judicial review could only require the Council to reconsider the decision taken in February and this is to be done.

Yours sincerely



Cllr Fleming
Leader Sevenoaks District Council



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**Department for
Communities and
Local Government**

Leaders of All Councils
By email

Brandon Lewis MP
Parliamentary Under Secretary of State

***Department for Communities and Local
Government***

Eland House
Bressenden Place
London SW1E 5DU

Tel: 0303 444 3430
Fax: 0303 444 3986
E-Mail: brandon.lewis@communities.gsi.gov.uk

www.gov.uk/dclg

06 January 2013

Dear Leader,

The Government's written ministerial statement, laid in parliament on 18th December, set out clearly the Government's intention that the element of localised council tax support funding provided to local authorities which reflects reductions in town and parish tax bases should be passed down to those councils. I am writing to bring this to your attention, and to emphasise the importance of billing authorities and town and parish councils working together to agree this level of funding. I attach a copy of the statement and the link to it in Hansard.

<http://www.parliament.uk/documents/commons-vote-office/December%202013/16%20December/8.%20DCLG%20LG%20Finance.pdf>

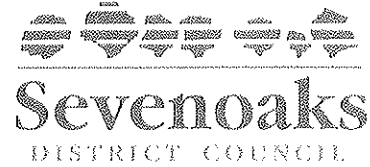
I wrote on this issue in 2012 and I am encouraged that statistics recently published show that 98 per cent of the funding attributable to parish and town councils was passed down for 2013-14.

<https://www.gov.uk/government/publications/local-authority-revenue-expenditure-and-financing-england-2013-to-2014-individual-local-authority-data>

In 2014-2015, the funding provided to local authorities in respect of local council tax support will be £3.3bn, the same amount as for 2013-14. As part of our move to a more flexible local government funding system, the LCTS funding and the town and parish council element within it is not separately identified at a local authority level, but forms part of the overall funding available to local authorities. However, the fact that the town and parish element of the funding is not separately identified and is not ring-fenced should not be used as an excuse to avoid passing down funding, or to avoid proper engagement with parish and town councils.

The Government believes that as the tier of local government closest to their communities, parish and town councils have a key role to play in our vision for localism and the Big Society. Parish councils provide communities with a democratically accountable voice and a structure for taking community action. We want to help parish councils take on a greater service delivery role for their local communities, and use the community rights available to them through the Localism Act 2011.

Councillor Peter Fleming
Leader of the Council



Brandon Lewis MP
Parliamentary Under Secretary of State
Department for Communities and Local Government
Eland House
Bressenden Place
London SW1E 5DU

Tel No: 01732 227180
Ask for: Cllr Peter Fleming
Email: Cllr.Fleming@sevenoaks.gov.uk
My Ref: PF/kd
Your Ref:
Date: 26 February 2014

Dear Brandon

Good to see you yesterday, your off the cuff remark reminded me that I hadn't responded to your latest missive on Council Tax Support to Parishes, my apologies.

In the final paragraph you state your disappointment to learn that some councils haven't passed monies down to the parishes this year, perhaps it is worth at this stage sharing my disappointment that you are unwilling or unable to point to the funding you claim should be directed towards the parishes. This year Sevenoaks District Council saw its RSG reduce by 24%. To be honest I wouldn't even bother complaining about this normally and I along with my colleagues have long been resigned to the fact that we will have had our RSG reduced to a de minimis amount within a few years, but then for ministers to insist that they have included an amount for the parishes within this reduced figure really doesn't stack up.

Hats off to you, this is a very neat ministerial trick, but some of us have been caught before and are wise to the old 'we will ring fence it for one year then claim it is there in future years'.

So to be honest we haven't chosen not to pass the money on, you and I both know the money wasn't there in the first place!

I have included a copy of my letter to parish chairmen.

See you soon.

Best wishes


Cllr Peter Fleming
Leader Sevenoaks District Council
Encs





Department for
Communities and
Local Government

Cllr Peter Fleming
Sevenoaks District Council
Leader's Room
Council Offices
Argyle Road
Sevenoaks
Kent
TN13 1HG

Brandon Lewis MP
Parliamentary Under Secretary of State

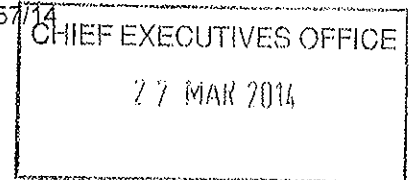
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www.gov.uk/dclg

Our Ref: BL/BL/006657/14
Your Ref: PF/kd

25 MAR 2014

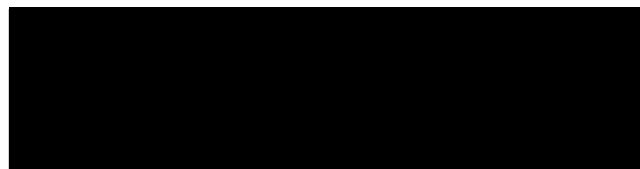


Thank you for your letter of 26 February in regards to parish funding, further to my letter sent to Council Leaders on the 21 February 2014.

I note your comments, and I acknowledge the measures Sevenoaks District Council has made to contribute to the Government's vital programme of deficit reduction.

You comment in your letter about raising parish expectations and the lack of clarity from central government. As I outlined in my Written Ministerial Statement of 18 December, there is some £3.3 billion in the settlement this year for Council Tax support schemes. There is an element within this national pot that is there specifically to reflect reductions in the parish tax base. We have not separately identified the money because it is not ring-fenced and as caseloads change and schemes evolve, the amount that different parishes need will change. It would be wrong to try to manage that centrally.

However, we have been clear that we expect billing authorities to carry on passing on support to town councils and parishes to help mitigate any reduction in their taxbase due to the local Council Tax support scheme.



BRANDON LEWIS MP

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Adrian Rowbotham

From: Roy Parsons
Sent: 20 December 2012 16:05
To: Parish and Town Councils
Cc: Councillors; Pav Ramewal; Helen Martin; Lee Banks; Adrian Rowbotham
Subject: FW: Update on Localising Support for Council Tax - Effect on Town & Parish Councils
Attachments: Parish Funding Shortfall #2.xlsx

Further to the email below and my letter dated 11 December 2012, I have now received details of the Local Government Finance Settlement for 2013/14 and am in a position to advise town and parish councils of their shares of the funding available to reduce the effect of receiving less council tax income.

I have updated the spreadsheet that was attached to my letter of 11 December 2012 and attach a copy. The column headed (k) shows each town or parish share of the funding and the column headed (l) shows the estimated shortfall in income.

When setting your budget and, hence, your precept for 2013/14, you need to be mindful that you will be receiving the funding specified in column (k). The process is to calculate your net budget (i.e. take expenditure less income and then deduct the amount of funding the district will be providing), which will be your precept requirement and then divide that figure by the taxbase in column (g) of the table to arrive at the band D tax for your town or parish.

So, taking Ash-cum-Ridley as an example, its precept in 2012/13 is £68,500 and its taxbase is 2,550.68. This means that the Band D tax is $£68,500 / 2,550.68 = £26.86$. Assuming that it wanted to hold its Band D tax at £26.86 for 2013/14, the spreadsheet shows that it needs to reduce its precept to £62,920 in 2013/14. However, it will be receiving funding of £4,782 from the district council, so its net expenditure can be that much higher. What I am trying to show is that, even though you may be holding your combined cash precept plus funding at the same level as for 2012/13, the band D tax may increase.

Indications are that, in future years, the funding will be included in this council's overall RSG settlement. You should be aware that if future years' RSG settlements are lower, this will affect the level of grant that the district passes on to town and parish councils.

I trust this will assist in your precept setting for 2013/14, but if you have any questions, do please let me know.

I have also copied this email into a letter, which you will receive in due course.

Roy Parsons
Principal Accountant
Tel: 01732 227204
Fax: 01732 740693
Sevenoaks District Council | Council Offices | Argyle Road | Sevenoaks | Kent | TN13 1HG
Email: roy.parsons@sevenoaks.gov.uk
Web: www.sevenoaks.gov.uk

From: Adrian Rowbotham
Sent: 30 November 2012 09:58
To: Parish and Town Councils

Cc: Councillors; Pav Ramewal; Helen Martin; Roy Parsons; Lee Banks

Subject: Update on Localising Support for Council Tax - Effect on Town & Parish Councils

On 1 October 2012 Dr Pav Ramewal, Deputy Chief Executive and Director of Corporate Resources, emailed you to provide an update on the effect of the change to Council Tax Support on the tax base and therefore the level of precept. At that stage the government proposal meant that the change to Council Tax Support would have no impact on town and parish councils.

On 26 November 2012 the Department for Communities and Local Government (DCLG) provided a communications update which was different to the earlier proposal. The DCLG has decided that there will be no specific protection for town or parish councils and that the district council should not apply an unadjusted council tax base to the town or parish council. However, the government will provide additional funding to the district council that can be passed on to town and parish councils which will help to reduce the effect of receiving less council tax income.

Details of the additional funding will be given to the district council alongside the provisional Local Government Finance Settlement which is not expected to be announced until 19 December. Therefore, it will not be possible to provide you with details of the tax base and additional funding until after this date and no later than 11 January.

I understand that this is later than originally intended and may affect the plans you have for setting your precept but unfortunately, we are reliant on government information and are restricted by their timescales. I recognise that in some cases you will need to change the dates of your Town or Parish Council Meeting. In the meantime I will ensure that the relevant information is forwarded to you as soon as we are in receipt of it which will then allow you to make a fully informed decision.

We will continue to keep the development of localising support for council tax under review and will update town and parish councils with any relevant information.

Regards

Adrian Rowbotham
Group Manager – Financial Services
Tel: 01732 227153
Fax: 01732 740693
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Sevenoaks Kent TN13 1HG
Email: adrian.rowbotham@sevenoaks.gov.uk
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SEVENOAKS AREA COMMITTEE

Chairman: Larry Abraham

Secretary: Philip McGarvey
17 Tilmans Mead, Farningham DA4 0BY
Tel: 01322 862870 / 07803 121830
Email: cllr.mcgarvey@sevenoaks.gov.uk

MINUTES of KALC 7oaks Area Meeting, at 7pm 11th January 2013 (at Sevenoaks Town Council Offices, Bradbourne Vale Road, Sevenoaks)

Presentations & Discussions:

Adrian Rowbotham, Group Manager, Financial Services, SDC, on “Localising Support for Council Tax – the Effect on Town & Parish Councils”

- This has come about to replace existing Council Tax Benefits Scheme.
- 100% Council Tax benefits are to reduce to 91.5%
- All pensioners are protected, therefore full extent of the cuts in Council Tax Benefits falls on working age claimants.
- It will mean that some Council Tax Benefit recipients who had been used to receiving 100% benefits will now have to pay some council tax.
- Those [households] who receive Council Tax benefit are no longer included in the Tax Base.
- The Tax Base and therefore the Council Tax on which it is calculated are both being reduced.
- Support Grant will cover some of the shortfall in 2013/4 – but only guaranteed for this first year (there might be more, but do not expect it).
- Support Grant will be paid out on top of parish/town precept requested.
- It was not compulsory on District Councils that they pay out the Support Grant to Town/Parish Councils, but SDC will, and will pay it at the same time as the precepts are paid out.
- Threat that capping on Town/Parish councils may be introduced by Government (from 2014/5).
- SDC collect council tax into the Collection Fund and while the collection rate had been 99.5% up to now in Sevenoaks District, they are making provision for this to drop next year to 99.3 %

Adrian Rowbotham

From: Adrian Rowbotham
Sent: 31 December 2013 11:46
To: Parish and Town Councils
Cc: Councillors; Pav Ramewal; Helen Martin; Roy Parsons; Lesley Bowles
Subject: Update on Council Tax Support - Effect on Town and Parish Councils

As I am sure you are aware, the Government recently announced the Local Government Finance Settlement 2014/15.

The Government has suggested that there is an amount in the settlement to pass on to Town and Parish Councils. However, we have been unable to identify this, particularly when our Revenue Support Grant amount has been reduced by over 20% in 2014/15 and a further 30% in 2015/16.

Once we have completed our analysis of the settlement, the implications will be reported to Members and I will contact you again with a more detailed update.

I have not found any mention in the settlement of Town and Parish Councils being capped so it is likely that you will continue to have the freedom to set Council Tax increases. Many of you took advantage of this last year to increase your Council Tax so that the uncertainty regarding Council Tax Support funding would not have a detrimental effect on your income streams.

Roy Parsons wrote to you on 5 December to inform you of your tax bases which have generally increased due to the reduced discounts included in the 2014/15 Council Tax Support Scheme.

Regards

Adrian Rowbotham
Chief Finance Officer
Tel: 01732 227153
Fax: 01732 740693
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks Kent TN13 1HG
Email: adrian.rowbotham@sevenoaks.gov.uk
Web: www.sevenoaks.gov.uk

From: Adrian Rowbotham
Sent: 25 November 2013 16:36
To: Parish and Town Councils
Cc: Councillors; Pav Ramewal; Helen Martin; Roy Parsons; Lesley Bowles
Subject: FW: Update on Council Tax Support - Effect on Town and Parish Councils

I wish to clarify the situation regarding Sevenoaks District Council's position regarding any additional funding the Government may provide for the impact of Council Tax Support on town and parish council's.

Please see the email below that I sent last month, stating that as mentioned last year, funding will only be passed on to town and parish council's if the Government specifically earmarks it for that purpose.

The Government has not provided any relevant new information since my last email and it is possible that nothing will be disclosed until the Government issues the local government settlement figures in December.

I will send you an update as soon as I hear anything as I realise that this has an impact on your budget setting processes for next year.

Regards

Adrian Rowbotham
Chief Finance Officer
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Fax: 01732 740693
Sevenoaks District Council
Council Offices
Argyle Road
Sevenoaks Kent TN13 1HG
Email: adrian.rowbotham@sevenoaks.gov.uk
Web: www.sevenoaks.gov.uk

From: Adrian Rowbotham
Sent: 23 October 2013 10:00
To: Parish and Town Councils
Cc: Councillors; Pav Ramewal; Helen Martin; Roy Parsons
Subject: Update on Council Tax Support - Effect on Town and Parish Councils

You will recall that from 1 April 2013 Sevenoaks District Council was required to put in place a local scheme for Council Tax Support to replace the national Council Tax Benefit system.

One of the impacts of the change to Council Tax Support was that the tax base reduced because previously all households receiving Council Tax Benefit were included in the tax base but now those in receipt of Council Tax Support are excluded. This resulted in a reduced tax base for town and parish councils meaning that each of them would have to increase their Band D Council Tax charge to receive the same level of precept.

In 2013/14 the Government provided additional funding to the district council that was passed on to all town and parish councils. As mentioned last year, if the Government provides additional funding to the district council for 2014/15 that is specifically earmarked for this purpose, it will again be passed on to town and parish councils. However, if no funding is specifically earmarked for this purpose then nothing will be passed on.

I will provide further updates when I have more information.

Roy Parsons will be writing to all town and parish councils in early December as usual, informing you of the tax base figures and arrangements for next years precept.

Regards

Adrian Rowbotham
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Email: adrian.rowbotham@sevenoaks.gov.uk
Web: www.sevenoaks.gov.uk

Adrian Rowbotham

From: Adrian Rowbotham
Sent: 21 January 2014 09:49
To: Parish and Town Councils
Cc: Councillors; Pav Ramewal; Helen Martin; Roy Parsons; Lesley Bowles
Subject: Council Tax Support - Town and Parish Councils

Firstly I wish to thank you for inviting Pav Ramewal and I to the Town and Parish Council Clerk Forum on Tuesday where you highlighted your thoughts about Council Tax Support funding for your Councils.

At the forum you requested further information regarding timescales due to the uncertainty of this issue affecting your ability to set your precepts, which I have explained below.

Roy Parsons has previously provided you with a deadline of 31 January so that your precepts can be included in the report to Full Council that will be circulated to Members prior to the meeting. Some of you have already provided us with your precept figures.

I am pleased to inform you that we will be able to accept your precepts up to 14 February which will then be circulated to Members at the Full Council meeting.

If a precept is not received before the Full Council meeting, then the District Council is required to anticipate a precept for a Town or Parish Council as stated in 'The Billing Authorities (Anticipation of Precepts) Regulations 1992 S.I.3239 as amended by S.I.1995/235'.

A Town or Parish Council is still legally able to set a precept up to 1 March.

I have delayed responding to you until now as I took part in a conference call with Brandon Lewis MP yesterday when I was hoping for further information about referendum limits. Unfortunately no further information was released and no mention was made of Town and Parish Councils.

I will contact you again if I obtain any more information that may affect your decisions but in the meantime please come back to me if you have any further questions.

Regards

Adrian Rowbotham
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Email: adrian.rowbotham@sevenoaks.gov.uk
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Councillor Peter Fleming
Leader of the Council



Tel No: 01732 227180
Ask for: Cllr Fleming
Email: Cllr.Fleming@Sevenoaks.gov.uk
My Ref: PF/kd
Your Ref:
Date: 5 February 2014

I am writing to you to clarify the District Council's position regarding Council Tax Support funding, particularly with regard to any element to support Town and Parish Councils.

Last year, 2013/14, Sevenoaks District Council passed 100% of the identified and ring fenced funding on to the parishes, this was not universally the case with a number of districts holding back some or all of the money. We also wrote to all parishes clearly setting out our position for 2014/15. In our letter to parishes we stated that if this funding wasn't identifiable in our grant settlement we wouldn't be in a position to pass anything on. Our reasoning behind the letter was that the District had been caught before by government ring fencing for one year then removing the ring fence and claiming it was contained within our core grant settlement, the most recent example being the support for bus passes.

We also recommended that parishes used their ability as precepting authorities, without referendum limits, to protect their base for future years which many did, although clearly this was a decision for individual parishes.

Below I have set out the figures that illustrate the situation described above that the District Council finds itself in. We have also been given an indicative grant position for 2015/16 in which we see our government grant reduced by a further 30%:

- Revenue Support Grant including Council Tax Support funding 2013/14 £2.934m, including a clearly identified ring fenced £0.274m to be passed on to Town & Parish Councils.
- Revenue Support Grant 2014/15 £2.225m (24% reduction) with no identified or ring fenced amount to be passed on to Town & Parish Councils.

What has made this situation particularly difficult is that Ministers have repeated the mantra that the districts have 'your' money. As you will see from the figures above this has put the District in precisely the position that we feared when we wrote to you early



last year. Ministers are unwilling or unable to identify the money and therefore we have to take the position that the money isn't there.

A number of parishes have asked why the situation in the Sevenoaks District is different from many other Kent authorities; Sevenoaks District is fully parished, with four Town Councils, with Swale the only other Kent authority not passing money on being a local authority with a high number of parishes. The situation arises from the fact that towns in many other Kent districts are not parished and therefore the burden of passing on money is greatly reduced, in most cases to a few thousand pounds.

The District Council would always pass 100% of monies clearly identified for another authority on to that authority, as we did last year; unfortunately the government has made this impossible for us to do this year.

Following the announcement today from The Minister, parishes will not be hit this year by any Council Tax referendum limit.

Please do not hesitate to contact me should you have any further questions regarding this matter.

Yours sincerely



Cllr Peter Fleming

Leader Sevenoaks District Council

CHANGES IN BAND D COUNCIL TAXES BETWEEN 2012/13 AND 2014/15 - TOWN AND PARISH COUNCILS

	Band D 2012/13	Band D 2013/14	% Change	Band D 2014/15	% Change
Ash-cum-Ridley	26.86	29.98	11.62	32.78	9.34
Brasted	46.85	49.68	6.04	48.87	-1.63
Chevening	40.97	43.86	7.05	45.72	4.24
Chiddingstone	47.39	49.97	5.44	49.35	-1.24
Cowden	44.00	48.10	9.32	48.28	0.37
Crockenhill	82.04	88.60	8.00	99.80	12.64
Dunton Green	63.01	85.56	35.79	87.08	1.78
Edenbridge	120.09	120.09	0.00	129.58	7.90
Eynsford	71.77	75.92	5.78	75.37	-0.72
Farningham	52.32	57.00	8.94	58.13	1.98
Fawkham	24.46	27.06	10.63	31.65	16.96
Halstead	53.20	58.19	9.38	55.87	-3.99
Hartley	44.30	52.54	18.60	53.14	1.14
Hever	41.84	45.16	7.93	45.16	0.00
Hextable	79.38	79.38	0.00	79.38	0.00
Horton Kirby & S Darent	63.80	78.08	22.38	77.21	-1.11
Kemsing	45.24	50.76	12.20	50.25	-1.00
Knockholt	57.75	57.75	0.00	57.75	0.00
Leigh	21.96	30.82	40.35	32.01	3.86
Otford	77.68	83.53	7.53	87.71	5.00
Penshurst	28.52	35.41	24.16	33.63	-5.03
Riverhead	38.67	39.06	1.01	41.52	6.30
Seal	48.23	53.26	10.43	56.94	6.91
Sevenoaks Town	77.49	81.33	4.96	88.69	9.05
Sevenoaks Weald	56.92	56.91	-0.02	60.99	7.17
Shoreham	39.00	42.57	9.15	44.10	3.59
Sundridge	55.78	63.28	13.45	63.56	0.44
Swanley	103.50	102.94	-0.54	100.88	-2.00
Westerham	73.60	86.60	17.66	91.71	5.90
West Kingsdown	36.16	39.32	8.74	40.10	1.98
Average Parish	66.89	70.61	5.56	73.41	3.97

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