

06 November 2018 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks

Despatched: 29.10.18



Governance Committee

Membership:

Chairman, Cllr. Pett; Vice-Chairman, Cllr. Scott

Cllrs. Clack, Halford, Layland, London and McGarvey

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Minutes To agree the Minutes of the meeting of the Committee held on 7 November 2017, as a correct record.	(Pages 1 - 4)	
2. Declarations of Interest Any interest not already registered.		
3. Actions from the previous meeting (if any)	(Pages 5 - 6)	
4. Constitutional Changes Regarding Development Control Delegations	(Pages 7 - 8)	Richard Morris Tel: 01732 227430
5. 2018 Parliamentary Boundary Review	(Pages 9 - 14)	Lee Banks Tel: 01732 227161
6. Members' Parental Leave	(Pages 15 - 18)	Cllr Nina Scott, Martin Goodman Tel: 01732227245
7. Work Plan	(Pages 19 - 20)	

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.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

GOVERNANCE COMMITTEE

Minutes of the meeting held on 7 November 2017 commencing at 7.00 pm

Present: Cllr. Pett (Chairman)

Cllr. Ms. Tennessee (Vice Chairman)

Cllrs. Clack, Halford and McGarvey

Apologies for absence were received from Cllrs. Layland and London

Cllr. Dr. Canet was also present.

8. Minutes

Resolved: That the minutes of the meeting of the Governance Committee held on 27 June 2017, be approved and signed by the Chairman as a correct record.

9. Declarations of Interest

No additional declarations of interest were made.

10. Actions from the previous meeting

There were none.

11. Boundary Commission: Revised proposals for new constituency boundaries in the south east

The Chairman advised that he had requested the report on the latest consultation received from the Boundary Commission on its revised proposals. The timescales for responses to the revised proposals was between 17 October and 11 December 2017. He had sought the Head of Legal & Democratic Services advice and been informed that there was not a need to take any consultation response back to Council as long as any comments did not differ from what had been previously agreed.

The Chairman proposed that he would write a short letter in response to the consultation: thanking them for returning Ash and New Ash Green into the Sevenoaks boundary; questioning Hartley and Hodsell Street being put in Gravesham when they identified more with Dartford or Sevenoaks; and querying the fact that Ightham, Wrotham and Stansted had been put together when there was no natural affinity between them and that Stansted would be better suited, like Vigo, to Gravesham and Wrotham and Ightham to Tonbridge & Malling.

Agenda Item 1

Governance Committee - 7 November 2017

Members were in agreement and agreed that the consultation should be circulated to Parish & Town Councils and encouraged to respond.

Action1: Parish and Town Councils be forwarded the consultation and encouraged to respond.

Resolved: That

- a) the revised proposals contained in the Boundary Commission's most recent report, including the timescales for any response from Sevenoaks District Council, be noted; and
- b) the Chairman write a letter in response to the consultation -
 - thanking them for returning Ash and New Ash Green into the Sevenoaks Constituency;
 - questioning Hartley and Hodsell Street being placed in the Gravesham Constituency and suggesting they identified better with the Dartford or Sevenoaks Constituencies; and
 - questioning Ightham, Wrotham and Stansted being placed together in Tonbridge & Malling and suggesting that Stansted was better connected to Vigo and therefore better placed within the Gravesham Constituency.

12. Members' allowances working group

The JIRP Report had been presented to Committee on 27 June 2017 and recommended to Council on 18 July 2017, where before accepting the recommendations it had requested the Chairman of Governance to set up a working group to look at a number of issues which included the omission of an SRA for the Chair and Vice Chair of the Community Infrastructure Levy Board and at what level any SRA should be; the proposed level of SRA for the Chair and Vice Chair of the Development Control Committee; and the budgetary implications of the report and any other proposed changes. It gave the Chairman delegated authority to set up a suitable working party.

However, the Chairman of the Governance Committee was of the view that such a working group represented a limited range of views, because of its limited membership, and the outcome was likely to be unchanged. Accordingly, after sounding out a wide range of members for their views, he concluded that the recommendations in Appendix A to the report be put forward to the Governance Committee for consideration.

The recommendation included some changes starting immediately and some coming in from 2019/20. The financial effects of these changes were detailed in Appendix B to the report. The effect of the changes starting immediately could be seen in the 'Working Group Scheme 2018/19' scenario and the effect of the

changes coming in from 2019/20 could be seen in the 'Working Group Scheme 2019/20' scenario.

Members discussed the timings of the changes and the pros and cons of the implementation dates, other than those being proposed to be implemented immediately. There was some concern that the electorate would see a newly formed Council receiving a pay increase when the decision had in fact been taken by the previous leadership.

Resolved: That it be recommended to Council that

- a) that the Chairman of the CIL board be remunerated at the same rate as the Chairs of other committees, namely £2,144 p.a. with immediate effect;
- b) that the Vice Chair of the CIL board be remunerated at the same rate as other Vice Chairs of committees, namely £534 p.a. with immediate effect;
- c) that the allowance for the Vice Chair of Development Control committee be increased to £1,000 p.a. with immediate effect; and
- d) that otherwise the recommendations of the JIRP be instituted with effect from the commencement of the municipal year 2019/20, namely:

(a) The basic allowance shall remain unchanged.

(b) Special Responsibility Allowances (SRAs) should be:

- | | |
|---|---------------------|
| a. Council Leader | £20,000 p.a. |
| b. Deputy Leader | £12,000 p.a. |
| c. Opposition Group Leaders
member | £270 p.a. per group |
| d. Cabinet Members | £7,000 p.a. |
| e. Deputy Cabinet Members | £1,600 p.a. |
| f. Committee Chairs
p.a. | £1,500 - £5,000 |
| g. Advisory Committee Chairs | £2,500 p.a. |
| h. Development Control Ctte Vice Chair | £1,000 p.a. |
| i. Vice Chairs of other committees shall not receive a SRA. | |

Agenda Item 1

Governance Committee - 7 November 2017

- | | |
|-------------------------------------|-----------|
| j. Development Control Ctte Members | £500 p.a. |
| k. Licensing Ctte Members | £135 p.a. |
| l. Standards Co-optees | £480 p.a. |
- (c) Child Care Allowance be payable at the actual amount charged, subject to a maximum rate of £7.20 per child per hour.
- (d) Dependent Carer's Allowance be payable at the actual amount charged, subject to a maximum of £16.00 per hour.
- (e) Allowances be updated in line with any annual increases in pay awards to Council staff.
- (f) Travel expenses continue to be based upon the HMRC approved rate.
- (g) The existing scheme for meal and subsistence allowances continue.
- (h) The existing IT allowance be stopped.

13. Work Plan

The Chairman encourage Members to put forward suggestions for the work plan.

THE MEETING WAS CONCLUDED AT 7.30 PM

CHAIRMAN

ACTIONS FROM THE MEETING HELD ON 7.11.2017

Action	Description	Status and last updated	Contact Officer
ACTION 1	<i>Minute 11 - Boundary Commission: Revised proposals for new constituency boundaries in the south east</i> Parish and Town Councils be forwarded the consultation and encouraged to respond.	The consultation has now closed. The 2018 Parliamentary Boundary Review is being reported to and considered by this meeting.	

This page is intentionally left blank

CONSTITUTIONAL CHANGES REGARDING DEVELOPMENT CONTROL DELEGATIONS

Governance Committee - 6 November 2018

Report of Chief Planning Officer

Status For Decision

Also considered by Council - 20 November 2018

Key Decision No

Portfolio Holder Cllr. Robert Piper

Contact Officer Richard Morris, Ext. 7139

Recommendation to Governance Committee: That it be recommended to Council that the Head of Legal and Democratic Services be authorised to amend the Constitution as he sees fit to enable written requests for consideration of planning applications by the Development Control Committee to be submitted no later the relevant consultation expiry date.

Recommendation to Council: That the Head of Legal and Democratic Services be authorised to amend the Constitution as he sees fit to enable written requests for consideration of planning applications by the Development Control Committee to be submitted no later the relevant consultation expiry date.

Reason for recommendation: To allow the constitution to be updated to be consistent with Members' wishes.

Introduction and Background

- 1 Part 13 paragraph 14 (a) (1) (iii) of the constitution sets out that a written request for consideration of a planning application by the Development Control Committee, supported by an appropriate planning reason, should be submitted by 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.
- 2 Members have indicated that it is desirable to alter the wording so as to permit such written requests no later the expiry date of the consultation relating to the application. This extends the opportunity for applications to

Agenda Item 4

be referred to committee, and should overcome confusion that occasionally occurs as a result of differing deadlines being applied to consultations, notifications, press and site notices and the weekly list.

3 It is therefore proposed that the new wording would be;

a written request for consideration of a planning application by the Development Control Committee, supported by an appropriate planning reason, should be submitted by a Member of the Council no later than the expiry date of the consultation 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.

Other Options Considered and/or Rejected

The option of not making any change remains open to Members.

Key Implications

Financial

None.

Legal Implications and Risk Assessment Statement.

No legal implications arise from this modest change to the constitution and there is a low risk in making the amendment proposed.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

This report proposes a modest change to the Constitution at Members' request.

Appendices None

Background Papers None

Richard Morris

Chief Planning Officer

2018 PARLIAMENTARY BOUNDARY REVIEW

Governance Committee - 6 November 2018

Report of Chief Officer Corporate Services

Status For information

Key Decision No

Executive Summary: This report sets out for Members information the final proposals from the Boundary Commission for England for the Parliamentary Boundaries for Sevenoaks Wards. The proposals, subject to debate and approval by Parliament, would take effect from the next scheduled general election in 2022.

Portfolio Holder Cllr. Anna Firth

Contact Officer Lee Banks, Ext. 7161

Recommendation to Governance Committee:

The final recommendations of the Boundary Commission for England for a revised Parliamentary Boundary for Sevenoaks are noted.

Reason for recommendation: To ensure Members are aware of the revised proposals, which subject to approval by Government, could change the Parliamentary constituency for Wards within the Sevenoaks District.

Introduction and Background

- 1 The Parliamentary Constituencies Act 1986 (as amended in 2011) required the four Boundary Commissions for the UK to carry out a review of constituencies and to submit final reports to Government in September 2018.
- 2 Parliament specified that the 2018 Review must reduce the number of constituencies, and therefore MPs, in the UK, to 600 from 650. In England this means a reduction from the current 533 constituencies to 501.
- 3 The Boundary Commission for England, as an independent and impartial body, considered where the boundaries of the new constituencies in England should be, ensuring that every new constituency (except two for the Isle of Wight) has roughly the same number of electors: no fewer than 71,031 and no more than 78,507.
- 4 The review took approximately two and a half years to be completed, with final recommendations submitted to Government in September 2018.

Agenda Item 5

The review process

- 5 The Boundary Commission for England (BCE) published its initial proposals for new boundaries on 13 September 2016, which began twelve weeks of public consultation.
- 6 The Chairman of the Governance Committee submitted a response to this consultation on behalf of the Council in November 2016, after discussions at the Governance Committee on 3 November that year, and subsequently at a full Council meeting on 22 November.
- 7 All feedback from the initial consultation was then published on 28 February 2017. This was followed by a four-week consultation period during which the public were invited to comment on that feedback. That consultation closed on 27 March 2017.
- 8 Having considered all of the representations received the BCE published its revised proposals on 17 October 2017. These were consulted on for eight weeks. The Governance Committee considered a further report on these revised proposals at its meeting on 7 November 2017 and the Chairman of the Committee sent a further representation to the BCE on behalf of the Council.
- 9 After looking at whether any more changes need to be made, in September 2018 the Commission submitted final recommendations in a report presented to the Government, who in turn presented the report to Parliament.

Proposals for the Sevenoaks District

- 10 Set out at Appendix A to this report is a table which summarises the proposals made by the BCE at each stage of their review.
- 11 The majority of the wards in the District are unaffected and are proposed to remain in the same Parliamentary Constituency at the next election, as they were at the last election in 2017.
- 12 The BCE, has however, recommended that Hartley & Hodsoll Street moves from its current Dartford constituency to the Gravesham constituency. In the Councils consultation response to the BCE, and in an additional letter in response to the revised proposals, the Council it was recommended that Hartley & Hodsoll Street was included within the Sevenoaks Parliamentary constituency.
- 13 Members may also wish to note that the BCE initially proposed that the Ash & New Ash Green ward was moved to the Gravesham constituency. The Councils consultation response to the BCE recommended it was retained in the Sevenoaks constituency, and in both the revised and final proposals that has been the case.
- 14 The final proposals from the BCE include one ward in the Sevenoaks parliamentary constituency from outside of the District Council boundary.

That is Wrotham, Ightham and Stansted, which is in the Tonbridge & Malling District.

Implementing the proposed boundaries

- 15 The BCE has completed its work on the 2018 boundary review and the Government has laid the report in Parliament. It now requires Parliament to introduce a Statutory Instrument containing the recommendations and for these to be subject to Parliamentary debate.
- 16 There are no indications of timescales behind this at present except in September 2018, the Minister for the Constitution said that the draft Order will take some months to prepare.
- 17 If Parliament agrees the changes to boundaries, the new constituencies will take effect at the next scheduled General Election in 2022 (or before if one is called after the point at which the boundaries are approved by Parliament). It is understood that any by-election before the next General Election, even if the boundary changes have been approved will be decided on the current boundaries, not the proposed new ones.
- 18 Further explanation is available on the Parliament website at <https://commonslibrary.parliament.uk/parliament-and-elections/government/the-boundary-review-what-comes-next/>

Other Options Considered and/or Rejected

None

Key Implications

Financial

There are no financial implications arising from this report.

Legal Implications and Risk Assessment Statement

There are no legal implications or risks arising from this report.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

The Boundary Commission for England has set out its final recommendations for Parliamentary constituencies for England, which subject to Parliamentary approval will take effect from the next scheduled election in 2022. The majority of the wards in the District are unaffected and are proposed to remain in the same Parliamentary Constituency. However, Hartley & Hodsoll Street is proposed to

Agenda Item 5

move from the Dartford constituency to form part of the Gravesham Parliamentary constituency from 2022.

Appendices

Appendix A - Summary of BCE proposals for wards in the Sevenoaks District

Background Papers

[Sevenoaks District Council consultation response to the Boundary Commission for England](#)¹

Jim Carrington-West

Chief Officer Corporate Services

Ward	Current Parliamentary	Proposed Parliamentary (13 Sept 2016)	Revised Parliamentary (17 Oct 2017)	FINAL PARLIAMENTARY (5 Sept 2018)	Voters	Sevenoaks Parliamentary Electorate
Hartley and Hodsoll Street	Dartford	Gravesham	Gravesham	Gravesham	4,731	
Ash and New Ash Green	Sevenoaks	Gravesham	Sevenoaks	Sevenoaks	4,513	
Brasted, Chevening and Sundridge	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	4,861	
Crockenhill and Well Hill	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	1,513	
Dunton Green and Riverhead	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	3,589	
Eynsford	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	1,498	
Farningham, Horton Kirby and South Darent	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	3,724	
Fawkham and West Kingsdown	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	4,801	
Halstead, Knockholt and Badgers Mount	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	2,675	
Hextable	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	3,287	
Kemsing	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	3,241	
Otford and Shoreham	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	3,485	
Seal and Weald	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	3,045	
Sevenoaks Eastern	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	2,924	
Sevenoaks Kippington	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	3,561	
Sevenoaks Northern	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	3,030	
Sevenoaks Town and St. John's	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	4,351	
Swanley Christchurch and Swanley Village	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	4,299	
Swanley St. Mary's	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	3,004	
Swanley White Oak	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	4,603	
Westerham and Crockham Hill	Sevenoaks	Sevenoaks	Sevenoaks	Sevenoaks	3,284	
Wrotham, Ightham and Stansted	Tonbridge	Sevenoaks	Sevenoaks	Sevenoaks	3,273	72,561
Cowden and Hever	Tonbridge	Tunbridge Wells	Tonbridge	Tonbridge	1,561	
Edenbridge North and East	Tonbridge	Tunbridge Wells	Tonbridge	Tonbridge	3,616	
Edenbridge South and West	Tonbridge	Tunbridge Wells	Tonbridge	Tonbridge	3,015	
Leigh and Chiddingstone Causeway	Tonbridge	Tunbridge Wells	Tonbridge	Tonbridge	1,690	
Penshurst, Fordcombe and Chiddingstone	Tonbridge	Tunbridge Wells	Tonbridge	Tonbridge	1,966	

Two areas below were initially proposed to be in Sevenoaks Parliamentary constituency but under revised proposals moved back to Tonbridge

Borough Green and Long Mill	Tonbridge & Malling	Sevenoaks	Tonbridge	Tonbridge	5,258
Downs and Mereworth	Tonbridge & Malling	Sevenoaks	Tonbridge	Tonbridge	3,305

Under first proposal from BCE Sevenoaks Parliamentary Constituency was to be 76,611 voters

Under the new proposal (Oct 2017) the Sevenoaks Constituency will be 72,561 voters

Under the FINAL proposal (Sept 2018) the Sevenoaks Constituency will be 72,561 voters

Each of these figures is based on people on the electoral register at December 2015.

This page is intentionally left blank

MEMBERS' PARENTAL LEAVE

Governance Committee - 6 November 2018

Report of Monitoring Officer

Status For Decision

Key Decision No

Executive Summary: The Council does not have a policy relating to Parental Leave for Members. This report proposes the steps towards incorporating such a policy into the Constitution.

Contact Officer Martin Goodman, Ext. 7245

Recommendation to Governance Committee: That:

1. the report be noted; and
2. the views expressed by Members on the merits of a Parental Leave policy be noted; and
3. if Members deem it to be appropriate, a working party of three Members selected from the Governance Committee be formed to draft a parental leave policy and report back when finished.

Reason for recommendation: To enable a Parental Leave policy in line with Member wishes to be drafted.

Introduction and Background

- 1 The Monitoring Officer has been approached about incorporating a policy relating to Member parental leave in the Constitution. This Council does not have any such policy and only four other Councils have adopted a parental leave policy. Members are invited to consider whether the current position is appropriate and whether the introduction of a policy is desirable in view of the demographic make-up of the Council.
- 2 Members are not employees and do not need permission to miss meetings. However, section 85 of the Local Government Act 1972 sets out that if a member of a local authority fails to attend any meeting of the authority for a period of six months they automatically cease to become a Member.
- 3 This provision may be avoided if the absence is approved by the authority before the expiry of six months. It is always a Member's own responsibility to attend meetings or in good time to seek an appropriate resolution of the Council.

Agenda Item 6

- 4 It has been suggested that the best way to incorporate a policy on parental leave into the constitution may well be to amend the Members' Allowances Scheme to reflect new provisions relating to parental leave. At present Members who are absent from the Council for any reason continue to be paid full allowances without deduction. It would not be financially beneficial to new parents to deviate from this approach.
- 5 An alternative approach would be to adopt a 'standalone' policy covering a wide range of issues. However, this would not in any way avoid the provisions of section 85 of the Local Government Act 1972 which sets out that if a member of a local authority fails to attend any meeting of the authority for a period of six months they automatically cease to become a Member. However, it is possible that any new policy could be drafted so as to make it easier for Members to obtain the permission of Full Council to miss meetings.
- 6 Members may wish to consider whether it would be beneficial to formalise arrangements for covering ward casework and communication. If minded to adopt a policy, Members may also wish to consider whether they would like it to relate to any form of approved absence (such as ill health) or only parental leave. Any policy could also set out levels of pastoral support available to those affected.

Next steps

- 7 Members are invited to consider the correct approach in this matter and two steps are suggested so as to promote discussion.
 - i. Members should provide their views regarding the benefits of a Parental Leave policy;
 - ii. Members consider forming a working party to draft a policy and report back to the Governance Committee.

Other Options Considered and/or Rejected

This report retains all options.

Key Implications

Financial

None other than the payment of allowances, which are within budget.

Legal Implications and Risk Assessment Statement.

A Parental Leave Policy for Members is not compulsory. Members are reminded of the provisions of section 85 of the Local Government Act 1972 as set out above.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

It should be noted that this report does not recommend any course of action and keeps all options open.

Conclusions

Members' instructions are sought.

Appendices None.

Background Papers None.

Martin Goodman

Monitoring Officer

This page is intentionally left blank

Governance Committee Work Plan 2018/19 (as at 15/10/18)

6 November 2018	12 February 2019	Spring 2019	Summer 2019
Child Care Report Constitutional Changes Regarding Development Control Delegations 2018 Parliamentary Boundary Review			

This page is intentionally left blank