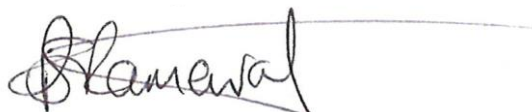


Published: 17.05.21

I hereby summon you to attend the Annual meeting of the Sevenoaks District Council to be held at **The Stag Theatre, London Road, Sevenoaks, TN13 1ZZ**, commencing at 7.00 pm on Tuesday 25 May 2021 to transact the under-mentioned business.



Chief Executive

AGENDA

Apologies for absence

1. To elect a Member to be Chairman for the ensuing year.
2. To elect a Member to be Vice-Chairman for the ensuing year.
3. To approve as a correct record the minutes of the meeting of the Council held on 20 April 2021. (Pages 1 - 6)
4. Declarations of Interest.
5. Chairman's announcements.
6. Returning Officer's report. (Pages 7 - 8)
7. To agree the allocation of seats to political groups in accordance with the political balance rules (Appendix to follow). (Pages 9 - 14)
8. Scheme of delegations:
 - a) To agree the scheme of 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 15 - 92)
 - b) To note the delegations of executive functions (Appendix U of the Constitution - attached) and appointments to the Cabinet made by the Leader (to follow). (Pages 93 - 98)

9. To appoint the Chairmen, Vice-Chairmen and Membership of Committees for the ensuing year (Appendix to follow). (Pages 99 - 100)

(Appointments to Advisory Groups and Boards within the Cabinet's remit, will be made at the meeting of Cabinet on Thursday 27 May 2021.)
10. To confirm the calendar of ordinary meetings for the ensuing year. (Pages 101 - 104)
11. To appoint representatives on other organisations (Appendix to follow). (Pages 105 - 106)

(Appointments to other organisations within the Cabinet's remit, will be made at the meeting of Cabinet on Thursday 27 May 2021.)
12. To note the outgoing Chairman's Report. (Pages 107 - 110)

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.

COUNCIL

Minutes of the meeting held on 20 April 2021 commencing at 7.00 pm

Present: Cllr. Edwards-Winser (Chairman)

Cllr. Esler (Vice Chairman)

Cllrs. Abraham, Andrews, Ball, Barnes, Barnett, Bayley, Brown, Dr. Canet, Carroll, Cheeseman, Clack, Clayton, Penny Cole, Perry Cole, Coleman, Collins, G. Darrington, P. Darrington, Dickins, Dyball, Eyre, Firth, Fleming, Foster, Fothergill, Griffiths, Grint, Harrison, Hudson, Hunter, Kitchener, Layland, London, Maskell, McArthur, McGarvey, McGregor, Morris, Nelson, Osborne-Jackson, Parkin, Pender, Pett, Purves, Raikes, Reay, Roy, Thornton, Waterton and Williamson

An apology for absence was received from Cllr. Hogarth.

MINUTE'S SILENCE IN MEMORY OF HRH PRINCE PHILIP, DUKE OF EDINBURGH.

As a mark of respect and in honour of the memory of HRH Prince Philip, Duke of Edinburgh who had died on 9 April 2021, the Council rose for a minute's silence.

At the end of the silence the Chairman stated that His Royal Highness had served the country with distinction for six decades, serving in the armed forces, representing the nation on the world stage and as consort to Her Majesty, The Queen. He had been a charismatic man with a great sense of humour who would be sorely missed by all.

The Chairman had formally written to Her Majesty, The Queen and the rest of the Royal Family on behalf of the Council and all Sevenoaks District residents, expressing sincere condolences.

97. To approve as a correct record the minutes of the meeting of the Council held on 23 February 2021.

Resolved: That the Minutes of the meeting of the Council held on 23 February 2021 be approved, and signed as a correct record.

98. 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 additional declarations of interest, were received.

99. Chairman's Announcements.

The Chairman advised that Karl Sewell had sadly passed away on Saturday 10 April. Although Karl left the Council in 2010 he was sure a number of Councillors would have fond memories of him.

He announced that the Council had once again teamed up with Coolings Garden Centre in Knockholt to run this year's 'Sevenoaks District In Bloom' and his successor would have the wonderful opportunity of being involved in the judging. There were lots of categories to take part in, including front gardens, allotments, environmentally-friendly gardens, ornamental gardens, shop fronts and pub, restaurant, Bed & Breakfasts and hotel gardens too.

Finally the Chairman advised that unfortunately, this was his last formal meeting before Annual Council, which was a shame as he was just getting used to it. Had he only been in post for one year, he could have said how quickly time had flown, but as the municipal year had rolled over due to the pandemic with no events for him to attend in person, replaced by virtual platforms, unfortunately the year seemed to have dragged along. He personally could not wait for some sort of normality and hoped that the situation improved for the incoming chairman. He took the opportunity to thank his wife Frances who had been at his side and supported him in all his undertakings and had taken care of all the phone calls during his virtual meetings.

100. To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.

No questions had been received.

101. 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 had been received.

102. Matters considered by the Cabinet:

a) Council Tax Hardship Relief Support Scheme 2021/22

Councillor Fleming moved and Cllr Dickins seconded the recommendations from Cabinet, which sought approval of a delegated authority to enable the finalisation and implementation of a scheme, funded by Kent County Council, to provide additional council tax support for low-income households suffering financial hardship as a consequence of the Covid-19 pandemic.

Resolved: That delegated authority be granted to the Deputy Chief Executive and Chief Officer - Customer and Resources, to finalise and implement the necessary requirements to apply the proposed scheme.

103. Matters considered by other standing committees:

- a) Department for Transport Statutory Taxi & Private Hire Guidance feedback and subsequent amendments to Policy

Councillor Clack moved and Councillor Pett seconded the recommendation from the Licensing Committee, which sought approval of amendments to the Hackney Carriage and Private Hire policy, following consultation.

Resolved: That the changes to the Sevenoaks District Council Hackney Carriage & Private Hire Licensing Policy as set out in Appendix C to the report, be approved.

104. 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.

Two questions had been received from Members in accordance with paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution.

Question 1: Cllr Purves

‘The lack of a Local Plan has the potential of creating an open season for developers. Does the Council accept the urgency of submitting a new Local Plan and give an approximate date?’

Response: Leader of the Council

The Leader advised that the latest position in relation to the preparation of the emerging Local Plan had been circulated to Members by the Strategic Planning Manager on Friday 9 April, and his personal views on the matter were clearly set out in a statement available on the Council’s website.

Although disappointing, the conclusions of the Inspector and both Judges reinforced the abject failure of the duty to co-operate, as a means of achieving the Government’s objective to ensure that Local Plans were put in place as soon as possible. It is worth noting that the Government seems to have come to the same conclusion as the Planning White Paper looks to remove the duty. It can only be hoped that the Government realised however late in the day that the duty to cooperate has been used by the Inspectorate to throw out perfectly good Local Plans, plans that balance growth with the protection of the environment, plans that have taken years to craft, are evidence based, and come with broad public support such as out local plan.

Sevenoaks was certainly not an anti-development Council and he was pleased the Government had offered to work with the Planning Inspectorate to ensure a new Local Plan could be prioritised. Officers were working on a plan of action to make sure this happened and progress would be reported at the next meeting of the Development and Conservation Advisory Committee.

As to whether legal action was justified, he believed it was with over 800 pages of evidence the Government's own Planning Advisory Service, a leading planning QC and former senior planning inspectors, all saying the Council had met the duty to cooperate, it would have been utterly wrong not to have taken it through the courts. He added that it should also be remembered that beyond the legal action there remained outstanding issues for the Inspectorate to answer. The Planning Inspector had teased that there were other issues with the plan, but his had not been expanded on in the letter to the Council, and despite repeatedly asking, they had yet to be forthcoming. He would also be writing to the relevant Minister setting out the Council's ongoing concerns with the Inspectorate's role within the Local Plan process. Meanwhile, environmental resources in the District and in particular the Green Belt, would continue to be protected by the policies in current plans and the provisions of national planning guidance. Inappropriate development in the Green Belt would only take place where an applicant had demonstrated very special circumstances and in this regard, there was no open season in Sevenoaks.

Supplementary question: Cllr Purves

Councillor Purves requested an estimate of the length of time before the Council was likely to be able to submit a new Local Plan.

Response: Leader of the Council

The Leader referred to his earlier answer and advised that Officers were working on a plan of action and would be reporting to the next meeting of the Development & Conservation Advisory Committee.

Question 2: Cllr Clayton

'Given the Council's ambitions to make progress on cycle routes, and given that it has become clear that asking Kent County Council (KCC) to read the 2011 Sevenoaks Cycle Strategy is not enough to gain their support for funding, what public consultation and technical work is the Council undertaking to build the case to attract external funding - from Government or KCC - to invest in Active Travel projects?'

Response: Leader of the Council

The Leader stated that this was a really exciting time for the Council with a lot of infrastructure projects going on, many lead by the Council, alongside the Council's Net Zero ambitions. So much so that this would now be pulled together by a specific team within Planning Policy to maximise the opportunities and potential. Discussions were ongoing with the Transport Innovations Team at Kent County Council, in order to understand what initiatives they had and their scale of ambition for the District. It also helped with understanding what funding was available and where the Council could assist in bringing each other's projects forward. Both Sevenoaks and Kent knew that the 2011 Cycling Strategy was out of date and were looking at how to take cycling forward as part of a new wider transport strategy for the district. Although it would be wrong for him not to point

out that many of the SDC actions within that Strategy had been carried out and continued to be.

He reported that the Council was also launching a 'Movement Strategy', which looked at all modes of transport and how they could be made to work better together. This in turn would enable the Council to seek further funding for projects that would support the evidence gathered for this work.

There were regular meetings with transport providers and colleagues at Local Authorities across West Kent to discuss issues and look at how everyone could work together to secure more funding. The Council was also in the process of looking again at the emerging Local Plan and all the transport requirements within it. There was also regular contact with the Rail Projects Community Officer who had helped with partner working with organisations such as Darent Valley Rail Strategy, and aided consideration of improving access to stations which including cycling and seeking funding.

Officers had also attended a number of seminars regarding Transport for the South East which had looked at all forms of transport, integration and priorities for the area.

He finally stated that without being too much of a tease, there would be a number of exciting projects that being announced over the coming months.

Supplementary question: Cllr Clayton

Councillor Clayton welcomed what was said but stated that an essential first step under the government's framework was to construct a walking and cycling infrastructure plan that was a pre-condition for external funding. He asked what progress had been being made on that and when the Leader expected it to be completed by.

Response: Leader of the Council

In his response the Leader referred back to his earlier reply and the launching of the 'Movement Strategy' which went further than a walking and cycling infrastructure plan, as it looked at all modes of transport and how they could be made to work better.

105. 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.

106. 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 8 February to 1 April 2021.

107. To receive reports from the Chairmen of the Audit and Scrutiny Committees on the work of the Committees.

a) Annual report from the Audit Committee Chairman

Members noted the report presented by the Chairman of the Audit Committee, Councillor McGarvey.

b) Annual report from the Scrutiny Committee Chairman

Members noted the annual report presented by the Chairman of the Scrutiny Committee, Councillor Brown.

THE MEETING WAS CONCLUDED AT 7.28 PM

CHAIRMAN

RETURNING OFFICER'S REPORT

Annual Council - 25 May 2021

Report of: Chief Executive

Status: For Information

Key Decision: No

Contact Officer: Vanessa Etheridge, Ext. 7199

Recommendation to Council: That the report be noted.

Reason for recommendation: To provide Members with the result of a recent District Council by-election.

Introduction and Background

- 1 Following the resignation of Robert Lund Piper, a by-election was held on Thursday 6 May 2021, to elect one Councillor to the Brasted, Chevening & Sundridge Ward.
- 2 Councillor Keith Patrick Bonin (Conservative) was duly elected to serve on the Sevenoaks District Council.

Key Implications

Financial

There are no specific financial implications arising from this report.

Legal Implications and Risk Assessment Statement

There are no specific legal implications 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.

Agenda Item 6

Appendices

None

Background Papers

[District Council By-Election 2021](#)

Dr. Pav Ramewal

Chief Executive & Returning Officer for Sevenoaks District

TO AGREE THE ALLOCATION OF SEATS TO POLITICAL GROUPS IN ACCORDANCE WITH THE POLITICAL BALANCE RULES

Annual Council - 25 May 2021

Report of: Deputy Chief Executive and Chief Officer - Customer & Resources

Status: For Decision

Key Decision: No

Contact Officer: Vanessa Etheridge, Ext. 7199

Recommendation to Council: That Council

- (a) notes the political balance of the Council is: 46 Conservative; 3 Liberal Democrat; 2 Hextable Independent; 1 Labour; 1 Independent; 1 no party description;
- (b) notes the following political groupings: 46 Conservative Group; 3 Liberal Democrats Group; 3 Sevenoaks Independent Group, 2 ungrouped;
- (c) agrees the allocation of seats as set out in the Appendix to this report.

Reason for recommendation: Council is required to determine the constitution and political balance of the committees, joint committees and panels that have been set up for the purpose of discharging its functions.

Introduction and Background

- 1 The Council must allocate seats on committees and other prescribed bodies so as to give effect to the political balance rules.
- 2 Section 15 of the Local Government & Housing Act 1989 sets out 4 rules, and requires authorities to apply them in descending order of priority.
 - The first rule is that, where some or all of the members of an authority have formed into two or more political groups, then no Committee may comprise just members from one political group.
 - The second rule is that, where a majority of members of Council are members of one political group, that political group must have a majority of the seats on each Committee.
 - The third rule provides that, without being inconsistent with the first two rules, the number of seats allocated to each political group on all the Committees taken together be as near as possible proportionate to their strength on Council.

Agenda Item 7

- The fourth rule provides that, so far as is consistent with Rules 1 to 3, each political party must be allocated that number of seats on each Committee taken individually as is proportionate to their strength on the Council. However, as set out above, this is subject to the need to give the majority a majority on each Committee.
- 3 Any seats left unallocated go by default to any members who are not members of any political group. A political group must comprise at least 2 members.
 - 4 The Council can only depart from these rules by passing a resolution with no member voting against the resolution.
 - 5 The political proportionality rules also apply to certain outside bodies dealing with local government matters to which the council appoints three or more representatives.
 - 6 The political group composition of the Council is as follows:

	Conservative Group	Liberal Democrats Group	Sevenoaks Independent Group	Ungrouped (1 Independent and 1 Labour)
Members	46	3	3	2
Percentage	85.19	5.56	5.56	1.85 each

Bodies to which proportionality does not or need not apply

- 7 Cabinet is exempt from the rules.
- 8 The Sevenoaks Joint Transportation Board is also exempt from the rules. Firstly, in the terms of reference it states itself to be a “non-statutory forum”. It also does not make decisions itself, but merely recommends to the relevant executives. If it could uphold this then it would not be subject to the rules at all.
- 9 However, under the 1989 Act, even if it were a statutory committee then the whole Board would be exempt from political proportionality under the Local Government (Committees and Political Groups) Regulations 1990. As Reg. 16A refers to area committees and 16B to joint area committees. The provisions differ slightly in each. However, in essence they explain that, for example, where a County Member is elected from each division and an equal number of District Councillors then we would not need to apply the proportionality rules.
- 10 Also under the Act the proportionality rules only apply to certain outside bodies which have more than three appointees.

Achieving Political Balance

11 A table applying the percentages is below.

Proportional percentage of seats:

Committee	Size	Conservatives	Liberal Democrats	Sevenoaks Independents	Ungrouped each
Appointments	10	8.5	0.5	0.5	0
Audit	9	7.7	0.5	0.5	0
DCC	19	16.2	1.1	1.1	0
Governance	7	6	0.4	0.4	0
Health Liaison Board	8	6.8	0.5	0.5	0
Homelessness	3 (incl 1 PH)	2.6	0.2	0.2	0
Licensing	13	11.1	0.7	0.7	0
Scrutiny	11	9.4	0.6	0.6	0
Standards	7	6	0.4	0.4	0
All Advisory Committees	12 (X6)	10.2	0.7	0.7	0
CIL	15	12.8	0.8	0.8	0

Allocation of seats

12 Applying the table above leads to an allocation of seats complying set out in the table below. Only Members who have formed political groups qualify for committee seats.

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Committee	Size	Conservatives	Liberal Democrats	Sevenoaks Independents	Ungrouped
Appointments	10	9	1*		0
Audit	9	8	1*		0
DCC	19	17	1	1	0
Governance	7	6	1*		0
Health Liaison Board	8	7	1*		0
Homelessness	3 (incl 1 PH)	2	1*		0
Licensing	13	11	1	1	0
Scrutiny	11	9	1	1	0
Standards	7	6	1*		0
All Advisory Committees	12 x6	60	6	6	0
CIL	15	13	1	1	0
Total	174	148	13	13	0
%		85.1	7.5	7.5	
% difference		-0.1	+1.9	+1.9	

- 14 *There are allocations where the Liberal Democrat Group and the Sevenoaks Independent Group have less than a whole person allocation. In these instances Group Leaders were left to liaise, and divide up the seats between them, in order to allocate whole seats.

- 15 Council will note that the proportionality calculations result in the un-grouped member securing no seats on any Committee. Council could, if it so resolved by a resolution with no member voting against the resolution, depart from proportionality to allocate some seats to the un-grouped member and any unallocated seats should go by default to any members who are not a member of a political group. However, Council should note that, the majority party must remain the majority.
- 16 These breakdowns have been given to the Group Leaders who have agreed seat allocations in compliance with the above proportionality with any allocated seats not taken being offered to non-grouped Members. The proposed seat allocations agreed by party leaders and non-grouped Members are set out in the attached Appendix.

Outside organisations

- 17 With regard to representation on outside bodies, political proportionality rules should be applied in certain circumstances under the Local Government and Housing Act 1989 Section 15(7) and where there are more than three members. There are only two outside bodies appointed by Cabinet that fall into this category:

Outside organisation	No. of appointments requested	Conservatives	Liberal Democrats	Sevenoaks Independents	Ungrouped
Sevenoaks District Arts Council	6	5	1*		0
Sevenoaks District Sports Council	3	2	1*		0

- 18 *There are allocations where the Liberal Democrat Group and the Sevenoaks Independent Group have less than a whole person allocation. In these instances Group Leaders were left to liaise, and divide up the seats between them, in order to allocate whole seats.

Other Options Considered and/or Rejected

- 19 None - the Council is required under Section 15 of the Local Government and Housing Act 1989 to review the representation of different political groups on bodies to which it makes appointments whenever there is a change in political representation. The Act requires that the review should be held at the Annual Meeting or as soon as practicable after that meeting or the change has occurred.

Key Implications

Financial

There are no financial implications directly arising from the recommendations contained within this report.

Legal Implications and Risk Assessment Statement

There is a specific duty imposed on the Council to review each year at the Annual meeting, or as soon as practicable thereafter, the representation of different political groups. The legislation provides that the Council may make alternative arrangements to the 'proportionality' principles within this report only by a unanimous vote. However a political group may decide to offer a seat on a committee or panel to another political group. This does not affect the proportionality principles as it remains within the gift of that political group to determine how it wishes to exercise that discretion, if at all.

The recommendations in this report are in accordance with the power set out within Section 15 of the Local Government and Housing Act 1989.

The Council has a statutory duty to review at its Annual meeting, or as soon as practicable thereafter, the representation of different political groups. The proposals detailed in this report support that duty.

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.

Appendices

Appendix - Seat allocation as agreed by the three group Leaders for recommendation to Council (to follow)

Background Papers

None

Jim Carrington-West

Deputy Chief Executive and Chief Officer - Customer & Resources

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;

Agenda Item 8a

- (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 summoned by the Monitoring Officer 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 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

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Cabinet as a whole. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

- (c) Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chairman.
- (d) Where a Cabinet member would normally exercise Executive Functions delegated to him/her in respect of any matter but is unable to do so because of absence or indisposition, a decision on the matter may be taken by the Leader, by the Cabinet or by a Committee of the Cabinet.
- (e) Where a Cabinet member would normally exercise Executive Functions delegated to him/her in respect of any matter but has a 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

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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 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 must not 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.

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PART 5 - SCRUTINY FUNCTION

(Please also refer to Appendix C - Scrutiny Committee Procedure Rules)

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 2015 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 3 and 6 of the Accounts and Audit Regulations 2015 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 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 Manager's annual report and assurance opinion.
- (d) To consider quarterly progress reports from the Audit Manager regarding the progress of the Annual Internal Plan. The Committee may request to review any individual audit report should they or the Audit 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 make proper arrangements 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

- 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.

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- 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 Manager without the presence of other officers of the Council. The Chairman of the Committee will also meet informally with the Audit 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.

Agenda Items

- 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.*

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- 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.
- 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 Officer Planning and Regulatory Services.
- 3.5 Any Local Member who wishes to reserve an item for debate at Development Control Committee is asked to notify the Chairman/Vice Chairman prior to the meeting.

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

- (a) Any reports deferred for any reason from previous meetings of the Committee will normally be reserved for debate.
- (b) The Chairman will indicate those applications in respect of which members of the public have asked to speak, which shall automatically be reserved for debate.
- (c) When a Local Member has indicated to the Chairman of the Committee that s/he would wish to address the Committee on a particular application, the application will be reserved by the Chairman for subsequent discussion.
- (d) The Chairman will then read out the details of each remaining planning application from the index to the report, so that Members of the Committee who wish to move an amendment to the Chief Officer Planning and Regulatory Services' recommendation or make a

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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.
- (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 Officer Planning and Regulatory Services. This will enable such matters to be discussed at the Chairman's briefing, that normally takes place 2 working days before the Committee meeting, and to prepare for any additional advice for the meeting. If a Member's concerns relate to matters which require a visual assessment, the Area Team Manager or the Chief Officer Planning and Regulatory Services may discuss the desirability

of arranging a Committee Site Inspection with the Chairman. Committee Members are encouraged to attend these Site Inspections whenever possible.

- 3.9 On receipt of concerns from a Committee Member, the Development Control Manager or the Chief Officer Planning and Regulatory Services may choose to withdraw the report from the agenda to allow for further discussion or re-assessment.
- 3.10 A Planning Officer if so requested should assist in giving general policy reasons for refusal or conditions for approval to be attached to any permission. In the event of an appeal or a judicial review, it is imperative that the correct grounds for refusal or conditions for approval be cited on the published notice of decision.
- 3.11 In the event of a motion contrary to the Officer's recommendation being formally moved, the Officer(s) present will have the opportunity to address the Committee on the implications of such a decision having regard to the provisions of the Development Plan and all other material considerations, inclusive of implications for any subsequent appeal, before a vote on the motion is taken. Where appropriate the Officer may recommend to the Chairman (whose sole decision it shall be whether to accept that recommendation) that a decision on the application be deferred to enable a further report to be presented to the Committee addressing these issues raised by the debate and the implications.
- 3.12 Where a decision to grant or refuse permission contrary to the Officer recommendation occurs the reasons for such a decision taken by Committee should be clearly minuted. In the event of an appeal where the Committee has made a decision contrary to Officer advice, the appropriate Local Member or a Member of the Committee is expected to be actively involved in the Appeal if by written representation and to attend any Hearing or Public Enquiry when such is held.

Report Deferrals

- 3.13 Any decision to defer a report should be taken BEFORE any other decision to approve or refuse the report. Should the Committee be minded to refuse/approve the report pending deferral to await further information, then, when the report comes back to the Committee, debate must centre around the effect of the additional information on the proposal keeping in mind the opinion to approve or refuse voiced in the first instance. Public speakers may not speak again.
- 3.14 Should a report be deferred for further information without the Committee's opinion on whether it is minded to approve or refuse, then a debate may take place on the whole of the report together with the additional information.

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- 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.
- 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 Officer Planning and Regulatory Services, 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 Officer Planning and Regulatory Services as soon as possible. This will include selecting appropriate viewpoints. Only exceptionally should an item be deferred for a Site Inspection. All Site Inspections will only be arranged where the proposal to hold a Site Inspection fits at least one of the following criteria.
- 3.23 A Site Inspection may be determined to be necessary if;
 - i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.

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- 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 Officer Planning and Regulatory Services 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 Officer Planning and Regulatory Services or on Enforcement items or Tree Preservation Orders.
- 3.28 Registering to Speak - Apart from Local Members, those wishing to speak must contact the District Council before 5pm on the day of the meeting at the latest. However at the Chairman's discretion, late registration may be accepted until the start of the meeting. Local Members have until the start of the meeting to register. Only one public speaker against the application and one public speaker supporting the application will be permitted except where the Chief Officer Planning and Regulatory Services or Development

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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 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

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.

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.

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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) the discharge of relevant functions relating to the licensing of sex establishments
- (d) the discharge of relevant functions relating to the Police Reform and Social Responsibility Act 2011; and
- (e) 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 Each municipal year the Licensing Committee will establish 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.

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;

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- (c) determination of application for the variation of a designated premises supervisor where a notice has been received from the Police;
- (d) determination of application for the transfer of a premises licence where a notice has been received from the Police;
- (e) determination of application for:
 - (i) premises licence;
 - (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

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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/variation or revocation of a sex shop, sex cinema or
sexual entertainment venue licence

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.

Procedures at Sub-Committees of the Licensing Committee

3. Licensing Act 2003

- 3.1 Hearings shall be conducted in accordance with this Procedure Note which
the Sub-Committee may vary at their discretion if considered in the public
interest subject to The Licensing Act 2003 (Hearings) Regulations 2005.
- 3.2 The quorum for a Sub-Committee shall be two members.
- 3.3 At the commencement of each hearing the Sub-Committee shall elect one
of its members as Chairman.
- 3.4 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) Officer presentation of report
- (f) Applicant (or his/her representative) addresses the Sub-Committee.
- (g) Applicant questioned by members. At the discretion of the Sub-Committee, other parties may be permitted to question the applicant.
- (h) Any representatives of Public or Statutory Bodies 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.
- (i) 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.
- (j) Other 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.
- (k) 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.
- (l) 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.
- (m) Applicant (or his/her representative) makes closing address.
- (n) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.
- (o) 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.
- (p) The parties will usually be informed of the decision at the Hearing with a decision notice issued thereafter in accordance with Regulation 26 of the 2005 Regulation, along with details of any applicable appeals process.

4. Local Government (Miscellaneous Provisions) Act 1982)

- 4.1 Hearings shall be conducted in accordance with this Procedure Note which the Sub-Committee may vary at their discretion if considered in the public interest and subject to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27, Policing and Crime Act 2009).
- 4.2 Objectors' names or addresses will not be revealed to an Applicant without consent. However, attendance at a hearing by any Objector implies consent (Local Government (Miscellaneous Provisions) Act 1982 Schedule 3, para10 (17))
- 4.3 The quorum for a Sub-Committee shall be two members.
- 4.4 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 4.5 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 present, including all parties, representatives and witnesses.
 - (e) Presentation of report by Licensing Officer
 - (f) The Sub-Committee will hear from:
 - a. the Applicant (or his/her representative);
 - b. any Public or Statutory Bodies who have made representations;
 - and
 - c. any other objectors
 - (g) All parties may use witnesses and supporting documentation, so long as these have been detailed to the Sub-Committee prior to the hearing.
 - (h) No Public or Statutory Body or other objector may raise issues other than those relevant to their written objection, unless with the agreement of

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the Sub-Committee and provided that the Applicant is permitted an opportunity to deal with the objections.

- (i) Members will ask questions of each party (including their representative or witness) after they have spoken. At the discretion of the Sub-Committee the Applicant will be entitled to ask questions of the other parties or their witnesses after they have spoken. At the discretion of the Sub-Committee the other parties will be entitled to ask questions of the Applicant or their witnesses after they have spoken.
- (j) 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.
- (k) Applicant (or his/her representative) makes closing address.
- (l) Sub-Committee may grant a short adjournment to deliberate. The parties may not speak to Members regarding the application during adjournments.
- (m) 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.
- (n) The parties will usually be informed of the decision at the Hearing with a decision notice issued before the end of 7 working days starting the day after the last day of the hearing, along with details of any applicable appeals process.

5. The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007

- 5.1 Hearings shall be conducted in accordance with this Procedure Note which the Sub-Committee may vary at their discretion if considered in the public interest subject to The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007.

(Application for a premises licence under section 159; Application to vary a premises licence under section 187; Application for a premises licence to be transferred under sections 188 and 189; Application for a licence to be reinstated under sections 195 and 196; Application for a provisional statement under section 204; Review of a premises licence under section 201)

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- 5.2 The agenda will be published 10 working days before the date of the hearing
- 5.3 The quorum for a Sub-Committee shall be two members.
- 5.4 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 5.5 The order of business at hearings shall be:
 - (n) Election of Chairman.
 - (o) Declarations of interests.
 - (p) 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.
 - (q) Chairman ascertains who is present, including all parties, representatives and witnesses.
 - (r) Presentation of report by Licensing Officer
 - (s) In turn, beginning with the applicant, each party (or their representative) may
 - a. address the Sub-Committee and call witnesses on any matter relevant to the application/review;
 - b. receive questions from the Sub-Committee; and
 - c. receive questions from other parties, where this is considered appropriate by the Sub-Committee.

(Cross examination will not usually be permitted unless the Sub-Committee considered that it is required to properly consider the issue.)

- (t) All parties may use witnesses and supporting documentation, so long as these have been detailed to the Sub-Committee prior to the hearing.
- (u) 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. The parties may not speak to members regarding the application during adjournments.
- (v) Applicant (or his/her representative) makes closing address.

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- (w) Sub-Committee may grant a short adjournment to deliberate. The parties may not speak to Members regarding the application during adjournments.
 - (x) The Sub-Committee considers the application/review 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.
 - (l) The parties will usually be informed of the decision at the Hearing with a decision notice issued before the end of 5 working days starting the day after the last day of the hearing in accordance with Regulation 13 of the 2007 Regulations along with details of any applicable appeals process.
6. Town Police Clauses Act 1847, Public Health Act 1875 and Local Government (Miscellaneous Provisions) Act 1976
- 6.1 Hearings shall be conducted in accordance with this Procedure Note which the Sub-Committee may vary at their discretion if considered in the public interest.
 - 6.2 The agenda will be published 5 working days before the date of the hearing
 - 6.3 The quorum for a Sub-Committee shall be two members.
 - 6.4 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
 - 6.5 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, if necessary, limiting the time given to the parties and witnesses (to allow all parties to have a fair hearing but preventing any one person dominating the proceedings) for all parties and the granting of adjournments.
 - (d) Chairman ascertains who is present, including all parties, representatives and witnesses.
 - (e) Presentation of report by Licensing Officer

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- (f) The Sub-Committee will hear from:
 - a. those opposed to granting the license / those seeking the review (or their representative(s)) together with their witnesses; and
 - b. the Applicant (or their representative(s)) together with their witnesses.
- (g) All parties may use witnesses and supporting documentation, so long as these have been detailed to the Sub-Committee prior to the hearing. New information shall only be accepted at the Hearing if agreed by the Sub-Committee, if it would not cause significant undue prejudice to the other parties and if the other parties are given an appropriate opportunity to consider it and produce any response.
- (h) It is expected that witnesses will not be present for any part of the hearing until they have addressed the Sub-Committee and responded to any questions. This shall not apply if the witness is:
 - the Applicant; or
 - attending on behalf of a Public or Statutory Body.
- (i) Members will ask questions of each party (including their representative or witness) after they have spoken. The Applicant will be entitled to ask questions of the other parties or their witnesses after they have spoken. At the discretion of the Sub-Committee the other parties will be entitled to ask questions of the Applicant or their witnesses after they have spoken.
- (j) 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.
- (k) Those opposed to granting the licences / those seeking the review (or their representative(s)) make closing address.
- (l) The Applicant (or his/her representative) makes closing address.
- (m) Sub-Committee may grant a short adjournment to deliberate. The parties may not speak to Members regarding the application during adjournments.
- (n) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the

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application subject to specified conditions. Reasons are to be given for motions.

- (o) The parties will usually be informed of the decision at the Hearing with a decision notice issued in due course along with details of any applicable appeals process.

References to the “Applicant” should be read as “Licensee” when appropriate.

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.

Members' Attendance

- 1.7 Delegated authority from Council to the Governance Committee to approve in advance reasons for failure to attend any meeting of the authority or executive throughout a period of six consecutive months from the date of a Member's last attendance as set out in s.85(1) and s.85(2B) of the Local Government Act 1972.
2. Membership of the Committee
 - 1.2. 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:
- HealthWatch Kent
 - Housing and Health Cabinet Advisory Committee
 - Portfolio Holder for Housing and Health
 - 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 Eight 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 Head of Housing & Health (*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 Head of Housing & Health's representative (*the Housing Officer*) and the appellant or his/her representative who will both state their name and position

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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 Head of Housing & Health's representative will however be present throughout the presentation of the case.
- (e) The Head of Housing & Health's representative will summarise the reasons for the decision.
- (f) The Head of Housing & Health'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 Head of Housing & Health'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 Head of Housing & Health'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 Head of Housing & Health'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 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 except where indicated by an asterisk:

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 Returning Officer and Electoral Registration Officer for the Council.</p> <p>Responsibility for Regeneration.</p>
Assistant Chief Executive*	Electoral Registration and Elections, Deputy Electoral Registration Officer, Policy and Improvement
Deputy Chief Executive and Chief Officer People and Places	Community Wellbeing, Empowering Communities, Place-Making, Housing Services, Private Sector Housing, Housing Policy, Health and Wellbeing, Community Planning, Projects and Grants, Community Safety and Leisure.

Post	Functions and areas of responsibility
Deputy Chief Executive and Chief Officer Customer and Resources	Corporate Projects, Customer Solutions, IT and Digital Services, HR and Payroll, Legal and Democratic Services, Governance, Facilities Management, Revenues and Benefits Service
Deputy Chief Executive and Chief Officer Finance and Trading	Audit and Corporate Governance, Internal Audit, Finance, Direct Services, Parking Services, Kent Resource Partnership, Emergency Planning and Property Services (including CCTV and markets).
Deputy Chief Executive and Chief Officer Planning and Regulatory Services	Development Management, Planning Enforcement, Conservation, Local Plan, Planning and Transport Policy, Building Control, Dangerous Structures, Licensing, Environmental Health.
Strategic Head of Commercial and Property*	Regeneration, Property, Economic Development, Tourism.

- 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
Chief Officer Finance and Trading	Section 151 Officer
Head of Legal & Democratic Services	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 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

Maintaining the Constitution

- 4.1 The Monitoring Officer 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), the Monitoring Officer will report to the full Council or to the Cabinet in relation to an Executive Function - if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration.

- 4.3 Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Supporting the Standards Committee

- 4.4 The 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 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. (See Appendix S of the Constitution 'Arrangements for Code of Conduct Complaints.')

For Access to Information

- 4.7 The Chief Executive (the Head of Paid Service) will ensure that Cabinet decisions, together with the reasons for those decisions and relevant Officer 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 Officer Finance and Trading)

Ensuring Lawfulness and Financial Prudence of Decision-Making

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

Administration of Financial Affairs

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

Contributing to Corporate Management

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

Providing Advice

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

Giving Financial Information

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

Restrictions on Functions

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

Other functions

- 5.7 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. (See Appendix D of the Constitution 'Finance Procedure Rules'.)

5.8 To exercise the budgetary control functions under the Council's Financial Procedure Rules.

5.9 To arrange all borrowings, financing and investment in line with the Council's Treasury Management Policy Statement.

5.10 To agree the terms of loans permitted under law.

5.11 To authorise the release of funds from contingencies as set out in the Revenue Budget.

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

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 Finance Officer 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 Head of Legal & Democratic Services.
- 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 approval.
- 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, 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 so far as permitted by law.
- 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 following 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

- (a) To be Head of the Paid Service under Section 4 of the Local Government and Housing Act 1989.
- (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, including to exercise powers in respect of the designation of polling places under the Representation of the People Act 1983.
- (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
- (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 People & Places 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 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.
- (p) To manage central training and job evaluation.
- (q) To determine and issue guidelines to Officers for the management of human resources and in particular recruitment, training, conditions of service, rewards and discipline.
- (r) To permanently re-grade posts up to and including Chief Officer level.

13. Delegation to the Chief Officer Finance and Trading

- (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 have the responsibility for taking care of all securities and title deeds of

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all property held in the name of the Council.

- (d) To maintain an effective internal audit service
- (e) To act as lead officer for the Audit Committee
- (f) To act as the Risk Management Officer Champion and ensure appropriate risk management arrangements are in place across the Council.
- (g) To act as lead officer for maintaining effective corporate governance arrangements and the preparation of the Annual Governance Statement.
- (h) To make appropriate banking arrangements on behalf of the Council
- (i) To insure against risks where this is considered appropriate.
- (j) To receive and respond to expressions of interest under Community Right to Challenge, under Part 5, Chapter 2 of the Localism Act 2011.

Direct Services

- (k) To operate the activities of Sevenoaks Direct Services.
- (l) To deal with any matters relating to the powers contained in the Clean Neighbourhood and Environment Act 2005.
- (m) To deal with any matters relating to the powers contained in the Environmental Protection Act 1990
- (n) To deal with any matters relating to the powers contained in the Refuse Disposal (Amenity) Act 1978
- (o) To exercise the functions of the Council with regard to environmental improvements and access to the Countryside.
- (p) To exercise functions relating to dangerous trees contained in the Local Government Miscellaneous Provisions Act 1976.
- (q) To take all necessary action to defend legal proceedings against the Council.

General

- (r) To exercise as appropriate all relevant legislation as follows:
 - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 - Wildlife and Countryside Act 1981
 - Commons Act 1899

- Local Authorities (Goods and Services) Act 1970
- Localism Act 2011
- Control of Pollution Act 1974
- Environmental Protection Act 1990

Amenities and Facilities Management

- (s) To operate playgrounds to ensure health and safety requirements are met, and to seek alternative management of playgrounds as appropriate.
- (t) To monitor and review the Council's grounds maintenance contract and ensure corrective action is taken when required.
- (u) To act under such Acts of Parliament as relate to the Facilities Management of the authority.

Parking etc

- (v) To carry out the Council's functions in relation to temporary road and footpath closures.
- (w) To carry on the functions associated with parking contraventions.
- (x) To exercise as appropriate all relevant legislation as follows:
 - Road Traffic Act 1988 and 1991
 - Road Traffic Regulation Act 1984
 - Traffic Management Act 2004
 - Town Police Clauses Act 1847
 - Highways Act 1980

Or such other Acts of Parliament as relate to the relevant statutory functions of Council as relates to Parking and matters related to traffic and roads.

14. Delegation to Chief Officer Planning and Regulatory Services

- (a) To exercise all the powers and duties of the Council as the Local Planning Authority (including the conduct of appeals) under all Town and Country Planning legislation, subject to the following exceptions:
 - (1) Where an application is submitted to Sevenoaks District Council for determination, it shall be referred to the Development Control Committee if any of the following apply.

- (i) In the opinion of the Chief Officer Planning and Regulatory Services, the application is of a significant, controversial or sensitive nature.
- (ii) It is proposed to determine an application which in the opinion of the said Chief Officer Planning and Regulatory Services, 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 the expiry date of the consultation, or such lesser period as may be notified by the Chief Officer Planning and Regulatory Services in relation to any application where a decision could not otherwise be made by Committee before the statutory deadline for determination.

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

- (iv) A written request for consideration by the Development Control Committee, supported by an appropriate planning reason, has been received from a Member of the Council relating to an application in their Ward no later than seven calendar days following notification by the Chief Officer Planning and Regulatory Services 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) (i) Where the Council is a consultee (e.g. when the planning application has been submitted to Kent County Council as the Mineral Planning or Education Authority, or to an adjoining planning authority) and the application is considered to be

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

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.

significant, controversial, or sensitive in nature then the Chief Officer Planning and Regulatory Services shall if requested by a Member or Members report the matter to the next Development Control Committee.

- (ii) Where the Council is a consultee (e.g. when the planning application submitted by Kent County Council as the Mineral Planning or Education Authority, or to an adjoining planning authority) and when timeframes do not allow and the application is considered to be significant, controversial, or sensitive in nature then the Chief Officer Planning and Regulatory Services shall if requested by a Member or Members seek the views of the Local Ward Member, the Leader and other relevant Portfolio Holders and Deputies.
- (3) 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 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 Officer Planning and Regulatory Services 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
 - 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

Building Control

- (d) To exercise all the Council's powers and duties with regard to Building Control under the Building Act 1984 and regulations made thereunder.
- (e) To take all necessary action to secure compliance with the Building Act 1984 and regulations made thereunder, including the service of statutory notices.
- (f) 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).

Environmental Services

- (g) 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.
- (h) 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).
- (i) 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.
- (j) To deal with all matters relating to high hedges under Part 8 of the Anti-Social Behaviour Act 2003

Licensing

- (k) To authorise legal proceedings in respect of any contravention arising from the Licensing Act 2003, the Gambling Act 2005 and the Charities Act 2006.
- (l) To determine all applications for a personal licence, where no objections have been made
- (m) To determine all applications for a premises licence/club premises certificate under the Licensing Act 2003, where no relevant representations have been made.
- (n) To determine all applications for a provisional statement under the Licensing Act 2003, where no relevant representations have been made.
- (o) To determine all applications to vary premises licences/club premises certificates under the Licensing Act 2003, where no relevant representations have been made.

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- (p) To determine all applications to vary designated personal licence holders, except where there is a police objection.
- (q) To determine all requests to be removed as designated personal licence holders.
- (r) To determine all applications by way of Interim Authority Notices except where there is a police objection.
- (s) To determine whether representations submitted are irrelevant, frivolous, or vexatious
- (t) To determine all applications for Minor Variations to premises/club premises licences.
- (u) To determine all applications for removal of the mandatory condition to have a Designated Premises Supervisor at Community Premises.
- (v) To make a representation to applications for Premises Licence or Club Premises Certificate under the Licensing Act 2003.
- (w) 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.
- (x) To determine all applications for a premises licence/club premises certificate under the Gambling Act 2005, where no relevant representations have been made.
- (y) To determine all applications for a provisional statement under the Gambling Act 2005, where no relevant representations have been made.
- (z) To determine all applications to vary premises licences/club premises certificates under the Gambling Act 2005, where no relevant representations have been made.
- (aa) To maintain the Licensing Register.
- (bb) To exercise the Council's powers and duties in relation to the licensing of hackney carriages and private hire vehicles, including the licensing of vehicles, drivers and operators, the control of numbers of hackney carriages, the licensing of private hire operators and the granting of permits for small busses.
- (cc) To exercise all the Council's functions with regard to hypnotism street collections (including the variation of any conditions imposed on any licence)

Additional Functions

- (dd) To carry out the retaining of walls near streets.
- (ee) To exercise as appropriate all relevant legislation as follows:

- Animal Boarding Establishments Act 1963
- Animal Welfare Act 2006
- Animals Act 1941
- Breeding of Dogs Act 1973 & 1991
- Dogs (Fouling of Land) Act 1996
- Clean Air Act 1993
- Control of Pollution Act 1974
- Control of Dogs Order 1991
- Criminal Justice and Public Order Act 1994
- Anti- Social Behaviour Act 1972
- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Environment Act 1995
- European Communities Act 1972
- Food Safety Act 1984 and 1990
- Food Hygiene (England) Regulations 2006
- Food and Environment Protection Act 1985
- Guard Dogs Act 1975
- Health Act 2006
- Health and Safety at Work etc. Act 1974
- National Assistance (Amendment) Act 1951
- National Assistance Act 1948
- Noise Act 1996
- Noise and Statutory Nuisance Act 1993
- Offices, Shops and Railway Premises Act 1963
- Performing Animals (Regulations) Act 1925

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- 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
- 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.

15. Delegation to the Strategic Head of Commercial and Property (* not designated a Chief Officer)

- (a) To be responsible for the implementation and co-ordination of the Council's regeneration policies.
- (b) To be responsible for the implementation of Economic Development Policy and Programmes.
- (c) To be responsible for Strategic and Operational Tourism.
- (d) 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

16. Delegations to the Chief Officer People and Places

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 undertake the Council's involvement in Health Improvement Plans, Health and Wellbeing Boards and the implementation of Health Policy.
- (e) To be responsible for the implementation, with other partners, of the Sevenoaks District Community Plan on behalf of the Council.
- (f) The responsibility, with other partners, for the implementation of the Voluntary Sector Compact.
- (g) To facilitate youth development and safeguarding within the Council's policies.

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- (h) To operate the Council's capital schemes in parishes and other grant schemes.
- (i) To authorise and maintain a list of assets of community value and to make adjudications and decisions in relation thereto.
- (j) To exercise where appropriate all other relevant legislation as follows:
 - Anti-Social Behaviour Act 2003 and consequential amendments
 - Police Reform Act 2002
 - Police & Justice Act 2006
 - Localism Act 2011or such other Acts of Parliament as relate to the relevant statutory functions for Community Safety.

- (n) 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
 - Equality Act 2010
 - 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 2011or such other Acts of Parliament as relate to the Property Services functions of the authority

Housing Services

- (o) To exercise all the relevant functions of the Council as a housing authority, including the Homelessness and Housing advice service, responsibility for the Council's Housing Strategy and policies and the enabling role.

(p) The power to authorise Housing staff (Housing advice and Homelessness) under Part VII Housing Act 1996, Housing Act 2002, Prevention from Eviction Act 1977, Police and Criminal Evidence Act 1984 and National Assistance Act 1948.

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

- Housing Acts 1977, 1985, 1988, 1989, 1996, 2002 and 2004
- Local Government Acts 1933 & 1972
- Landlord and Tenant Act 1985
- National Assistance Act 1948
- Local Government (Miscellaneous Provisions) Act 1976 & 1982
- Criminal Justice and Public Order Act 1994
- Rent (Agricultural) Act 1976
- Protection from Eviction Act 1977
- Police and Criminal Evidence Act 1984
- The Kent Acts
- Localism Act 2011
- Homelessness Reduction Act 2017

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

Housing Standards

(r) To exercise all the relevant functions of the Council as a housing authority, including the standard and fitness of properties, Energy Conservation issues and the management of unauthorised encampments and of the Council's gypsy site.

(s) The power to authorise Housing staff (Housing advice and Homelessness) under the Police and Criminal Evidence Act 1984.

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

- Houses, Grants, Construction and Regeneration Act 1996
- Housing Acts 1985 and 2004
- Environmental Protection Act 1990
- Local Government Acts 1933 & 1972

Agenda Item 8a

- Caravan Sites and Control of Development Act 1960
- Caravan Sites Act 1968
- Building Act 1984
- The Water Supply (Water Quality) Regulations 2010
- The Water Industry Act 1991 as amended
- The Private Water Supply Regulations 2009
- Prevention of Damage by Pests Acts 1949
- Public Health Acts 1936 & 1961
- Public Health Control of Disease Act 1984 as amended
- Landlord and Tenant Act 1985
- 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
- Mobile Homes Act 1975 and 1983
- Police and Criminal Evidence Act 1984
- 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.

19. Delegations to Chief Officer Customer and Resources

(a) To be responsible for the following functions

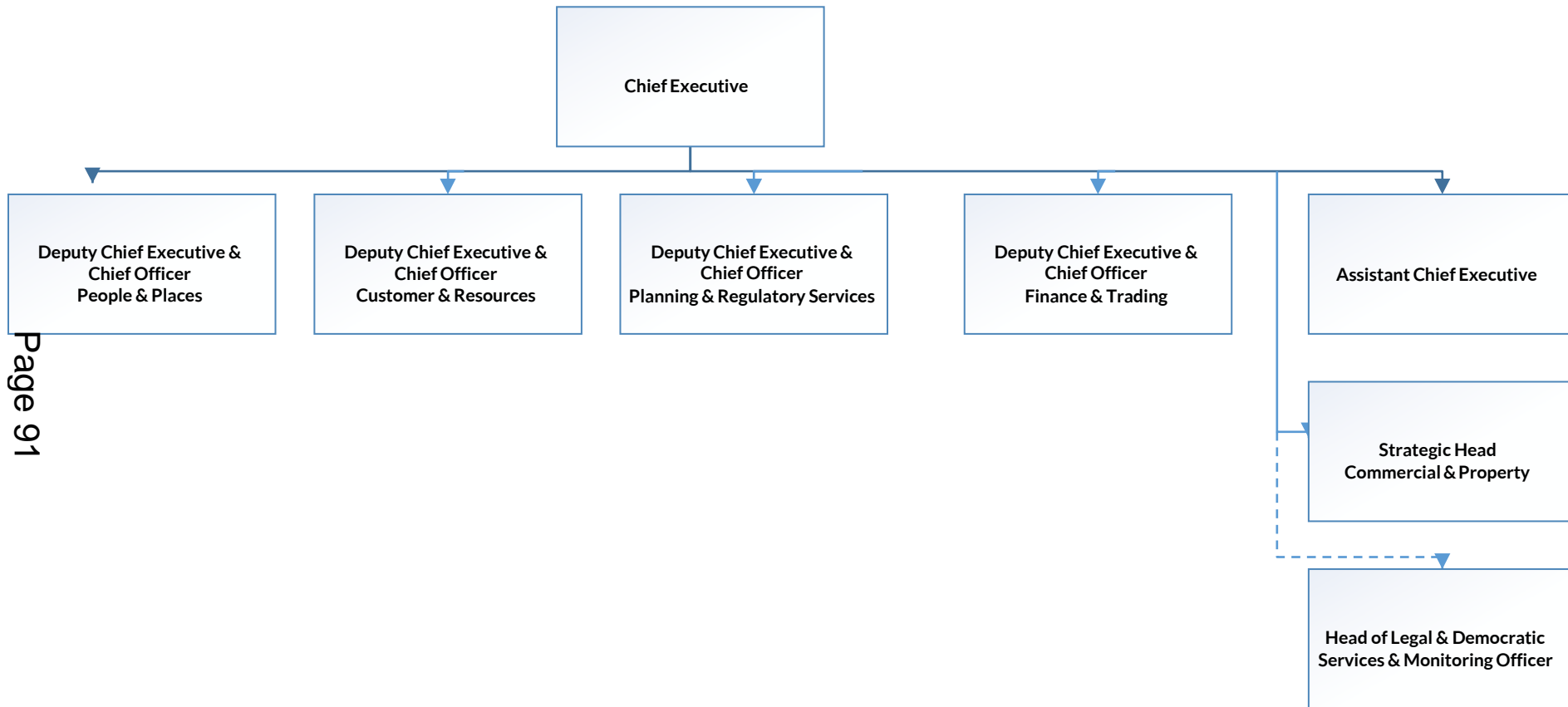
- Customer services
- Democratic Services
- Facilities Management
- Human Resources and Payroll

- ICT
 - Legal Services
 - Land charges
 - Street naming and numbering
 - Revenues and Benefits
- (b) To act under such Acts of Parliament as relate to the Facilities Management of the authority.
- (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 is considered 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 is considered appropriate with regard to any such proceedings.
- (e) To authorise Officers to represent the Council before all Courts and Tribunals.
- (f) 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.
- (g) To have the responsibility for taking care of all securities and title deeds of all property held in the name of the Council.
- (h) The administration of benefits.
- (i) To maintain the collection of revenue, council tax and national non-domestic rates.
- (j) To act as the Proper Officer for the purposes of the Local Government Act 2000.
- (k) To amend the Constitution where necessary to reflect changes in the law or decisions of council bodies or to correct inaccuracies.
- (l) 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.
- (m) To settle legal documents.

Agenda Item 8a

- (n) To sign the documents intended to give effect to decisions of a council body.
- (o) To sign any notice, demand or other document on behalf of the Council in connection with any actual or contemplated legal proceeding.
- (p) 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.
- (q) 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.
- (r) To exercise where appropriate all other relevant legislation as follows:
 - Localism Act 2011or such other Acts of Parliament as relate to the relevant statutory functions of the authority.

Organisational Structure Chart



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APPENDIX U - SCHEME OF DELEGATIONS OF EXECUTIVE FUNCTIONS BY THE LEADER OF THE COUNCIL (MAY 2021)

1. **Scope of the Scheme of Delegations of Executive Functions by the Leader of the Council**
 - 1.1 This Scheme of Delegations is made pursuant to paragraph 9.2 of Part 2 of the Council's Constitution which requires that a written record of delegations of executive functions be presented by the Leader of the Council at the first meeting of the Council following whole Council elections.
 - 1.2 Thereafter this Scheme of Delegations of Executive Functions may be amended at any time by the Leader of the Council on 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 body, Committee or the Cabinet as a whole. The changes will be reported to the next ordinary meeting of the Council.
 - 1.3 This Scheme of Delegations has regard to the Council's Constitution and should be read in the context of the procedure rules contained in Part 4 of the Constitution. Should there be any conflict between this Scheme of Delegations and the Council's Constitution then the Constitution will prevail.
2. **Role**
 - 2.1 The Cabinet (the Executive) will carry out all of the District Council's functions which are not the responsibility of any other part of the District Council, whether by law or under the Constitution. Please see table below for those functions delegated to Officers of the Council:

Function	Delegation of functions
Any function relating to contaminated land.	Deputy Chief Executive and Chief Officer Planning & Regulatory Services
The discharge of any function relating to the control of pollution or the management of air quality.	Deputy Chief Executive and Chief Officer Planning & Regulatory Services
The service of an abatement notice in respect of a statutory nuisance.	Deputy Chief Executive and Chief Officer Planning & Regulatory Services

Function	Delegation of functions
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.	Deputy Chief Executive and Chief Officer Planning & Regulatory Services
The inspection of the Authority's area to detect any statutory nuisance.	Deputy Chief Executive and Chief Officer Planning & Regulatory Services
The investigation of any complaint as to the existence of a statutory nuisance.	Deputy Chief Executive and Chief Officer Planning & Regulatory Services
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Deputy Chief Executive and Chief Officer Planning & Regulatory Services
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Deputy Chief Executive and Chief Officer Planning & Regulatory Services

3. Form and Composition

- 3.1 The Cabinet will consist of the Leader of the Council together with further Members appointed by the Leader of the Council (the Leader). The membership of the Cabinet and individual portfolios will be reported to the Annual Meeting of the Council.

4. Leader

- 4.1 The Leader will be a Member elected to the position of Leader by the Council at the first meeting of the Council following whole Council elections. The Leader will chair the Cabinet (if present) and 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.
- 4.2 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.

Appendix U

5. Other Executive Members

- 5.1 The Leader will appoint one member 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
 - (c) he/she is no longer a Councillor; or
 - (d) he/she is removed from office by the Leader, who must give written notice of any removal to the Chief Executive. The removal will take effect two clear working days after receipt of the notice by the Chief Executive.
- 5.2 Where a vacancy occurs, the Leader will appoint another Deputy Leader.
- 5.3 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.
- 5.4 If, for any reason, both the Leader and Deputy Leader are unable to act or both offices become vacant, the Executive shall act in the Leader's place or arrange for another Member of the Executive to act in his/her place.
- 5.5 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.

6. Delegation to Executive and Portfolio Holders

Introduction

- 6.1 The Cabinet and Portfolio Holders or Officers must take all decisions within the context of the Budget and Policy Framework.

Who may Make Executive Decisions?

- 6.2 All key decisions will be taken by the Executive as a whole.
- 6.3 Individual members of the Cabinet may take decisions which are not key decisions.

Appendix U

Principles of Delegation

6.4 The Executive should focus on:

- (a) co-ordination of decisions with a corporate-wide implication;
- (b) major or key decisions;
- (c) decisions which are recommendations on change in policy - and hence need Council approval;
- (d) monitoring progress on key tasks; and
- (e) developing new policy.

6.5 Portfolio Holders have full delegated authority from the Executive to take all decisions within the remit of their portfolio (outlined in the Annex to Appendix H of the Constitution (attached to this scheme of delegations)) except:

- (a) key decisions which:
 - (i) result in the District Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates i.e. decisions which exceed £50,000 in value (but procurement decisions within the budget e.g. refuse vehicles can be undertaken within delegated powers); or
 - (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the District Council.
- (b) decisions outside the agreed policy framework;
- (c) decisions which cut across two or more portfolios; and
- (d) proposals for new or amended policies or strategies.

Note: The fact that a decision could be made by a Portfolio Holder would not preclude that individual bringing the matter to the Cabinet for decision.

Portfolios

6.6 Portfolio Holders should be aware that the allocation of functions indicates an area of responsibility but does not automatically grant decision-making powers in that area. It is within the remit of each Portfolio Holder to:

- (a) provide direction and support to Chief Officers and Heads of Service in the management of the resources supporting their respective portfolios - including approval for filling vacancies and other minor

- personnel changes within agreed budgets;
- (b) oversee partnership working and external relationships within their portfolio areas; and
- (c) keeping their colleagues informed of significant or important issues as they emerge and develop.

Further Delegation of Executive Functions

- 6.7 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.
- 6.8 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.
- 6.9 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.
- 6.10 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.
- 6.11 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 Executive 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.
- 6.12 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.
- 6.13 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.
- 6.14 Where a Cabinet member would normally exercise executive functions delegated to him/her in respect of any matter but has a prejudicial interest in that matter as defined in the Members' Code of Conduct 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.

Conflicts of Interest

- 6.15 Where the Leader has a conflict of interest this should be dealt with as set out in the Members' Code of Conduct.
- 6.16 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.
- 6.17 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.

**APPOINTMENT OF CHAIRMEN, VICE CHAIRMEN AND MEMBERSHIP OF COMMITTEES
2021/22**

Annual Council - 25 May 2021

Report of: Deputy Chief Executive and Chief Officer Customer & Resources

Status: For Decision

Key Decision: No

Contact Officer: Vanessa Etheridge, Ext. 7199

Recommendation to Annual Council: That the appointments of Chairmen, Vice Chairmen and membership of Committees for 2021/22, 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 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.

Agenda Item 9

Appendices

Council Committee Memberships (To follow)

Background Papers

[Council's Constitution](#)

Jim Carrington-West

Deputy Chief Executive and Chief Officer Customer & Resources

CALENDAR OF MEETINGS FOR THE MUNICIPAL YEAR 2021/22

Annual Council - 25 May 2021

Report of: Deputy Chief Executive and Chief Officer Customer & Resources

Status: For Decision

Key Decision: No

Contact Officer: Vanessa Etheridge, Ext. 7199

Recommendation to Annual Council: That the Calendar of ordinary meetings for the municipal year 2020/21 be confirmed.

Introduction and Background

- 1 The initial draft calendar of meetings for the municipal year 2021/22 was agreed at Council on 19 November 2020 to go forward to the meeting of Annual Council for formal adoption. In consultation with relevant Chairmen there have been a few changes made during the municipal year 2019/21. The final draft is attached as an Appendix to this report.
- 2 The calendar tries to avoid meetings on Mondays and Wednesdays, but due to the full meeting schedule cannot be avoided completely. It also attempts to keep meetings away from school holidays as much as is possible, and apart from Development Management Committee keeps August free of formal meetings.
- 3 Whilst best endeavours will be maintained to avoid evening meetings on Mondays and Wednesdays it is necessary to look at these dates if additional meetings are called. All additional meeting dates are set up in consultation with the relevant Committee Chairman.

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.

Agenda Item 10

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.

Appendices

Calendar of meetings for the municipal year 2021/22

Background Papers

None

Jim Carrington-West

Deputy Chief Executive and Chief Officer Customer & Resources

SEVENOAKS DISTRICT COUNCIL - CALENDAR OF MEETINGS 2021/22

As at 16 April 2021

	APRIL 2021		MAY 2021				JUNE 2021					JULY 2021			
MONDAY	19	26	3 PUBLIC HOLIDAY	10	17	24	31 PUBLIC HOLIDAY	7	14	21	28	5	12	19	26
TUESDAY	20 Council	27	4	11	18	25 Annual Council	1	8 Housing & Health Advisory Committee	15 People & Places Advisory Cttee	22 Governance Committee	29 Cleaner & Greener Advisory Cttee	6 Development & Conservation Advisory Cttee	13 Scrutiny Committee	20 Council	27
WEDNESDAY	21	28	5	12	19	26 Health Liaison Board (12pm)	2	9 Sevenoaks District Joint Transportation Board	16 Finance & Investment Advisory Cttee	23	30	7 DCC	14	21	28
THURSDAY	22 Cabinet	29 DCC	6 KCC & T&PCs Elections	13	20 DCC	27 Cabinet	3	10 DCC	17 Licensing Committee	24 Improvement & Innovation Advisory Committee	1 DCC	8 Cabinet	15 Audit Committee	22 DCC	29
FRIDAY	23	30	7	14	21	28	4	11	18	25	2	9	16	23	30

	AUGUST 2021				SEPTEMBER 2021					OCTOBER 2021				NOVEMBER 2021	
MONDAY	2	9	16	23	30 PUBLIC HOLIDAY	6	13	20	27	4	11	18	25	1	8 Governance Committee
TUESDAY	3	10	17	24	31	7 Finance & Investment Advisory Cttee	14 Sevenoaks District Joint Transportation Board	21 Licensing Committee	28 Housing & Health Advisory Committee	5 People & Places Advisory Cttee	12 Cleaner & Greener Advisory Cttee	19 Development & Conservation Advisory Cttee	26	2 Scrutiny Committee	9
WEDNESDAY	4	11	18	25	1	8 Health Liaison Board (12pm)	15	22	29	6	13	20	27	3 Health Liaison Board (12pm)	10
THURSDAY	5	12	19 DCC	26	2	9 DCC	16 Cabinet	23 Audit Committee	30 DCC	7 Improvement & Innovation Advisory Committee	14 Cabinet	21 DCC	28	4 Finance & Investment Advisory Cttee	11 Cabinet
FRIDAY	6	13	20	27	3	10	17	24	1	8	15	22	29	5	12

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

Key	Cabinet	Development & Conservation Advisory Committee
Council	Finance & Investment Advisory Committee	Joint Transportation Board
Development Control Committee	Improvement & Innovation Advisory Committee	Health Liaison Board - 12pm
Licensing Committee	Housing & Health Advisory Committee	
Audit Committee	People & Places Advisory Committee	
Scrutiny Committee	Cleaner & Greener Advisory Committee	
Governance Committee		
Standards Committee		

SEVENOAKS DISTRICT COUNCIL - CALENDAR OF MEETINGS 2021/22

As at 6 April 2021

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	NOVEMBER 2021			DECEMBER 2021					JANUARY 2022				FEBRUARY 2022		
MONDAY	15	22	29	6	13	20	27	PUBLIC HOLIDAY	3	10	17	24	31	7	14
TUESDAY	16	23	30	7	14	21	28	PUBLIC HOLIDAY	4	11	18	25	1	8	15
	Council	Housing & Health Advisory Committee	People & Places Advisory Cttee	Sevenoaks District Joint Transportation Board					Licensing Committee	Finance & Investment Advisory Cttee	Cleaner & Greener Advisory Cttee	Audit Committee	Standards Committee	Housing & Health Advisory Cttee	
WEDNESDAY	17	24	1	8	15	22	29	5	12	19	26	Health Liaison Board (12pm)	2	9	16
THURSDAY	18	25	2	9	16	23	30	6	13	20	27	3	10	17	
	DCC	Improvement & Innovation Advisory Committee	Development & Conservation Advisory Cttee	Cabinet	DCC			DCC	Cabinet	Scrutiny Committee	DCC	Governance Committee	Cabinet	DCC	
FRIDAY	19	26	3	10	17	24	31	7	14	21	28	4	11	18	

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

Audit Committee

Scrutiny Committee

Governance Committee

Standards Committee

Cabinet

Finance & Investment Advisory Committee

Improvement & Innovation Advisory Committee

Housing & Health Advisory Committee

People & Places Advisory Committee

Cleaner & Greener Advisory Committee

Development & Conservation Advisory Committee

Joint Transportation board

Health Liaison Board - 12pm

Agenda Item 10

APPOINTMENTS TO OTHER ORGANISATIONS 2021/22 - NON-EXECUTIVE

Annual Council - 25 May 2021

Report of: Deputy Chief Executive & Chief Officer Corporate Services

Status: For Consideration

Key Decision: No

Contact Officer: Charlotte Sinclair Ext. 7165

Recommendation to Council:

That the attached Appendix setting out appointments to other organisations for the municipal year 2021/22 be confirmed.

Introduction and Background

- 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 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.

Agenda Item 11

Conclusions

Members are requested to consider and approve the attached appointments.

Appendices

Appendix - List of proposed appointments to other organisations (to follow)

Background Papers

None

Jim Carrington - West

Deputy Chief Executive and Chief Officer - Customer & Resources

Outgoing Chairman's report

Well, this is the last time I will be sitting at the top table. However, in doing so I think I might have a small claim to fame and go down in the history of this council as being the only chairman to have served two consecutive years in office.

My first year in office was spent representing the Council to the best of my ability - ranging from a very damp and wet Queens Garden party to meeting with the many volunteers from the various sectors - West Kent Mind, The Good Care group, Forget-me-not café, Age UK, Pop-up-Sue, to mention just a few.

And as I have said at many of these meetings - without the volunteers, if SDC had to pay for the work and support they provided, we would have been bankrupt a long time ago. Those of you that have supported some of the events organised by the voluntary sector will know exactly what I mean - dedication - dedication - dedication.

The visits I made in the early days to the groups that we support has also made me realise the importance of the financial contribution we give to them, and believe me, they are really grateful and appreciative of that support.

The family fun days were enjoyed by so many families and children and myself, and by the way, I am now a fully trained up Badge maker! This event was especially important in the more remote rural areas in advertising the support they get from SDC.

I have attended remembrance services at Sevenoaks and Swanley, as well as raising the flag at SDC on Armed Forces Day, Merchant Navy Day and Commonwealth Day.

I attended the launch of Every Step Counts at Swanley and Chiddingstone and supported walks at Otford, Riverhead, Hartley and West Kingsdown. I have been really impressed with the organisation of these events by fellow councillors, bringing gentle exercise and socialising, to people who would otherwise just not have met.

The Christmas period was busy with carol services, visits to Sevenoaks Hospital, the CCTV room, and lunch with Age UK and the residents at Hollybush who would otherwise have been on their own, and for whom it would have been just another day.

Agenda Item 12

The Chairman has the opportunity to support a charity throughout their term in office and mine was the Demelza Hospice for terminally ill children. Up until the closedown I had held several events to raise funds and took the opportunity to raise the districts profile and present some of the many district's assets to my guests who came from Kent, Surrey, Sussex, Essex and outer London. During this time, I managed to raise just short of £6000.

But what surprised me most of all while I was selling the District to my guests, was them asking me, how does SDC manage to stay in the black financially. Most were surprised when I responded - excellent staff, sound investments and good housekeeping.

However, in my second term there have been no events for me to attend in person, all being replaced by Zoom. Hopefully we will be moving away from that culture and get back to some sort of normality. I certainly hope that the situation improves for the incoming chairman.

So, I would like to take this opportunity to thank my Vice-chair and consort (Diana & Mike) for the support they have given myself and Frances and I wish them both a very successful coming year, and I know their Vice chair will be supporting them in the same manner.

I would like to give a special thanks to the "Team" from Democratic Services - Vanessa, Charlie, Emilia and Amanda, for all the help they have given me especially during the period of lockdown which has been difficult for all of us.

And whilst I am handing out the accolades, I would like to take this opportunity to thank Vanessa for all her specialist knowledge at council meetings and to wish her "bon voyage" when she leaves us in the middle of next month for a job in the big metropolis.

And last but by no means least, a really big thank you to my wife Frances who has been at my side throughout these two years and supported me in all my undertakings - and more recently has taken care of all the phone calls during my Zoom meetings.

Thank you all.

Councillor John Edwards-Winser, Chairman 2019/21