

ANNUAL COUNCIL
14 May 2013 at 7.00 pm

Further to the recent despatch of agenda and papers for the above meeting, please find the following item(s) which were marked as 'to follow':

6. **To approve the new governance arrangements and structure** (Pages 1 - 10)
7. **To appoint the Chairmen, Vice-Chairmen and Membership of Committees for the ensuing year.** (Pages 11 - 16)
8. **Scheme of Delegations** (Pages 17 - 18)
 - a) To agree delegations to Committees (as set out in Parts 3 - 8 and Parts 9 - 12 of the Constitution) and to confirm/approve delegations to Officers (as set out in Part 13 of the Constitution). (Pages 19 - 80)
 - b) To consider the appointment of Deputy Leader by the Leader of the Council and to note the delegations of executive functions (attached) and appointments to the Cabinet made by the Leader. (Pages 81 - 82)
9. **To confirm the Calendar of Meetings for the ensuing year.** (Pages 83 - 84)
10. **To appoint representatives on outside organisations** (Pages 85 - 86)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

The Democratic Services Team (01732 227241)

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NEW GOVERNANCE ARRANGEMENTS

ANNUAL COUNCIL – 14 MAY 2013

Report of the: Chief Executive

Status: For Decision

Key Decision: No

Executive Summary:

On 23rd April 2013 full Council agreed, in principle, a new Governance Structure. Following this at a meeting of the Modern Local Government Group on 9th May 2013, Members considered the size and terms of reference for new Committees within the new governance arrangements. The Modern Local Government Group resolved that full Council be recommended to agree the detail of the new system subject to a number of amendments. The minutes of the Modern Local Government Group are attached at **Appendix A**.

Subject to the approval of the structure the Constitutional changes necessary to enable this new structure appear at agenda item 8a. The Special Meeting of Cabinet following Annual Council will appoint the Cabinet Advisory Committees.

This report supports the Key Aim of effective management of Council resources

Recommendation: That Full Council be recommended to approve the new governance arrangements set out at **Appendix B** incorporating the suggestions made by the Modern Local Government Group and embodied in this report.

Reason for recommendation: To introduce a new governance model that will provide for greater involvement of non-executive members in the work of the Council.

Introduction

1. Members of the Modern Local Government Group considered papers outlining the proposed terms of reference for the following Committees:
 - Cabinet Advisory Committees
 - Scrutiny Committees
 - Governance Committee
 - Audit Committee

Cabinet Advisory Committees

2. Each Cabinet Advisory Committee would comprise 10 Members including the Cabinet Member and two Deputy Cabinet Members. The Modern Local Government Group recommended that the quorum for the Cabinet Advisory Committees should be 6 out of 10 Members.

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3. The Deputy Cabinet Members would be able attend Cabinet to support the Cabinet Member but would not have voting rights and a Deputy Cabinet Member could not stand in for a Cabinet Member.
4. It was agreed that the third item of the agenda for Cabinet Advisory Committees should be a report from the relevant Cabinet Member outlining their activities since the previous meeting and what they intend to do in the following three months. This item would also include a question and answer session with the Portfolio Holder based on the report they produce.
5. It was suggested that the Cabinet Advisory Committees should be responsible for setting their own work plan and it was agreed that the following be added to the proposed terms of reference of the Cabinet Advisory Committees under Specific Functions:
(d) The Cabinet Advisory Committee shall develop and approve its annual work plan ensuring that there is efficient use of the Committees' time.
6. Modern Local Government also recommended that the Cabinet Advisory Committees should elect their own Chairman at the first meeting of each municipal year.

Scrutiny Committee

7. Members emphasised that there would be a minimum of two meetings per year and that the Chairman and Vice-Chairman of the Committee would be responsible for setting the Committees work programme for the year.
8. Scrutiny training would be made available to help Members develop the specific skill set required for effective scrutiny work.

Other Changes

9. The Modern Local Government Group recommended the size of Committees as outlined in the table below:

Table 1: Number of Members on Committees

Current System	No of Members	Proposed System	No of Members
Council	54	Council	54
Performance & Governance	14	Audit Committee	9
Standards	7	Standards Committee	7
Modern Local Government	10	Governance Committee	7
Electoral Arrangements	10		
Licensing	15	Licensing Committee	15
Development Control	19	Development Control Committee	19
Cabinet	7	Cabinet	5 + 10 Deputies
Environment Select	19	Scrutiny Committee	17*
Services Select	19		

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Social Affairs Select	19		
Finance Advisory Group	6	Advisory Committees x 5	10 each**
LDF Advisory Group	6		
Joint Transportation Board	7	Joint Transportation Board	7
Locality Board	7	Locality Board	7
		Health Liaison Group	7

*Chair/V.Chair **Including Portfolio Holder

10. The table above includes an additional Health Liaison Group (formerly the Health Action Group)

Key Implications

Financial

11. Value for money was one of the concerns raised by Members during the Governance Review meetings with Members suggesting that the introduction of any new system should be at least cost neutral.
12. The proposed governance model represents a streamlined approach and should naturally lead to a reduction in the number of formally constituted meetings.
13. The proposed model would have an impact on Members' allowances and the Independent Remuneration Panel would have to review the Members' Allowances Scheme and make recommendations in light of the proposed changes.

Community Impact and Outcomes

14. The proposed governance model would increase openness and accountability.

Legal, Human Rights etc.

15. The proposals being put forward are legally compliant. In implementing any change in governance it will be necessary to ensure all legal requirements of Local Government Acts are complied with. Any changes will necessitate the Council's Constitution being updated to reflect the changes.
16. The Joint Independent Remuneration Panel would be required to review the Members' Allowance Scheme and make new recommendations in light of the proposed changes.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The proposed model is intended to be more inclusive and allow greater participation in the decision making process.

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Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	The proposals should provide greater opportunity for involvement in the decision making process.
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

Background Papers:

Minutes of the Modern Local Government Group –
9th May 2013.

Robin Hales

Chief Executive

MODERN LOCAL GOVERNMENT GROUP

Minutes of the meeting held on 9 May 2013 commencing at 7.00 pm

Present: Cllr. Fleming (Chairman)

Cllrs. Mrs. Bracken, Brookbank, Mrs. Cook, Mrs. Davison, Fittock,
Mrs. Hunter, Piper, Scholey and Walshe

Cllrs. Davison, Eyre, Mrs. George, Mrs. Parkin and Miss. Stack were also present.

15. Minutes

The minutes of the meeting held on 20th November 2013 were agreed and signed as a correct record.

16. Declarations of interest

No additional declarations of interest were made.

17. To consider the new governance arrangements and structure

On 23rd April 2013, full Council approved, in principle, a proposed Governance Structure and agreed that the Leader of the Council should develop further more detailed proposals and forward the information to the Modern Local Governance Group. Members considered papers outlining the proposed terms of reference for the following Committees:

- Cabinet Advisory Committees
- Scrutiny Committee
- Governance Committee
- Audit Committee.

In addition to the terms of reference Members also considered the draft structure for consultation and the proposed size of Committees.

As there were no track changes within the document, the Democratic Services Manager outlined the changes that had been made to the document following the Member Consultation event on Wednesday 8th May.

The Chairman outlined the main reason for the introduction of the changes which was to address the four main concerns held by Members:

- perception of remoteness/inaccessibility of portfolios;
- feeling of disengagement from influence and decision-making;

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- lack of training and development (succession planning for future Cabinet members); and
- need to streamline the system to match the resource available.

The changes would strengthen the scrutiny function and would allow more member involvement in the formulation of policy.

In response to a question, the Chairman clarified that what was being proposed was a one year trial of the proposed arrangements. During the year other options could be considered by the Governance Committee. The purpose of introducing the proposed changes at Annual Council was to address the concerns raised by Members through the Governance Review.

A Member raised concerns and disappointment that none of the documents that had been circulated had included any track changes, the Member highlighted that there was a public equalities duty to keep people informed. The Member stressed that she would have expected Officers to alert Members to the changes to the documents that were being voted upon.

Cabinet Advisory Committees

Members reviewed and considered the terms of reference for the Cabinet Advisory Committees. A Member questioned whether it should be reflected somewhere in the Constitution that the intention was that every Member, except the Chairman of the Council, the Chairman and Vice-Chairman of the Scrutiny Committee and the Chairman of the Audit Committee, would have a seat on at least one of the Advisory Committees.

Two visiting Members requested that some consideration be given to preventing spouses from scrutinising each other as this issue had been raised at a Parish Council meeting.

Another Member suggested that the third item on the agenda should be a report from the Cabinet Member outlining their activities since the previous meeting and what they intend to do in the following three months. It was also suggested that it would be helpful to have time set aside for the Advisory Committees to question the Portfolio Holder on the report they produce. This would ensure that all Members would be kept informed.

A Member also suggested that the following be added to the terms of reference under specific functions:

(d) The Advisory Committee shall develop and approve its annual work plan ensuring that there is efficient use of the Committee's time.

Members had a detailed discussion surrounding whether Cabinet Members should be Chairmen of the Cabinet Advisory Committees. Following the discussion it was agreed that the Advisory Committees should be empowered to select their own Chairman at the first meeting of the municipal year.

The Chairman also stressed that the Cabinet Advisory Committees would have no decision making powers. Only Cabinet and Cabinet Members could take decisions.

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A Member stressed that throughout the Governance Review Members had indicated that they wished to be involved in policy development at an early stage. There was nothing in the proposed terms of reference to highlight that new policies and legislation should be presented to the Cabinet Advisory Committees at the earliest possible juncture. The Member also noted that the term 'policy' should be given its widest possible construction.

Scrutiny Committee

It was agreed that "Overview and" should be removed from the title of the document. Members also acknowledged that there would be a minimum of two meetings a year and that the Chairman and Vice-Chairman of the Committee would be responsible for setting a work programme for the year.

A Member queried how the membership of the Scrutiny Committee would work in practice. The Chairman explained that the Chairman and Vice-Chairman of the Scrutiny Committee would be responsible for the management of the Committees work plan. The system allowed for 3 Members from two Advisory Committees to be discounted from the Membership meaning that at any one meeting the Committee could Scrutinise issues that had been considered by 3 of the 5 Advisory Committees. This would allow the Scrutiny Committee to have a greater focus whilst providing greater flexibility. Not all 15 Members would be required to attend every meeting. However the Membership of the Committee could be kept under review by the Governance Committee.

In response to a question the Chairman explained that the Scrutiny process would allow Cabinet Members and Senior Officers to be held to account.

A visiting Member noted that Members would require training to enable the new system to work. The Chairman reported that Scrutiny training would be provided as a specific set of skills would be required. In terms of other training, Members could request to attend any relevant training at any time.

Another visiting Member suggested that it would be beneficial to provide some basic training to all Members regarding how all the elements of the new system fitted together as there was a duty on Members to understand the systems within which they were operating.

In summary, the Chairman reported that the new system would trial for one year and whilst it would not be perfect from the beginning the system would be sufficiently flexible to evolve and develop to meet future changes.

Resolved: That full Council be recommended to agree the detail of the new system subject to the following amendments:

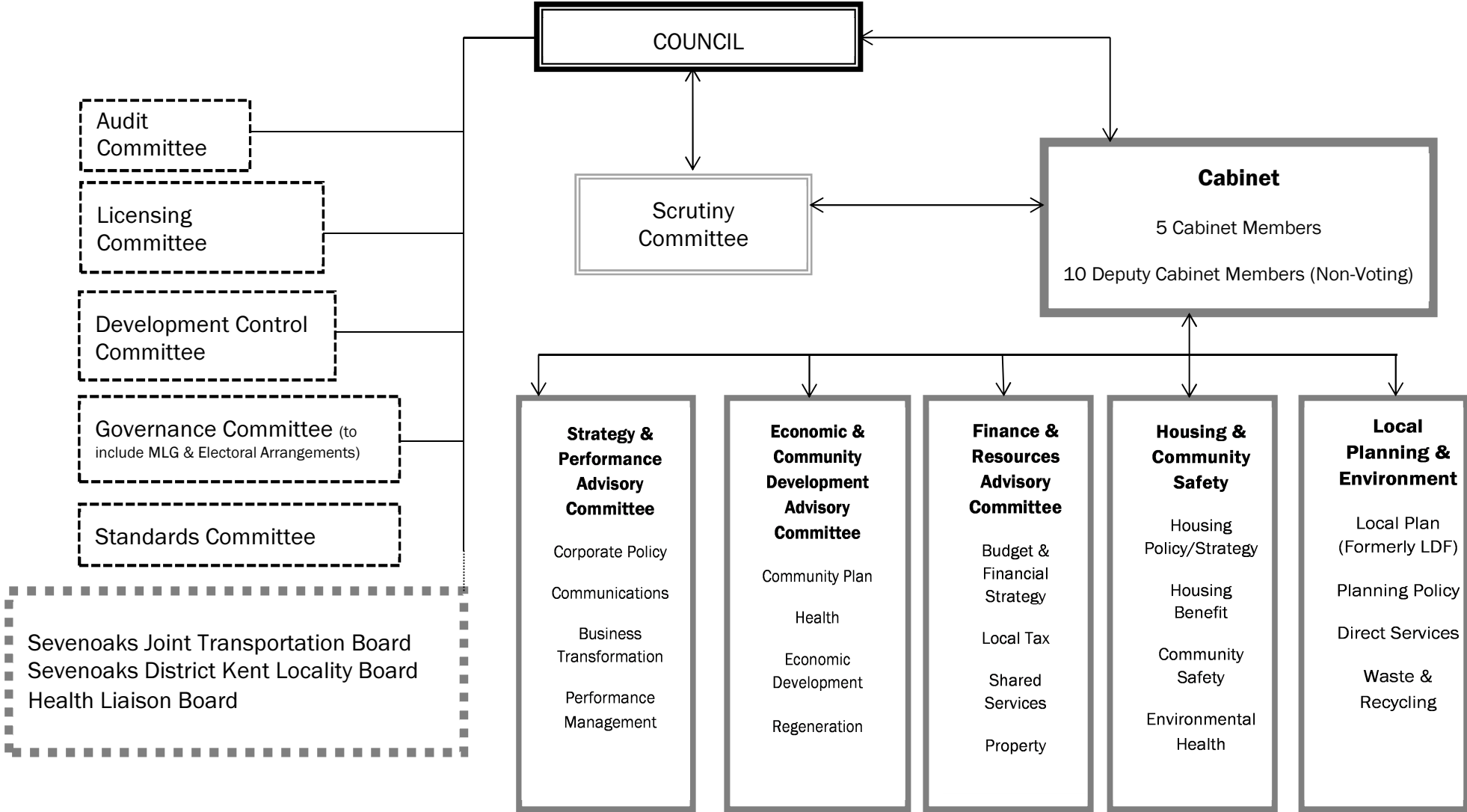
- 1) the following be added to the terms of reference under specific functions:
(d) The Advisory Committee shall develop and approve its annual work plan ensuring that there is efficient use of the Committee's time.

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- 2) Cabinet Members be requested to provide a report to each meeting of the relevant Advisory Committee outlining their activities since the previous meeting and any decisions they intend to take in the following three months.
- 3) Advisory Committees be empowered to elect a Chairman at the first meeting of the Committee.

THE MEETING WAS CONCLUDED AT 8.43 PM

CHAIRMAN



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**APPOINTMENT OF CHAIRMEN, VICE CHAIRMEN AND MEMBERSHIP OF COMMITTEES
2013/14**

Annual Council – 14 May 2013

Report of the: Chief Executive

Status: For Decision

Key Decision No

Recommendation: It be RESOLVED that the appointments of Chairmen, Vice Chairmen and membership of Committees for 2013/14, attached as an Appendix to this report, be approved.

- 1 Subject to the the agreement of the new governance structure as set out in Agenda Item 6, the appointments for the municipal year 2013/14 as set out in Appendix A to this report require Council approval.

Risk Assessment Statement

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

Sources of Information: New governance structure report and party leaders

Contact Officer(s): Democratic Services Ext. 7241

ROBIN HALES
Chief Executive

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CHAIRMEN, VICE-CHAIRMEN AND MEMBERSHIP OF COMMITTEES 2013-14

Scrutiny Committee

(11 Members: 1 permanent Chairman, 1 permanent Vice Chairman and a pool of 15 members which is made up by having 3 members from each advisory committee 9 of which will be called to attend and no members being called from the advisory committee from which a decision being scrutinised has been determined)

(Political proportionality rules = 9 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. London

Vice-Chairman: Cllr. Brown

Pool: Cllrs. Abraham, Mrs Bracken, Butler, Clark, Cooke, Mrs Davison, Edwards-Winsler, Eyre, Fittock, Maskell, Neal and Mrs Purves

Governance Committee

(7 Members: 5 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. Mrs. Davison

Vice-Chairman: Cllr. Scholey

Cllrs. Mrs Cook, Fittock, London, Mrs Morris and Walshe

Audit Committee

(9 Members: 7 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. Grint

Cllrs. Mrs Bailey, Ms Chetram, Mrs Cook, Fittock, McGarvey, Orridge, Towell and Walshe

Appointments Committee

(10 Members: 8 Conservative, 1 Labour, 1 Liberal Democrat)

Cllrs. Mrs Clark, Fittock, Grint, Mrs Hunter, Mrs Purves, Miss Stack, Leader and 3 appropriate Portfolio Holders

(Please note the election of the Chairman will take place at the first meeting of the Committee in the municipal year.)

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Development Control Committee

(19 Members: 17 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. Williamson

Vice-Chairman: Cllr. Miss Thornton

Cllrs. Mrs Ayres, Brookbank, Brown, Clark, Cooke, Mrs Davison, Dawson, Dickins, Edwards-Winsler, Gaywood, McGarvey, Orridge, Parkin, Piper, Miss Stack, Underwood and Walshe

Licensing Committee

(13 Members: 11 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. Mrs Morris

Vice-Chairman: Cllr. Clark

Cllrs. Abraham, Mrs Ayres, Ayres, Cooke, Davison, Mrs George, Orridge, Mrs Parkin, Piper, Raikes and Walshe

Standards Committee

The Standards Committee will be composed of:

7 Members other than the Leader of the Council and no more than 1 Member selected from a particular Parish Boundary.

(7 Members: 6 Conservative, 1 Labour)

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 2 co-opted Members of a parish or town council (a parish/town council member)

Chairman: Cllr. Gaywood

Vice-Chairman: Cllr. Ball

Cllrs. Mrs Bosley, Mrs Bracken, Brown, Mrs Dibsdall and Mrs Morris

Locality Board

(14 Members: 7 District Council Members and 7 Kent Council Council Members)

Chairman: Cllr. Fleming

Vice Chairman: County Cllr. Brookbank

(The position of Chairman to be the Leader of Sevenoaks District Council, with the Vice Chairman appointed by Kent County Council)

District Council Membership: Cllrs. Mrs Bosley, Clark, Davison, Grint, Ramsay and Searles

Recommendation: *That authority be delegated to the Leader of the Council to rotate/amend the District Council Membership as appropriate*

County Council Membership: County Councillors: Brazier, Chard, Mrs Crabtree, Gough, Parry and Pearman

Homelessness Review Board

(3 Members: to be drawn from the Council)

The Portfolio Holder for Housing, Welfare & Community Safety to be Chairman of the Board and the membership to be drawn from the Council.

Sevenoaks Joint Transportation Board

(7 District Council Members: (6 Conservative, 1 Labour), 7 Kent Council Council Members and 1 Town/Parish Council Representative)

Chairman: Cllr. London

Vice-Chairman: County Cllr. To be informed by KCC out of the membership below

(The position of Chairman is on a yearly alternate basis between the District Council and County Council and appointed under respective constitutional arrangements. This year it is the District Council's turn.)

District Council Membership: Cllrs. Davison, Edwards-Winser, Searles, Towell, Williamson and Underwood

County Council Membership: County Councillors: Brazier, Chard, Mrs. Crabtree, Gough, Parry and Pearman

Town/Parish Council Representative: (nominated by the Area Committee of the Kent Association of Local Councils)

(The Board comprises of all Kent County Council local members for divisions in the Sevenoaks District Council area, an equal number of Sevenoaks District Council Members and a Town/Parish Council Representative (of which a substitute member may be nominated) who may speak but not vote, nor propose a motion or amendment.)

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Health Liaison Board

(6 Members: 5 Conservative, 1 Labour)

Chairman: Cllr. Mrs Cook

Vice-Chairman: Cllr. Davison

Cllrs. Mrs Bosley, Brookbank, Mrs George and Searles

SCHEME OF DELEGATIONS

Annual Meeting of Council – 14 May 2013

Report of the: Chief Executive
Status: For Decision and Information
Key Decision: No

Recommendation: That

- (a) the new delegations to Committees and Officers be approved, and
 - (b) the delegations made by the Leader of the Council, be noted.
-

The attached pages are excerpts from the Council’s Constitution, each section relating to the governance structure (subject to the the agreement of the new governance structure as set out in Agenda Item 6,) established and new Committees, including the Cabinet, the way in which the Overview and Scrutiny function operates and the Officer responsibilities and delegations. The delegations to Committees and Officers included in the Constitution require approval by Council on an annual basis.

In addition, to note the delegations made by the Leader of the Council.

Background Papers: Council’s Constitution

Contact Officer(s): Robin Hales Ext. 7394

ROBIN HALES
Chief Executive

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PART 3 – STANDARDS COMMITTEE

1. Establishment

1.1 The Council will establish a Standards Committee.

2. Composition

2.1 Standards Committees 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:

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

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

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

8. Standards Assessment Working Party (Terms of Reference)

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

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

- 9.1 A Sub-Committee comprising three voting Members of the Standards Committee having a quorum of three established to conduct Hearings into allegations referred to it by the Monitoring Officer that a Member or Co-opted Member (the Subject Member) has failed to comply with the relevant Code of Conduct appertaining to that Subject Member.
- 9.2 To hold a hearing and make a determination in relation to a complaint referred to it by the Monitoring Officer alleging a breach of the Code of Conduct appertaining to the Subject Member.

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

2. Form and Composition

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

3. Leader

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

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

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

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

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

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

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

4. Other Cabinet Members

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

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

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

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

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

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

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

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

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

(a) they resign from office; or

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

(c) they are no longer Members; or

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

5. Cabinet Procedure Rules

Who may Make Executive Decisions?

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

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

i) the Executive as a whole;

ii) a Committee of the Executive;

iii) an individual Member of the Executive;

iv) an officer; or

v) joint arrangements.

Delegation by the Leader

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

Further Delegation of Executive Functions

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

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

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

(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 at least 12 times per year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.
- 5.11 (a) Except in those cases where the Cabinet or a Committee of the Cabinet is discussing confidential or exempt information under the Access to Information Procedure Rules (Appendix A - Access to Information Procedure Rules), every meeting of the Cabinet or Committee of the Cabinet at which decisions are to be made will be held in public.
- (b) Meetings of the Cabinet or Committees of the Cabinet which are not making Cabinet decisions will normally be held in private, except that the Leader may exercise discretion about whether any of these meetings should be held in public.
- 5.12 The quorum for a meeting of the Cabinet, or a Committee of it, shall be one half of the total number of members of the Cabinet or a Committee including the Leader or person presiding in the Leader's absence.
- 5.13 (a) Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules (Appendix A - Access to Information Procedure Rules).
- (b) Where Cabinet decisions are delegated to a Committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

How are Cabinet Meetings Conducted?

- 5.14 Who Presides? If the Leader is present he/she will preside. In his/her absence, the Deputy Leader will preside. In the absence of both the Leader and Deputy Leader, then a person appointed to do so by those present shall preside.
- 5.15 Who May Attend?
- (a) Local Members will be invited to appropriate meetings of the Cabinet when issues are being discussed which affect their particular areas and to speak on them.
- (b) The Chairman may invite any Member of the Council who is not a member of the Cabinet to speak on any particular matter. The Chairman shall extend such an invitation to a Member who has moved a motion which has been referred to the Cabinet.
- (c) There will be a period of 15 minutes set aside for questions from Members.

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- 5.16 What Business? At each meeting of the Cabinet the following business will be conducted:
- (a) consideration of the minutes of the last meeting;
 - (b) declarations of interest, if any;
 - (c) matters referred to the Cabinet (whether by a Select Committee, the Performance and Governance Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the appropriate Procedure Rules or the Budget and Policy Framework Procedure Rules (Appendix B - Budget and Policy Framework Procedure Rules) of this Constitution;
 - (d) consideration of reports from a Select Committee or the Performance and Governance Committee; and
 - (e) matters set out in the agenda for the meeting, which shall indicate those that are key decisions and those that are not in accordance with the Access to Information Procedure Rules (Appendix A - Access to Information Procedure Rules).
- 5.17 Consultation - All reports to the Cabinet from any member of the Cabinet or an Officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and a Select Committee or the Performance and Governance Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

Who can put Items on the Cabinet Agenda?

- 5.18 The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any Member or Officer in respect of that matter. The Chief Executive will comply with the Leader's requests in this respect.
- 5.19 Any member of the Cabinet may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the Chief Executive will comply.
- 5.20 There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by the Select Committees and the Performance and Governance Committee and Cabinet will send a formal response to the next appropriate meeting of the Select Committee or Performance and Governance Committee explaining how the comments from the Committee was taken into account when making a decision.
- 5.21 Any Member may ask the Leader to put an item on the agenda of a Cabinet

meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Member who asked for the item to be considered.

- 5.22 The Chief Executive, the Head of Legal and Democratic Services and/or the Corporate Resources Director may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, the Head of Legal and Democratic Services and/or the Corporate Resources Director are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

6. How Decisions are Made

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

7. Responsibility for Functions

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

8. Support Groups to Cabinet

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

PART 5 - SCRUTINY FUNCTION

1. Introduction

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

2. Role and Scope

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

3. Specific Functions

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

4. Membership

- 4.1 The Scrutiny Committee will comprise a permanent Chairman and Vice Chairman, neither of whom sit on Cabinet Advisory Committees and a pool of 15

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members 3 drawn from each of the Cabinet Advisory Committees, none of whom may be members of the Cabinet or be their Deputies.

- 4.2 When a meeting is called 9 ordinary members and the Chairman and Vice Chairman will be called to form the committee. No Members will be called from the Cabinet Advisory Committee where a decision being scrutinised was formulated.
- 4.3 The membership is to be chosen according to political proportionality rules.
- 4.4 The membership of the Committee can be found at Appendix H - Membership of Cabinet, Committees etc.

Part 6 – AUDIT COMMITTEE

1. Introduction

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

2. Membership of the Committee

- 2.1 All Members of the Council, except members of the Cabinet or their deputies and the Chairman of the Council, may be members of the Audit Committee. However, no Member may be involved in reviewing a decision in which he/she has been directly involved.
- 2.2 The Committee will be made up of 9 elected Members, one of which shall serve as Chairman, that follow the political proportionality of the Council. The Chairman will not be a member of any Cabinet Advisory Committee. The membership of the Committee can be found at Appendix H - Membership of Cabinet, Committees etc.
- 2.3 The Audit Committee shall be entitled to recommend to Council the appointment of up to two additional co-opted non-voting members. Any co-opted members must have the necessary technical knowledge and skills to be of value to the business of the Committee.

3. Terms of Reference of the Audit Committee

Audit Activity

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

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

Regulatory Framework

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

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

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

Accounts

- (q) To review the annual Statement of Accounts. Specifically to consider whether appropriate accounting policies, including International Financial Reporting Standards, have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- (r) To approve the Statutory Statement of Accounts when the deadline for approval does not allow approval by full Council.
- (s) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts, and comments received from the District Auditor.

4. Audit Committee Procedure Rules

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

Appointment of Sub-Committees/Working Groups

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

Procedure at Meetings of the Audit Committee

- 4.3 The Audit Committee shall consider the following business:
 - (a) minutes of the last meeting;
 - (b) declarations of interest;
 - (c) responses of the Council, Cabinet or Council Committees to the Committee's reports or recommendations; and
 - (d) the business otherwise set out on the agenda for the meeting.

Meetings of the Audit Committee

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- 4.4 There shall be four ordinary meetings of the Committee in each year. In addition, other meetings may be called from time to time as and when appropriate. A meeting of the Committee may be called by the Chairman of the Committee, by a quarter of the members of the Committee or by the Chief Executive (in consultation with the Chairman or Vice-Chairman, if available) if he considers it necessary or appropriate.
- 4.5 The Audit Committee shall periodically set aside time during a meeting where any matters pertaining to the remit of the Committee may be discussed with the Audit, Risk and Anti-Fraud Manager without the presence of other officers of the Council. The Chairman of the Committee will also meet informally with the Audit, Risk and Anti-Fraud Manager and other relevant officers as appropriate prior to all ordinary meetings.

Work Plan

- 4.6 The Audit Committee will be responsible for setting its own Work Plan and in doing so shall take into account the wishes of all members on the Committee and in consultation with key officers of the Council.

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

Reports and Recommendations from the Audit Committee

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

Members and Officers Attending Committee

- 4.10 In discharging its terms of reference, the Audit Committee may require any member of the Cabinet, the Chairman of a Committee, the Chief Executive, and/or any Chief Officer to attend before it to answer questions in relation to matters within their remit. For the avoidance of doubt, such a person may be required to answer questions on the Council's relationships with partner organisations, contractors and/or other public bodies, providing that person is responsible for managing that relationship as part of their duties. It is the duty of those persons to attend if so required.

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

Attendance by Others

- 4.13 In discharging its terms of reference, the Audit Committee may review the performance/governance of partner organisations, contractors and/or other public bodies. It may also invite people other than those people referred to in paragraph 4.10 to provide it with a report, address it and/or answer questions that may be appropriate to the Committee's remit.

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PART 7 – DEVELOPMENT CONTROL COMMITTEE

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

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

19 Members of the Council to be chosen according to political proportionality rules. The Membership of the Committee can be found at Appendix H - Membership of Cabinet, Committees etc.
3. Procedure at Development Control Committee and Site Inspections
 - (1) *This code will be applied in such a way that the right of the Chairman of the Committee to control the debate will be maintained.*
 - (2) *“Local Member” means the Member for the District Council ward affected by a planning application which is to be included on an agenda for consideration by the Development Control Committee.*
 - (3) *The agenda for the Development Control Committee will be dispatched a minimum of 5 working days before the meeting eg on the Wednesday of the preceding week for a Thursday Committee meeting. It is incumbent on Members of the Committee to ensure that they remain impartial and receptive to all points of debate before reaching a decision to vote on an application.*
- 3.1 The Chairman, Vice Chairman and other Members, whether or not Members of the Committee, should recognise the effect that their behaviour can have on the public’s perception of the Council and should conduct themselves accordingly. Members should represent the interests of the District as a whole.

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

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

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

- (ii) Items with public speakers.
- (iii) Items reserved by Members of the Committee.
- (iv) Enforcement cases.
- (v) Amendments or variations to existing permissions; and,
- (vi) Objections to Tree Preservation Orders.

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

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

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

Decisions Contrary to Officer Recommendation

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

shall be whether to accept that recommendation) that a decision on the application be deferred to enable a further report to be presented to the Committee addressing these issues raised by the debate and the implications.

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

Report Deferrals

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

Site Inspections

- 3.17 A single Site Inspection time will be used for applications deferred by Committee and those identified for a pre-meeting inspection. This inspection will usually take place on the day of the Committee meeting.
- 3.18 Sites for pre-meeting inspections should be identified to the Chairman by Development Control Committee or Local Members at the earliest possible opportunity and in any event a full 3 working days before the Committee meeting, eg by 5pm on a Monday when the Committee meeting is at 7pm on a Thursday.
- 3.19 The Site Inspection will be open for all Development Control Committee and Local Members to attend.

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- 3.20 No representations will be heard at Site Inspections and no recommendation will be formulated or a vote taken. The purpose is to view relevant features on or around the site.
- 3.21 The inspection will then inform the debate at the following Development Control Committee meeting.
- 3.22 Members' Site Inspections will be carried out where applications are to be determined by the Development Control Committee. The Chairman, in consultation with the Head of Service, will normally identify the need for any Site Inspections in advance of the meetings. Members who believe that a Site Inspection is appropriate in a particular case are encouraged to contact the Head of Development Services as soon as possible. This will include selecting appropriate viewpoints. Only exceptionally should an item be deferred for a Site Inspection. All Site Inspections will only be arranged where the proposal to hold a Site Inspection fits at least one of the following criteria.
- 3.23 A Site Inspection may be determined to be necessary if;
- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
 - ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
 - iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
 - iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
 - v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.
- 3.24 When requesting the Chairman of the Development Control Committee to authorise a Site Inspection, the person making such a request (whether the Head of Service or an elected Member) must state under which of the above five criteria the Inspection is requested and must also provide supporting justification.
- 3.25 The purpose of a Site Inspection is to view the site and its surroundings and to relate the application proposals to the site. Officers will explain the submitted drawings. Neither the applicant nor any supporters or any objectors should take part. Where an applicant has to be present to allow access to the site, the visiting Members should stand away from him or her (or if necessary, ask the Applicant to stand away) and should not engage in any discussions.

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

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

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

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

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during the speaker's speaking time. No other visual aids may be used. All speakers who wish to have permitted visual aids displayed must provide them to Development Services Team before 5pm at the latest the day before the meeting eg if the meeting is to be held on a Thursday then contact must take place before 5pm on the preceding Wednesday.

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

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

Training

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

PART 8 – LICENSING COMMITTEE

1. Licensing Committee

1.1 Composition: Fifteen Members of the District Council reflecting the political proportionality of the Council

1.2 Terms of Reference

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

2. Licensing Hearing Sub-Committees

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

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

2.1 Terms of Reference

Licensing Act 2003:

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

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- (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 objection notice given in response to a temporary event notice; and
- (i) consideration of Police notice given in response to an interim authority notice.

Gambling Act 2005:

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

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

- 3.1 In accordance with Section 9 (1) of the Licensing Act 2003, the Licensing Committee has resolved to establish five Sub-Committees, each consisting of three members of the Committee.

- 3.2 The Sub-Committees have delegated authority to determine those functions that are reserved for decision by the Sub-Committees in accordance with Appendix B of the Council's Statement of Licensing Policy dated 7th January 2008.
- 3.3 Hearings shall be conducted in accordance with this Procedure Note and The Licensing Act 2003 (Hearings) Regulations 2005 subject to the right of the Sub-Committee to vary that procedure at their absolute discretion if considered in the public interest.
- 3.4 The quorum for a Sub-Committee shall be two members.
- 3.5 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
- 3.6 The order of business at hearings shall be:
- (a) Election of Chairman.
 - (b) Declarations of interests.
 - (c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.
 - (d) Chairman ascertains who is assisting or representing the parties.
 - (e) Applicant (or his/her representative) addresses the Sub-Committee.
 - (f) Applicant questioned by members. At the discretion of the Sub-Committee, other parties may be permitted to question the applicant.
 - (g) Persons who have made representations in respect of the application (or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.
 - (h) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the applicant may be permitted to question other parties.
 - (i) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.
 - (j) Applicant (or his/her representative) makes closing address.
 - (k) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.
 - (l) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.

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(m) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulation.

Part 9 – GOVERNANCE COMMITTEE

1. Terms of Reference of the Governance Committee

Regulatory Framework

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

Constitutional Matters

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

Members' Allowance Scheme

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

Electoral Arrangements

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

2. Membership of the Committee

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 Cabinet, Committees etc

PART 10 – APPOINTMENTS COMMITTEE

1. Terms of Reference

(a) To interview applicants for the post of Chief Executive and recommend appointment to Council; and

(b) To interview and appoint to the post of Director(s).

2. Membership

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

PART 11 – HEALTH LIAISON BOARD

1. Terms of Reference

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

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

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

2. Membership

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

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PART 12 – HOMELESSNESS REVIEW BOARD

1. Terms of Reference

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

2. Membership

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

3. Procedure for Homelessness Review Boards

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

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

- (e) The Community and Planning Services Director's representative will summarise the reasons for the decision.
- (f) The Community and Planning Services Director's representative may call witnesses. Each witness in turn:
 - (i) gives evidence;
 - (ii) may be questioned by the appellant or his/her representative (the appellant's representative does not at this stage, make statements or comments, the opportunity to do so comes later);
 - (iii) may be questioned by Members of the Board;
 - (iv) may, if necessary be re-questioned by the Community and Planning Services Director's representative.
- (g) The appellant or his/her representative summarises his/her case.
- (h) The appellant or his/her representative may call the appellant and any other witnesses. Each witness in turn;
 - (i) gives evidence;
 - (ii) may be questioned by the Community and Planning Services Director's representative;
 - (iii) may be questioned by Members of the Board;
 - (iv) may, if necessary, be re-questioned by the appellant or his/her representative.
- (i) The Community and Planning Services Director's representative sums up the Director's case.
- (j) The appellant or his/her representative sums up the appellant's case.
- (k) Members of the Board may ask the parties or, if necessary, any witnesses who may be recalled for this purpose, for any additional information or clarification required.
- (l) The parties, their representatives and any witnesses then present shall withdraw.
- (m) The Board will then deliberate in private, attended by the Clerk and the Secretary to the Board if required. If it intends to reach a decision, then it will either recall the parties, their representatives and witnesses to announce its decision or will inform the parties in writing within five clear working days. The decision and the reasons for reaching such a decision will be confirmed in writing by the Chief Executive.

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

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

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

PART 13 - OFFICER RESPONSIBILITIES AND DELEGATIONS

1. The Council's Officers

1.1 The Council has people working for it (Officers) to give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between Officers and Members. (Appendix J - Protocol on Councillor and Officer Relations)

2. Management Structure

General

2.1 The full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

Chief Officers

2.2 The full Council will engage persons for the following posts, who will be designated Chief Officers:

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

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

Head of Paid Service, Monitoring Officer and Chief Finance Officer

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

Post	Designation
Chief Executive	Head of Paid Service
Head of Legal and Democratic Services	Monitoring Officer
Chief Executive Designate	Chief Finance Officer (Section 151 Officer)

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

Structure

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

Delegations to Dartford Borough Council

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

3. Functions of the Chief Executive

Discharge of Functions by the Council

- 3.1 The Chief Executive will report to full Council on the manner in which the discharge

of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.

Restrictions on Functions

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

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

Maintaining the Constitution

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

Ensuring Lawfulness and Fairness of Decision-Making

4.2 After consulting with the Chief Executive (the Head of Paid Service) and the Chief Executive Designate (Chief Finance Officer), the Head of Legal and Democratic Services (Monitoring Officer) will report to the full Council or to the Cabinet in relation to an Executive Function – if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration.

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

Supporting the Standards Committee

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

Receiving Reports

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

Conducting Investigations

4.6 The Head of Legal and Democratic Services (the Monitoring Officer) will conduct investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.

For Access to Information

4.7 The Chief Executive (the Head of Paid Service) will ensure that Cabinet decisions,

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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 the Chief Finance Officer, will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

Providing Advice

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

Restrictions on Posts

- 4.10 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

5. Functions of the Chief Finance Officer (Chief Executive Designate)

Ensuring Lawfulness and Financial Prudence of Decision-Making

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

Administration of Financial Affairs

- 5.2 The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

Contributing to Corporate Management

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

Providing Advice

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

Giving Financial Information

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

Restrictions on Functions

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

6. Duty to provide sufficient resources to the Monitoring Officer, the Chief Finance Officer and the Returning Officer

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

7. Conduct

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

8. Employment

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

9. Delegations to Officers

Introduction - Overall Basis

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

Overall Limitations

- 9.3 This scheme does not delegate to Officers:

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- (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 (the Head of Paid Service) or the Monitoring Officer under sections 4 and 5 of the Local Government and Housing Act 1989 or of the Chief Executive Designate (Chief Finance Officer) under section 114 of the Local Government Finance Act 1988.
- (b) not go beyond the provision in the revenue or capital budgets for their service except to the extent permitted by the Contracts Procedure Rules (Appendix E - Contracts Procedure Rules) or Financial Procedure Rules (Appendix D - Financial Procedure Rules).
- (c) where, and when appropriate, report back to Cabinet, or appropriate Committee or Sub-Committee, as to the exercise of the delegated powers.

10. Further Provisions:

10.1 This scheme includes the power for Officers to delegate in writing all or some of the delegated functions to other Officers (described by name or post) either fully or under the general supervision and control of the delegating officer. Sub-delegations shall be recorded in a register kept by the Democratic Services Team under section 100G of the Local Government Act 1972. It shall be the responsibility of the Officer

delegating any function to ensure that a copy of the delegation is forwarded to the Democratic Services Manager.

- 10.3 Before exercising delegated powers an Officer shall comply with the requirements for consultation with Members set out in this Constitution, including the limitations set out in this Scheme of Delegation, the Budget and Policy Framework Procedure Rules (Appendix B - Budget and Policy Framework Procedure Rules), the Access to Information Procedure Rules (Appendix A - Access to Information Procedure Rules), the Financial Procedure Rules (Appendix D - Financial Procedure Rules), and the Contracts Procedure Rules (Appendix E - Contracts Procedure Rules), and the Protocols (as set out in the appendices to this Constitution). It shall always be open to an Officer not to exercise delegated powers but to refer the matter to the Cabinet, Committee or Sub-Committee for decision.
- 10.4 In exercising delegated powers, Officers shall consult with such other Officers as they determine appropriate and shall have regard to any advice given.
- 10.5 This scheme shall operate from 14th May 2013.
- 10.6 This scheme delegates to the holder of each post named in it the management of the resources made available for the duties of the post as specified in the terms of the postholder's appointment.
- 10.7 In each case the delegated authority does not authorise the postholder to make any planning application which would materially conflict with or prejudice an identified policy in an adopted Local Plan for the time being in force.
- 10.8 In each case, except where the Chief Executive is exercising delegated authority under (d) below, none of the Officers named is authorised to make a formal response on behalf of the Council to any Government Consultation Paper, without reference first to the Cabinet, relevant Portfolio Holder or the relevant Committee provided that when the timescale does not allow for reference to a scheduled Cabinet or Committee meeting, Officers are authorised to respond, following consultation with the relevant member of the Cabinet (where the matter is an Executive function) or with the relevant Committee Chairman (where the matter is not an Executive function).
- 10.9 The powers delegated to Officers, other than the Chief Executive, in this scheme may also be exercised by the Chief Executive when he considers such action to be appropriate.
- 10.10 Any reference to any Act of Parliament shall include reference to regulations, subordinate legislation and European Union legislation upon which either UK legislation is based, or from which powers, duties and functions of the Council are derived.
- 10.11 Reference to any enactment, regulation, order or byelaw shall include any amendment, re-enactment or re-making of the same.

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10.12 Any post referred to below shall be deemed to include any successor post or a post which includes within the job description elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded.

11. Delegation to the Chief Executive

- (a) To be Head of the Paid Service.
- (b) The power to incur expenditure in the event of a civil emergency and to make orders under the Public Order Act 1986.
- (c) To manage the co-ordination of budget processes, including overall strategy, planning and information.
- (d) In cases of urgency, after consultation with the Leader and Deputy Leader of the Council [and the Leader(s) of the Opposition], to take any decision which could be taken by the Cabinet or by a Committee and to report such actions to Cabinet or Committee as appropriate.
- (e) To be the Returning Officer and Electoral Registration Officer for the Council.
- (f) To be the proper officer of the Council for the purposes of sections 83, 84 and 89 of the Local Government Act 1972 and regulation 3 of the Local Authorities (Executive Arrangements)(Access to Information) (England) Regulations 2000.
- (g) The power to authorise staff to carry out surveillance under the Regulation of Investigatory Powers Act 2000.
- (h) To be the proper officer of the Council for the purposes of Part II of the Local Authorities (Standing Orders)(England) Regulations 2001.
- (i) As Head of Paid Service, to exercise any powers delegated to another Officer except those in respect of which a specific professional qualification is required by statute.
- (j) The Chief Executive, or in his absence, the Chief Executive Designate, the authority to give authorisation of a dispersal order under the Anti-Social Behaviour Act 2003 Part 4 (Sections 30 and 31).
- (k) Pursuant to enabling legislation this Council via its Chief Executive has received and shall discharge all the functions of Dartford Borough Council with regard to the Revenues and Benefits Service as may be more particularly identified in Schedule 1 of the Partnership Working Agreement and Dartford Borough Council have agreed to place at the disposal of Sevenoaks District Council for the purposes of those functions the services of officers employed by Dartford Borough Council.
- (l) Pursuant to enabling legislation this Council via its Chief Executive has received and shall discharge all the functions of Dartford Borough Council with regard to the

Environmental Health Service as may be more particularly identified in the Partnership Working Arrangements and Dartford Borough Council have agreed to place at the disposal of Sevenoaks District Council for the purposes of those functions the services of officers employed by Dartford Borough Council.

Development Services

- (a) To exercise all the powers and duties of the Council as the Local Planning Authority (including the conduct of appeals) under all Town and Country Planning legislation, subject to the following exceptions:
- (1) Where an application is submitted to Sevenoaks District Council for determination, it shall be referred to the Development Control Committee if any of the following apply.
 - (i) In the opinion of the Chief Executive, the application is of a significant, controversial or sensitive nature.
 - (ii) It is proposed to determine an application which, in the opinion of the Chief Executive, would set a significant precedent.
 - (iii) A written request for consideration by the Development Control Committee, supported by an appropriate planning reason¹, has been received from a Member of the Council no later than 21 calendar days following despatch of the weekly list of planning applications on which such applications appear, or such lesser period as may be notified by the Chief Executive 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 Executive) are received on an application, an additional call-in period will be given, the period for which will be specified by the Chief Executive 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 Executive 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).

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

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- (v) An application known to have been submitted by, or on behalf of, a Member or an Officer of the District Council, or a member of their family².
- (2) Where the Council is a consultee to an application e.g. where an application is submitted to Kent County Council as the Mineral Planning Authority, the application shall be referred to the Development Control Committee if in the opinion of the Chief Executive, it is of a significant, controversial or sensitive nature.
- (3) Enforcement action shall be referred to the Development Control Committee if either of the following apply:
 - (i) A request for consideration by the Development Control Committee, supported by an appropriate planning reason, has been received from a Local Member; or,
 - (ii) The Chairman or Vice Chairman of the Development Control Committee requires the case to be considered by the Development Control Committee.
- (4) Where permission has been refused under delegated powers, an appeal has been lodged and new information has been received that leads Officers to conclude that refusal of permission can no longer be substantiated at appeal, the matter will be referred back to Members to enable the original delegated refusal to be reviewed.

If sufficient time is available, local Members will be asked to agree to a decision no longer to oppose the scheme following the procedure for delegated decisions and if the local Members do not agree the matter will be 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 other Members of the Panel will be selected sequentially in alphabetical order. Local Members should not

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.

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.

- (b) To exercise all the Council's powers and duties with regard to Building Control under the Building Act 1984 and regulations made thereunder.
- (c) To take all necessary action to secure compliance with the Building Act 1984 and regulations made thereunder, including the service of statutory notices.
- (d) To institute, conduct and settle legal proceedings on behalf of the Council in any Court of Law, Tribunal or other body in respect of any breach or contravention of the Planning Acts Building Act 1984 and regulations made thereunder (including actions for injunctions).
- (e) To take all necessary action to defend legal proceedings against the Council.
- (f) To exercise all the Council's powers under the Criminal Justice and Public Order Act 1984.
- (g) To exercise the functions of the Council with regard to environmental improvements and access to the Countryside.

Housing Services

- (a) To exercise all the functions of the Council as a housing authority, including the responsibility for the Council's Housing Strategy and policies, the enabling role, the Homelessness and Housing advice service, standard and fitness of properties, Energy Conservation issues and the management of unauthorised encampments and of the Council's gypsy site.
- (b) The power to authorise Housing staff (Housing advice and Homelessness) under Part V11 Housing Act 1996, Housing Act 2002, Prevention from Eviction Act 1977, Police and Criminal Evidence Act 1984 and National Assistance Act 1948.
- (c) Acts including the Environmental Protection Act 1990, Prevention of Damage by Pests Act 1949, Public Health Act 1936, Public Health Act 1961, Houses, Grants, Construction and Regeneration Act 1996, Housing Act 1985, Housing Act 1996, Local Government and Housing Act 1989, Caravan Sites and Control of

Agenda Item 8a

Development Act 1960, Building Act 1984, Home Energy Conservation Act 1995, Criminal Justice and Public Order Act 1994, Mobile Homes Act 1983, Caravans Sites Act 1968, Police and Criminal Evidence Act 1984, Mobiles Homes Act 1975, The Water Industry Act 1991, The National Assistance Act 1948, The Local Government (Miscellaneous Provisions) Act 1976 and The County of Kent Act 1981 etc.

Local Policy and Environment

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

Community Development

- (a) To be responsible for the implementation and co-ordination of the Council's duties and functions under the Crime and Disorder Act 1998, including the authorisation of seeking appropriate orders under the Act.
- (b) To manage the Council's contractual relationship with Sencio Community Leisure and to operate the Council's leisure facilities that are not under the management of the Leisure Trust, including seeking alternative management of leisure facilities or funding or assistance from the Lottery Arts Fund save that where support or rejection for such assistance arises from a town or parish council, the Local Member(s) shall be consulted.
- (c) In partnership, facilitate arts (arts development in partnership with Kent County Council) within Council policies and manage the Council's contractual relationship for the operation of the Stag (formerly known as Sevenoaks Playhouse).
- (d) To exercise co-ordination of all matters relating to sustainable development and other matters of environmental management and policy agreed by the Council.
- (e) To undertake the Council's involvement in Health Improvement Plans and general matters in relation to the implementation of Health Policy.
- (f) To be responsible for the implementation, with other partners, of the Sevenoaks District Community Plan on behalf of the Council.
- (g) The responsibility, with other parts, for the implementation of the Voluntary Sector Compact.
- (h) To facilitate youth development within the Council's policies.
- (i) To operate the Council's capital schemes in parishes.
- (j) To give authorisation of a dispersal order under the Anti-Social Behaviour Act 2003 Part 4 (Sections 30 and 31).

Environmental and Operational Services

Direct Services

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

Environmental Services

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

Licensing

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

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- (o) To determine all requests to be removed as designated personal licence holders.
- (p) To determine all applications by way of Interim Authority Notices except where there is a police objection.
- (q) To determine whether representations submitted are irrelevant, frivolous, vexatious etc.
- (r) To determine all applications for Minor Variations to premises/club premises licences.
- (s) To determine all applications for removal of the mandatory condition to have a Designated Premises Supervisor at Community Premises.
- (t) To maintain the Licensing Register.
- (u) To exercise the Council's powers and duties in relation to the licensing of hackney carriages and private hire vehicles, including the licensing of vehicles, drivers and operators, the control of numbers of hackney carriages and the granting of permits for small buses.
- (v) To exercise all the Council's functions with regard to hypnotism street collections (including the variation of any conditions imposed on any licence).

12. Delegation to Chief Executive Designate

- (a) To exercise all the powers of management in the best interests of the Council with regard to land and property owned by the Council including authorising action for possession of any land or property.
- (b) To acquire land that is necessary for the Council's current programme.
- (c) To exercise the proper administration of the Council's financial affairs which shall include issues of insurance, discretions as to rating, housing benefits and Council Tax under section 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988.

This authority is limited in the following cases:

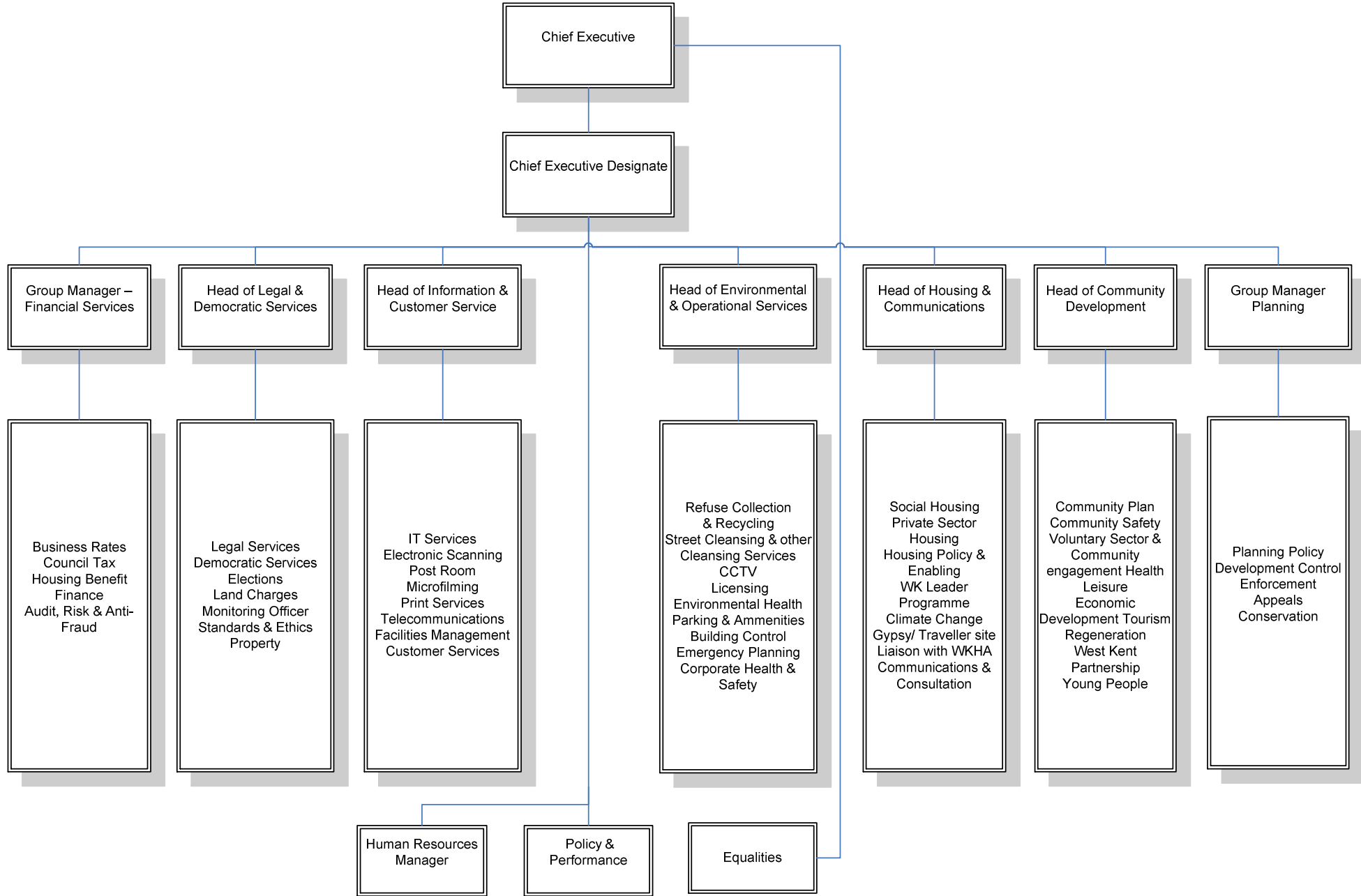
- (i) the approval of sums exceeding £10,000 being transferred from an agreed estimate to another purpose other than for which it was approved shall be subject to approval by the relevant Portfolio Holder(s); and
 - (ii) the writing off of debts exceeding £500 and rent arrears exceeding £500 shall be subject to approval by the Cabinet.
- (d) To institute and conduct legal proceedings where sufficient evidence exists when this is in the Council's interest or arising out of its functions and to take such action as he thinks appropriate with regard to any such proceedings as being in the Council's

interest.

- (e) To defend all proceedings brought against the Council including appeals against its decisions and to take such action as he thinks appropriate with regard to any such proceedings.
- (f) To authorise Officers to represent the Council before all Courts and Tribunals.
- (g) To have responsibility for the Council's general administration (including the sealing of documents), Committee structure and operation (including payment of Members' allowances and expenses) save that any adjustment to the Council's calendar of meetings as may be necessary shall only be exercised after consultation with the Leader of the Council or the appropriate Chairman or Chairmen.
- (h) To be the proper officer of the Council for the purposes of sections 96, 225, 229 and Part VA, sections 115 and 146 of the Local Government Act 1972 and for the purposes of section 41 of the Local Government (Miscellaneous Provisions) Act 1976.
- (i) To have the responsibility for taking care of all securities and title deeds of all property held in the name of the Council.
- (j) To manage central training and job evaluation.
- (k) To determine and issue guidelines to Officers for the management of human resources and in particular recruitment, training, conditions of service, rewards and discipline.

13. Delegation to Group Manager Planning, Head of Environmental and Operational Services, Head of Customer and Information Services, Head of Housing and Communications and Group Manager Finance

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



APPENDIX B: Budget and Policy Framework Procedure Rules

1. The Framework for Cabinet Decisions

- 1.1 The Council will be responsible for the adoption of its budget and policy framework as set out in Part 1, paragraph 5 of the Constitution. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for Developing the Framework

Outline of Process

- 2.1 The process by which the budget and policy framework shall normally be developed is:
- (a) Before a budget needs to be adopted, the Cabinet will publish initial proposals for the budget and policy framework, having first appropriately canvassed the views of local stakeholders. Details of the Cabinet's consultation process shall be included in relation to each of these matters in the Notice of Key Decisions and made available on the Council's website.
 - (b) The Cabinet shall take account of all representations made when formulating the initial proposals, including the findings of the Cabinet Advisory Committees and (if relevant) the Scrutiny Committee.
 - (c) Either the Cabinet, the Cabinet Advisory Committees or the Scrutiny Committee may conduct part of the consultation and investigations using Working Groups. Cabinet Advisory Committee Working Groups may work jointly.
 - (d) The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place.
 - (e) The Council's decision will be publicised in accordance with Part 1, paragraph 5 and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without amendment) or (if the Cabinet's proposals are accepted but with amendments), that the Council's decision will become effective on the expiry of five clear days after the publication of the notice of decision, unless the Leader objects to it in that period.
 - (f) If the Leader objects to the decision of the Council, he/she shall give written notice to the Chief Executive to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Chief

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Executive shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.

- (g) The Council meeting must take place within 15 clear days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
- (h) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Part 1, paragraph 5, and shall be implemented immediately.
- (i) In approving the Budget Framework, the Council is:
 - (i) approving the Net Service Cost for individual services; and
 - (ii) consenting to in-year changes to this, subject to the virement procedures in the Financial Procedure Rules (Appendix D - Financial Procedure Rules.doc). Any other changes to the Budget Framework are reserved to full Council.

3. Decisions Outside the Budget or Policy Framework

- 3.1 Subject to the provisions of paragraph 5 (virement) the Cabinet, Committees of the Cabinet, individual members of the Cabinet and any Officers or joint arrangements discharging Executive Functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to, or not wholly in accordance with, the budget approved by full Council, then that decision may only be taken by the Council, subject to paragraph 4 below.
- 3.2 It shall be the responsibility of the Cabinet, Committees of the Cabinet, individual members of the Cabinet and any Officers or joint arrangements discharging Executive Functions to take advice from the Head of Paid Service and Section 151 Officer and the Monitoring Officer as to whether any decision they want to make might be contrary to the policy framework, or contrary to, or not wholly in accordance with, the budget. If the advice of those Officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent Decisions Outside the Budget or Policy Framework

- 4.1 The Cabinet, a Committee of the Cabinet, an individual member of the Cabinet or Officers or joint arrangements discharging Executive Functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, such a decision may only be taken:

- (a) if it is not practical to convene a quorate meeting of the full Council; and
 - (b) if the Chairman of the Council agrees that the decision is a matter of urgency.
- 4.2 The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the Council's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the Council, and in the absence of both the Vice-Chairman will be sufficient.
- 4.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. Virement

- 5.1 Any virements across budgets shall only be carried out in accordance with the requirements of the Council's Financial Procedure Rules and, where appropriate, Contracts Procedure Rules.

6. In-Year Changes to Policy Framework

- 6.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a Committee of the Cabinet, an individual member of the Cabinet or Officers or joint arrangements discharging Executive Functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:
- (a) which are necessary to ensure compliance with the law, ministerial direction or government guidance;
 - (b) which would result in the suspension of a service or part of service to meet a budgetary constraint; or
 - (c) which, in the opinion of the Chief Executive are only of a minor nature.

7. Policies, Plans and Strategies Outside the Budget and Policy Framework

- 7.1 In addition to the policies, plans and strategies listed in Appendix F (Appendix F - The Council's Policy Framework. doc refers) of the Constitution, the District Council will from time to time approve other documents which will guide its deliberations.
- 7.2 The Cabinet will be responsible for approving these documents or changes to them, although, at the Cabinet's discretion, they may be submitted to the full Council for consideration.
- 7.3 Before approving any of these documents, or any changes to them, the Cabinet shall first consult the relevant Cabinet Advisory Committee.

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- 7.4 In the interests of efficient decision making the Scrutiny Committee should not call in any such decision on which they have already commented unless the proposal has significantly changed since it was last considered by the Committee.

Cabinet Membership

(5 Members: 5 Conservatives) Cllrs. Fleming (Chairman)

Portfolio Holders 2013/14 (Annex to Appendix H of the Constitution - revised May 2013)

Cllr. Peter Fleming	Leader Strategy & Performance	Corporate Policy, Corporate Health & Safety, Communications, Customer Service Standards, Equality, Human Resources, Business Transformation, Democratic Services and Performance Management Framework
Cllr. Roddy Hogarth	Economic & Community Development	Community Grants, Community Plan, Health & Leisure, Economic Development, Emergency Planning, Building Control, Business continuity, Markets, Parking, Regeneration, Tourism, Town Centres, West Kent Partnership and West Kent Leader Programme
Cllr. Brian Ramsay	Finance & Resources	Audit and Corporate Governance, Budget & Financial Strategy, Legal, Information Technology, Local Tax, Shared Services, Procurement Policies, Property, Facilities Management and Strategic Risk
Cllr. Michelle Lowe	Housing, Welfare & Community Safety	Housing Strategy/Policy, Housing Standards, Housing Needs, Empty Homes/Under Occupation, SDC Gypsy/Traveller Site Management, Unauthorised Gypsy/Traveller encampments, Disabled Facilities Grant, Housing Benefit & Benefit Fraud, Community Safety, Licensing, CCTV and Environmental Health
Cllr. Ian Bosley	Local Planning & Environment	Conservation, Development Control, Local Plan (formerly LDF), Planning Policy, Transport Policy, Direct Services, Climate Change, Energy Efficiency & Fuel Poverty, Street Cleansing and Waste & Recycling

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DRAFT CALENDAR OF MEETINGS 2013/14

Annual Council – 14 May 2013

Report of the: Chief Executive

Status: For Decision

Key Decision No

Recommendation: It be RESOLVED that the Calendar of Meetings for 2013/14, attached as an Appendix to this report, be approved.

- 1 Subject to the the agreement of the new governance structure as set out in Agenda Item 6, a draft calendar of meetings for the municipal year 2013/14 has been drafted to reflect the new structure and is attached as Appendix A to this report.
- 3 It is the responsibility of the Annual Meeting of the Council to confirm the Council's calendar of meetings for the oncoming year.

Risk Assessment Statement

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

Sources of Information: New governance structure report and comments from Officers and Members

Contact Officer(s): Democratic Services Ext. 7241

ROBIN HALES
Chief Executive

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SEVENOAKS DISTRICT COUNCIL CALENDAR OF MEETINGS 2013-2014

(Agreed May 2013 - for latest information see the Council website.)

		APRIL 2013					MAY 2013					JUNE 2013					JULY 2013							
MIDWEDNESDAY	22	29	6	13	20	27 (Half Term) Public Holiday	3	10	17	24	31	7	14	21	28	4	11	18	25	1	8	15	22	29
TUESDAY	23	30	7	14	21	28	4	11	18	25	31	5	12	19	26	2	9	16	23	30	6	13	20	27
WEDNESDAY	24	1	8	15	22	29	5	12	19	26	3	10	17	24	31	6	13	20	27	3	10	17	24	31
THURSDAY	25	2	9	16	23	30	6	13	20	27	4	11	18	25	31	7	14	21	28	5	12	19	26	31
FRIDAY	26	3	10	17	24	31	7	14	21	28	5	12	19	26	31	8	15	22	29	6	13	20	27	31

		AUGUST 2013					SEPTEMBER 2013					OCTOBER 2013					NOVEMBER 2013							
MIDWEDNESDAY	5	12	19	26	3	10	17	24	31	7	14	21	28	4	11	18	25	1	8	15	22	29	5	12
TUESDAY	6	13	20	27	4	11	18	25	31	8	15	22	29	5	12	19	26	31	7	14	21	28	5	12
WEDNESDAY	7	14	21	28	5	12	19	26	31	9	16	23	30	6	13	20	27	3	10	17	24	31	7	14
THURSDAY	8	15	22	29	6	13	20	27	31	10	17	24	31	7	14	21	28	5	12	19	26	31	8	15
FRIDAY	9	16	23	30	7	14	21	28	31	11	18	25	31	8	15	22	29	6	13	20	27	4	11	18

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

Key/Numbers of meetings.

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

- Cabinet
- Strategy & Performance Advisory Committee
- Community & Economic Development Advisory Committee
- Finance & Resources Advisory Committee
- Housing & Community Safety Advisory Committee
- Local Planning & Environment Advisory Committee

- Local Authority Board
- Joint Transportation Board
- Health Liaison Board

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APPOINTMENTS TO OTHER ORGANISATIONS 2013/14 – NON-EXECUTIVE – TO BE APPROVED BY COUNCIL

<u>Organisation</u>	<u>No. of Reps</u>	<u>Period of Appoint- ment</u>	<u>Renewal Date</u>	<u>Appointee(s) 2013/14</u>
Age UK:				
Darent Valley	2	Annual	May 2014	Mrs. F.P. Parkin M. Fittock
Sevenoaks, Tonbridge & District	1	Annual	May 2014	R. Walshe
Biggin Hill Airport	1	Annual	May 2014	R. Hogarth
Bough Beech Reservoir Recreation Consultative and Management Advisory Committee	1	Annual	May 2014	P.C.R. Cooke
Citizens Advice Bureaux:				
Edenbridge & Westerham	2	Annual	May 2014	K.J. Maskell + 1
Sevenoaks and Swanley CAB Ltd	2	Annual	May 2014	Mrs. A.D. Hunter Ms. I. Chetram
Health & Wellbeing Boards:				
Dartford, Gravesham and Swanley	1	Annual	May 2014	T. Searles
West Kent and Weald	1	Annual	May 2014	R. J. Davison
Kent County Council's Health Overview and Scrutiny Committee	1	Annual	May 2014	(Official substitute) R. J. Davison
Kent County Playing Fields Association	1	Annual	May 2014	M. Fittock
Action with Communities in Rural Kent	2	Annual	May 2014	Cam. Clark Miss. J. Thornton
Local Democracy and Accountability Network for Councillors	2	Annual	May 2014	Miss L. Stack S. Raikes
RELATE: West Kent & Tunbridge Wells	1	Annual	May 2014	Ms. M.J.M. Lowe

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<u>Organisation</u>	<u>No. of Reps</u>	<u>Period of Appoint- ment</u>	<u>Renewal Date</u>	<u>Appointee(s) 2013/14</u>
Sevenoaks Churches Group for Social Concern	2	Annual	May 2014	P.R. McGarvey Mrs. A. Cook
Sevenoaks Conservation Council	4	Annual	May 2014	R.L. Piper A. E. Dawson J. Edwards-Winser R. Walshe
Sevenoaks District Access Group	5	Annual	May 2014	Mrs. A.E. Dawson Mrs. F.P. Parkin A.W.L. Pett R.L. Piper J.Underwood
Sevenoaks Leisure Board of Trustees	2	Annual	May 2014	Mrs. G.P.E. Davison Mrs. A. George
Volunteer Bureaux:				
Sevenoaks Volunteer Transport Group	1	Annual	May 2014	R.J. Davison
Edenbridge Volunteer Transport Service	1	Annual	May 2014	R. Orridge
North West Kent Volunteer Centre (Swanley)	1	Annual	May 2014	T. Searles