

Despatched: 14.05.2018

## COUNCIL

### SUPPLEMENTARY AGENDA (1)

Please find attached the items marked to follow on the main agenda:

3. To approve as a correct record the minutes of the meeting of the Council held on 1 May 2018. (Pages 1 - 4)
5. b) To note the delegations of executive functions (Appendix U of the Constitution) and appointments to the Cabinet made by the Leader. (Pages 5 - 12)
6. To appoint the Chairmen, Vice-Chairmen and Membership of Committees for the ensuing year. (Appendix attached) (Pages 13 - 14)
8. To appoint representative on other organisations. (Appendix attached) (Pages 15 - 18)

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

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

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

The Democratic Services Team (01732 227000)

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COUNCIL

Minutes of the meeting held on 1 May 2018 commencing at 7.00 pm

Present: Cllr. Abraham (Chairman)

Cllr. Mrs Bosley (Vice Chairman)

Cllrs. Mrs. Bayley, Ball, Bosley, Brown, Dr. Canet, Clack, Clark, Dickins, Dyball, Edwards-Winsor, Esler, Eyre, Firth, Fleming, Gaywood, Grint, Halford, Hogg, Horwood, Mrs. Hunter, Kelly, Lindsay, London, Lowe, Maskell, McArthur, McGarvey, McGregor, Mrs. Morris, Parkin, Parson, Pearsall, Pett, Piper, Purves, Raikes, Scott, Scholey, Searles, Miss. Stack, Thornton and Williamson

Apologies for absence were received from Cllrs. C. Barnes, Barnes, Coleman, Kitchener, Krogdahl, Layland, Reay and Ms. Tennessee

42. To approve as a correct record the minutes of the meeting of the Council held on 20 February 2018.

Resolved: That the Minutes of the meeting of the Council held on 20 February 2018 be approved and signed as a correct record.

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

No additional declarations of interest were received.

44. Chairman's Announcements

The Chairman reported the passing of former District Councillor Audrey Gee, and advised that there would be a memorial service at St Martin's church, Eynsford, on Monday 21st May at 12.15pm. Members of the Council joined him in a moment's silence in her memory.

He advised that he had received a letter from Jill Davison thanking everyone for their support and sympathy for her and her family, and advising that £1050 had been donated to Shelter Box in Richard's memory.

He reported that thousands of people had lined the streets of the Sevenoaks District to see Winter Olympic double gold medallist Lizzy Yarnold on Wednesday 18 April. The Council had organised the tour which covered 33 miles and included Sevenoaks, Otford, Shoreham, Eynsford, Swanley, Horton Kirby and Lizzy's hometown of West Kingsdown. At least 25 schools had been involved in the event, some of them travelling to neighbouring schools. Hever School had travelled the

length of the District to Swanley to give their children the opportunity to see Lizzy. The skeleton sensation arrived to rapturous receptions when she stopped at Weald of Kent Grammar School and Trinity School in Sevenoaks, Swanley High street, Orchards Academy in Swanley and Horton Kirby and West Kingsdown Schools.

He advised that 'Run, Walk or Push against Dementia' returned to Knole Park on 13 May, helping to raise funds for Dementia services in the Sevenoaks District. There were timed 3, 5 and 10k courses, which were suitable for everyone.

The Chairman reported that he had held a very successful dinner on Friday 27 April 2018 and had managed to raise over £1,500. He further reported that, in all, he had managed to raise in excess of £3,500 for Ellenor during his year as Chairman. He thanked everyone who came and those that had made generous donations despite not being able to attend.

He also extended his congratulations to Cllr. Firth for completing the London Marathon and raising money for Leonard Cheshire Homes.

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

No questions had been received.

46. To receive any petitions submitted by members of the public under paragraph 18 of Part 2 (The Council and District Council Members) of the Constitution.

No petitions had been received.

47. To consider any questions by Members under paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.

No petitions had been received.

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

No motions had been received.

49. To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting.

The Leader of the Council reported on the work that he and the Cabinet had undertaken in the period 1 February 2018 to 13 April 2018.

50. To receive reports from the Chairmen of the Audit and Scrutiny Committees on the work of the Committees since the last Council meeting.

- (a) Report from the Chairman of the Audit Committee on the work of the Committee

The Chairman of Audit Committee commended his report to the Council, thanking Members and Officers for their work. There were no questions.

- (b) Report from the Chairman of the Scrutiny Committee on the work of the Committee

The Chairman of Scrutiny Committee commended his report to the Council, thanking Members and Officers for their work. There were no questions.

It was moved by the Chairman and

Resolved: That, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the ground that likely disclosure of exempt information was involved as defined by paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information) as identified in Schedule 12A to the Local Government Act 1972.

51. Matters considered by the Cabinet

- (a) Income Strip Funding

(Exempt Information by virtue of Para. 3 of Part 1 of Schedule 12A LGA 1972)

Councillor Fleming proposed and Councillor Scholey seconded, the amended recommendations within the second supplementary agenda circulated that day.

Resolved: That

- a) further work be carried out to explore the opportunities and risks afforded by Income Strip Funding, including the procurement of specialist advice;
- b) a Member working group to consist of five Members nominated by the Leader be established and tasked to oversee the work; and
- c) a report on this work and any recommendations be brought to a future meeting of Full Council for decision.

THE MEETING WAS CONCLUDED AT 7.23 PM

CHAIRMAN

## Cabinet Membership and Portfolios

(7 Members: 7 Conservatives) Cllrs. Fleming, (Chairman), Dickins, Firth, Hogarth, Lowe, Piper and Scholey

### Portfolio Holders 2018/19 (Annex to Appendix H of the Constitution - revised November 2017)

Cllr. Peter Fleming	Leader Policy & Performance	Corporate Policy & Performance, Communications, Customer Service Standards, Business Transformation, Special Projects (Asset Acquisition, Disposal & Redevelopment), Digital, Human Resources.
Cllr. Matthew Dickins	Direct & Trading Services	Direct Services, Street Cleansing, Waste & Recycling, CCTV, Environmental Health, Markets, Parking, Pest Control.
Cllr. Roddy Hogarth	Economic & Community Development	Economic Development, Business Continuity, Emergency Planning, Regeneration, Town Centres, Tourism, West Kent Partnership, West Kent Leader Programme, Community Grants, Community Plan, Community Safety, Safeguarding, Youth, Parishes.
Cllr. John Scholey	Finance	Audit & Corporate Governance, Budget & Financial Strategy, Local Tax, Procurement Policy, Facilities Management, Strategic Risk, Housing Benefit, Fraud Prevention, Operational Assets.
Cllr. Michelle Lowe	Housing & Health	Housing Strategy & Policy, Housing Standards, Housing Needs, Empty Homes, Gypsy and Traveller, DFG, Health, Energy Efficiency, Fuel Poverty, Leisure.
Cllr Anna Firth	Legal & Democratic Services	Brexit, Corporate Health and Safety, Equality, Democratic Services, Elections, Land Charges and GDPR, Legal, Licensing, Trading Company, Shared Service Programme, Governance.
Cllr. Robert Piper	Planning	Conservation, Development Services, Development Control, Local Plan, Planning Policy, Building control, Transport policy, Enforcement.

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## APPENDIX U - Scheme of Delegations of Executive Functions by the Leader of the Council (May 2018)

### 1. Scope of the Scheme of Delegations of Executive Functions by the Leader of the Council

- 1.1 This Scheme of Delegations is made pursuant to paragraph 9.2 of Part 2 of the Council's Constitution which requires that a written record of delegations of executive functions be presented by the Leader of the Council at the first meeting of the Council following whole Council elections.
- 1.2 Thereafter this Scheme of Delegations of Executive Functions may be amended at any time by the Leader of the Council on written notice to the Chief Executive and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation and whether it entails the withdrawal of delegation from any body, Committee or the Cabinet as a whole. The changes will be reported to the next ordinary meeting of the Council.
- 1.3 This Scheme of Delegations has regard to the Council's Constitution and should be read in the context of the procedure rules contained in Part 4 of the Constitution. Should there be any conflict between this Scheme of Delegations and the Council's Constitution then the Constitution will prevail.

### 2. Role

- 2.1 The Cabinet (the Executive) will carry out all of the District Council's functions which are not the responsibility of any other part of the District Council, whether by law or under the Constitution. Please see table below for those functions delegated to Officers of the Council:

Function	Delegation of functions
Any function relating to contaminated land.	Chief Officer Environmental & Operational Services
The discharge of any function relating to the control of pollution or the management of air quality.	Chief Officer Environmental & Operational Services
The service of an abatement notice in respect of a statutory nuisance.	Chief Officer Environmental & Operational Services
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.	Chief Officer Environmental & Operational Services

Function	Delegation of functions
The inspection of the Authority's area to detect any statutory nuisance.	Chief Officer Environmental & Operational Services
The investigation of any complaint as to the existence of a statutory nuisance.	Chief Officer Environmental & Operational Services
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Chief Planning Officer
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Chief Planning Officer

### 3. **Form and Composition**

- 3.1 The Cabinet will consist of the Leader of the Council together with a further 4 Members appointed by the Leader of the Council (the Leader). The membership of the Cabinet and individual portfolios will be reported to the Annual Meeting of the Council.

### 4. **Leader**

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

- (a) he/she resigns from the office; or
- (b) he/she is no longer a Member; or
- (c) the expiry date of his/her fixed term of office as Leader, which is the date of the post-election annual meeting which follows his/her election as Leader (e.g. for a Leader elected at the Annual Council in May 2011, the period of election will continue to the Annual Meeting in May 2015); or
- (d) he/she is removed from office by resolution of the Council.

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

### 5. **Other Executive Members**

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

- (a) he/she resigns from the office; or
- (c) he/she is no longer a Councillor; or

- (d) he/she is removed from office by the Leader, who must give written notice of any removal to the Chief Executive. The removal will take effect two clear working days after receipt of the notice by the Chief Executive.
- 5.2 Where a vacancy occurs, the Leader will appoint another Deputy Leader.
- 5.3 If for any reason the Leader is unable to act or the office of Leader becomes vacant (and pending the election of a new Leader) the Deputy Leader shall discharge all roles and functions of the Leader.
- 5.4 If, for any reason, both the Leader and Deputy Leader are unable to act or both offices become vacant, the Executive shall act in the Leader's place or arrange for another Member of the Executive to act in his/her place.
- 5.5 Other Cabinet members shall be appointed by the Leader who shall notify the Council of their appointment and they shall hold office until:
- (a) they resign from office; or
  - (b) they are no longer Members; or
  - (c) they are removed from office on the expiry date of their appointed term of office, save that the Leader may remove the Cabinet Member from office at an earlier date if he/she so decides. The Leader must give written notice of any early removal of a Cabinet Member to the Chief Executive and the removal will take effect two clear working days after receipt of the notice by the Chief Executive.

## **6. Delegation to Executive and Portfolio Holders**

### Introduction

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

### Who may Make Executive Decisions?

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

### Principles of Delegation

- 6.4 The Executive should focus on:
- (a) co-ordination of decisions with a corporate-wide implication;
  - (b) major or key decisions;
  - (c) decisions which are recommendations on change in policy - and hence

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need Council approval;

- (d) monitoring progress on key tasks; and
- (e) developing new policy.

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

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

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

### Portfolios

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

- (a) provide direction and support to Chief Officers and Heads of Service in the management of the resources supporting their respective portfolios - including approval for filling vacancies and other minor personnel changes within agreed budgets;
- (b) oversee partnership working and external relationships within their portfolio areas; and
- (c) keeping their colleagues informed of significant or important issues as they emerge and develop.

Further Delegation of Executive Functions

- 6.7 Where the Cabinet, a Committee of the Cabinet (if one is established) or an individual member of the Cabinet is responsible for an executive function, they may delegate further to joint arrangements or an Officer.
- 6.8 Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a Committee of the Cabinet or to an Officer.
- 6.9 Unless the Leader directs otherwise, a Committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an Officer.
- 6.10 Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.
- 6.11 The Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Chief Executive and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the Executive as a whole. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- 6.12 Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chairman.
- 6.13 Where a Cabinet member would normally exercise executive functions delegated to him/her in respect of any matter but is unable to do so because of absence or indisposition, a decision on the matter may be taken by the Leader, by the Cabinet or by a Committee of the Cabinet.
- 6.14 Where a Cabinet member would normally exercise executive functions delegated to him/her in respect of any matter but has a prejudicial interest in that matter as defined in the Members' Code of Conduct he/she shall not exercise those delegated powers in respect of that matter. A decision on the matter shall be taken by the Cabinet or a Committee of the Cabinet and the normal rules for declaration of interests at meetings shall apply.

Conflicts of Interest

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

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dealt with as set out in the Members' Code of Conduct.

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

## **Chairmen, Vice-Chairmen and Membership of Council Committees**

**2018-19**

### **Appointments Committee**

(10 Members: 10 Conservatives incl. Leader of the Council and 3 appropriate Portfolio Holders)

Cllrs. Clark, Grint, Krogdahl, London, Pearsall and Miss Stack

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

### **Audit Committee**

(9 Members: 8 Conservative, 1 Liberal Democrat)

Chairman: Cllr Grint

Vice Chairman: Cllr Reay

Cllrs. Ball, Clack, Layland, McArthur, Purves, Searles and Williamson

### **Development Control Committee**

(19 Members: 17 Conservative, 1 Lib Dem, 1 UKIP)

Chairman: Cllr Williamson

Vice-Chairman: Cllr Thornton

Cllrs. Ball, Barnes, Bosley, Brown, Clark, Coleman, Edwards-Winsler, Halford, Mrs. Hunter, Horwood, Gaywood, Layland, McArthur, Parkin, Purves, Raikes and Reay

### **Governance Committee**

(7 Members: 6 Conservative, 1 UKIP)

Chairman: Cllr Pett

Vice-Chairman: Cllr Scott

Cllrs. Clack, Halford, Layland, London and McGarvey

### **Health Liaison Board**

(8 Members: 6 Conservative, 1 Liberal Democrat, 1 UKIP)

Chairman: Cllr. Dyball

Vice-Chairman: Cllr. Esler

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Cllrs. Dr Canet, Clark, Halford, Parkin, Searles and Miss Stack

### **Homelessness Review Board**

(3 Members: to be drawn from the Council - 2 Conservative plus 1 from either opposition group)

The Portfolio Holder for Housing & Health to be Chairman of the Board and the membership to be drawn from the Council.

### **Licensing Committee**

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

Chairman: Cllr Mrs Morris

Vice-Chairman: Cllr Clark

Cllrs. Abraham, Dr. Canet, Clack, Esler, Halford, Kelly, Lake, McArthur, Parkin, Pett and Raikes

### **Scrutiny Committee**

(11 Members: 7 Conservative, 1 Independent, 1 Labour, 1 Liberal Democrat, 1 UKIP)

Chairman: Cllr Brown

Vice-Chairman: Cllr London

Cllrs Ball, Clack, Hogg, Kitchener, Lindsay, McArthur, Purves, Reay and Searles

### **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: 7 Conservative)

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. Bosley, Clark, McGarvey, McGregor, Morris



**APPOINTMENTS TO OTHER ORGANISATIONS 2018/19 - NON-EXECUTIVE**

<u>Organisation</u>	<u>Appointed</u>	<u>Period of appointment</u>	<u>No. of Reps</u>	<u>Appointee(s) 2018/19</u>
Action with Communities in Rural Kent	yearly	May 2018 -19	2	Cllr. Clark Cllr. Thornton
Age UK: Sevenoaks, Tonbridge & District	yearly	May 2018 -19	1	Cllr. Edwards-Winsor
Biggin Hill Airport Consultative Committee	yearly	May 2018 -19	1	Cllr. Hogarth
Bough Beech Reservoir Recreation Consultative and Management Advisory Committee	yearly	May 2018 -19	1	Cllr. Coleman
Citizens Advice:				
Edenbridge & Westerham	yearly	May 2018 -19	2	Cllr. Maskell Cllr Coleman
North & West Kent	yearly	May 2018 -19	1	Cllr. Mrs. Hunter (Reserve: Cllr. Dyball)
Dartford & Gravesham NHS Trust Stakeholder Council	Yearly	- May 2018	2	Cllr. Searles & vacancy
Health & Wellbeing Boards:				
Dartford, Gravesham and Swanley	yearly	May 2018 -19	1	Cllr. Searles
Kent and Medway	yearly	May 2018 -19	1	Cllr. Searles
Clinical Commissioning Groups (Observers):				
Dartford, Gravesham and Swanley			1	Cllr. Searles
West Kent and Weald			1	Cllr. Mrs. Bosley

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<u>Organisation</u>	<u>Appointed</u>	<u>Period of appointment</u>	<u>No. of Reps</u>	<u>Appointee(s) 2018/19</u>
Kent County Council's Health Overview and Scrutiny Committee	On rota system (Rep, Sub and two spare)	May 2018 -19	1	Cllr. Searles (rep. no. 4)
Kent County Playing Fields Association	yearly	May 2018 -19	1	Cllr. Abraham
RELATE: West Kent & Tunbridge Wells	yearly	May 2018 -19	1	Cllr. Esler
Sevenoaks Churches Group for Social Concern	yearly	May 2018 -19	1	Cllr. Hunter (Sub Cllr. McGarvey)
Sevenoaks Conservation Council (3 Conservative, 1 LibDem)	yearly	May 2018 -19	4	Cllr. Clack Cllr. Edwards-Winser Cllr. Piper Cllr. Purves
Sevenoaks District Access Group (4 Conservative, 1 LibDem)	yearly	May 2018 -19	5	Cllr. McArthur Cllr. Parkin Cllr. Pett Cllr. Piper Cllr, Dr. Canet
(SENCIO) Sevenoaks Leisure Board of Trustees	yearly	May 2018 -19	2	Cllr. Mrs. Bosley Cllr. Clark
Sevenoaks Town Neighbourhood Development Plan Steering Committee	yearly	May 2018 -19	1	Cllr. Hogarth
Volunteer Bureau:				
Sevenoaks Volunteer Transport Group	yearly	May 2018 -19	1	Cllr. Raikes

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<u>Organisation</u>	<u>Appointed</u>	<u>Period of appointment</u>	<u>No. of Reps</u>	<u>Appointee(s) 2018/19</u>
Edenbridge Volunteer Transport Service	yearly	May 2018 -19	1	Cllr. Layland
North West Kent Volunteer Centre (Swanley)	yearly	May 2018 -19	1	Cllr. Pett

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