CONSTITUTION OF THE COUNCIL

This document is correct as at the date of issue but is subject to variation. Therefore, you are strongly advised to refer to the most up to date version which can be viewed on the Council's website and the Intranet.

Issue 28B: 1 November 2026

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PART 1 SUMMARY AND EXPLANATION

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Part 1 – Summary and Explanation

The Council's Constitution

Dover District Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

Article 1 of the Constitution commits the Council to achieving the delivery of identifiable and accountable corporate leadership for the local authority and the community which it serves and to the provision of efficient, open and transparent and accountable decision making.

Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Council Meeting (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny of Decisions (Article 6)
- The Executive (Article 7)
- Regulatory and Other Committees (Article 8)
- The Governance Committee (Article 9)
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- Officers (Article 12)
- Decision Making (Article 13)
- Finance, Contracts and Legal Matters (Article 14)
- Review and Revision of the Constitution (Article 15)
- Suspension, Interpretation and Publication of the Constitution (Article 16)

How the Council operates

The Council is composed of 32 councillors elected every four years.

Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Governance Committee advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The functions and roles of full Council include:

- To adopt the Constitution and any subsequent changes to it;
- To determine the decision-making structure of the Council and its internal procedural rules;
- To elect annually the Chairman and Vice-Chairman of the Council (who shall not be members of the Cabinet);
- To elect the Leader of the Council for a four-year term at the Annual Meeting of the Council following on from the ordinary election of all Councillors, who appoints the Cabinet;
- To remove the Leader of the Council by a simple majority vote;
- To make appointments to committees;
- To provide the forum for all members of the Council to consider and decide the Council's Policy Framework and Budget (which is submitted for approval by the Leader and Cabinet);
- To take decisions in respect of functions that are the responsibility of the Leader and Cabinet but which are not in accordance with the Policy Framework or Budget agreed by the Council;
- To take decisions in respect of functions which are not the responsibility of the Leader and Cabinet and which have not been delegated by the Council to committees, sub-committees or officers;
- To provide a public forum whereby members and the public may ask questions on matters relevant to the Council's functions and to bring forward matters for debate;
- To allow questions to be put to the Leader and Cabinet;
- To receive reports from all committees of the Council (i.e. the Scrutiny, Governance and Regulatory Committees) providing opportunity for questions and comments from members;

- To receive reports and to confirm or otherwise deal with the recommendations of the Cabinet or Council committees upon matters which are reserved to the Council for decision;

- To direct any Scrutiny Committee with regard to carrying out any programme of work or investigation;

- To receive reports and recommendations from the Head of Paid Service, Monitoring Officer and Section 151 Officer.

- To adopt the Council's code of conduct;

- To make or confirm the appointment of Chief Officers;

- To determine those matters which must under current legislation, be decided by the Council and not be delegated to a Committee or an officer.

How Decisions are made

The Executive

The executive is the part of the Council which is responsible for most day-to-day decisions. The executive is made up of the Leader of the Council, who is elected by the Council for a four-year term at the Annual Meeting of the Council following on from the ordinary election of all Councillors, and a Cabinet of up to nine councillors who are appointed by the Leader. When major decisions are to be discussed or made, these are published in the executive's notice of forthcoming key decisions insofar as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the executive, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The executive 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, this must be referred to the Council as a whole to decide.

Overview and Scrutiny Committee

There is one overview and scrutiny committees that supports and monitors the work of the executive and the Council as a whole. The Overview and Scrutiny Committee is responsible for 'call in' and co-ordination of scrutiny. Overview and scrutiny allow a citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the executive and the Council as a whole on its policies, budget and service delivery. The overview and scrutiny committee also monitors the decisions of the executive. There is a procedure for 'call-in' of a decision which has been made by the executive but not yet implemented which enables the Overview and Scrutiny Committee to consider whether the decision is appropriate and it may recommend that the executive reconsider the decision. The Overview and Scrutiny Committee may also be consulted by the executive or the Council on forthcoming decisions and the development of policy.

Advisory Groups

Advisory groups can be appointed by the Cabinet to support the work of the executive on specific projects or on specific functions or activities. They operate informally and are broadly politically balanced. Such a group will include an executive member who will chair the group. They allow other members of the Council who are not members of the executive to contribute

to project development and advise on certain functions/activities before determination of the matter by the executive out of the context of full Council meetings and the formal overview and scrutiny committee process. The groups can also make reports and give recommendations to the executive, but the decision must always be made by the executive (either the Leader, Cabinet or an individual Portfolio Holder).

The Council's Staff

The Council has people working for it (called '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 of the Council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific council services, for example as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- participate in the Council's question time and contribute to investigations by the overview and scrutiny committees in accordance with any procedures laid down;
- find out from the executive's notice of forthcoming key decisions what major decisions are to be discussed by the executive or decided by the executive or officers, and when;
- attend meetings of the executive where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and executive, except where, for example, personal or confidential matters are being reported;
- complain to the Council about Council services – the Council encourages its customers through its Corporate Complaints Procedure to express their concerns so that there is an opportunity to put things right for the customer and improve the service;

- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;

- complain to the Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct;

- inspect the Council's accounts and make their views known to the external auditor;

- make a request for information pursuant to the Freedom of Information Act 2000; and

- present a petition to the Overview and Scrutiny Committee.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Democratic Services Team for details.

A statement of the rights of citizens to inspect agendas and reports and attend meetings may be obtained on request at the Council offices.

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PART 2 ARTICLES OF THE CONSTITUTION

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PART 2 - ARTICLES OF THE CONSTITUTION

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Article 1 – The Constitution

1.01 Powers of the Council

The Council will exercise all of its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

This Constitution, and all of its appendices, is the Constitution of the Dover District Council.

1.03 Purpose of the Constitution

(a) Corporate Governance

This culture and approach will be embedded into the revised policies and procedures within the Constitution of the Council under the all-encompassing umbrella and benchmark of Corporate Governance.

For more information about the Council's Corporate Governance, please contact the Council's Director of Corporate Resources (Deputy Chief Executive) (01304 821199).

(b) Council's Aims and Objectives

The Council adopts this Constitution and the statement of purposes set out below having regard to its desire to fulfil the following aims and objectives:

- The Council seeks to deliver identifiable and accountable corporate leadership for the local authority and the community it serves and to provide efficient, transparent and accountable decision-making.

- To deliver this vision Dover District Council has identified the following strategic priorities in its Corporate Plan:

Strategic Priority 1: Improving Our Housing

Strategic Priority 2: Growing Our Economy

Strategic Priority 3: Protecting Our Environment

Strategic Priority 4: Supporting Our Communities

Strategic Priority 5: Modernising Our Council

(c) Statement of Purposes

The purposes of the Constitution are therefore to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making.

3. help councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

The Council will always have regard to its Code of Corporate Governance in the interpretation and review of the Constitution. The Corporate Governance arrangements will also be used to audit and benchmark the Constitution.

References: *Section 37, LAG 2000*
Chapter 10, DETR Guidance
The Local Government Act 2000 (Constitutions) (England) Direction 2000

Article 2 – Members of The Council

DEVELOPING ROLES FOR COUNCILLORS

2.01 Composition and eligibility

(a) **Composition.** The Council will comprise 32 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

(b) **Eligibility.** Only registered voters of the district or those living or working there will be eligible to hold the office of councillor.

2.02 Election and terms of councillors

Election and terms. The regular election of councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and functions of all councillors

(a) **Key roles.** All councillors will:

(i) collectively be the ultimate policymakers and carry out a number of strategic and corporate management functions;

(ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;

(iii) respond to constituents' enquiries and representations, fairly and impartially;

(iv) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

(v) maintain the highest standards of conduct and ethics.

(vi) be available to represent the Council on other bodies; and

(vii) participate in the governance and management of the Council and be involved in decision-making.

NB The community role of councillors will be strengthened through the Members' Training and Induction Programme.

(b) **Job Descriptions**

These key roles are set out in job descriptions for Councillors in the Appendix to this article. There are additional roles and tasks which vary, according to the position the Councillor holds.

(c) **Rights and duties**

(i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

(ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

(iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.04 **Conduct**

Councillors, when acting in their capacity as an elected or co-opted member of the authority, will comply with the Dover District Council Kent Code of Conduct for Members and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution. Members will also observe the Protocol for Good Practice in Planning Procedures and the Protocol for Officers and Members for Dealing with Conflicts of Interest of Councillors in Professional Practice.

2.05 **Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

References: *Part 1, Part V and Section 79, Local Government Act 1972*
Chapter 2, DETR Guidance
Section 18, Local Government and Housing Act 1989 and regulations thereunder
Section 7, Superannuation Act 1972 and regulations thereunder

APPENDIX 1

JOB DESCRIPTIONS

1. **Ward Councillor**

Purpose of Role:

To participate constructively and effectively in the good governance of Dover District Council.

Duties and responsibilities:

(a) To observe the Dover District Council Kent Code of Conduct for Members, act at all times with probity and propriety in the best interests of the Council and maintain confidentiality in all relevant Council business.

(b) To be collectively the ultimate policy-makers by contributing actively to the formation and scrutiny of the Council's policies, budget, strategies and service delivery.

(c) To represent effectively and impartially the Ward to which they were elected and bring their communities' views and concerns into the Council's decision-making process by becoming the advocate of and for their communities.

(d) To champion causes which best relate to the interests and sustainability of the community and campaign for improvement of quality of life in the community in terms of equity, economy and the environment.

(e) To respond to constituents' enquiries and representations fairly and impartially, to deal with individual casework and act as advocate in resolving constituents' particular concerns or grievances.

(f) To participate effectively as a Member of any Committee, Sub-Committee, working group or other body to which they are appointed and to develop and maintain a working knowledge of the Council's services, powers, duties, policies and practices including a good working relationship with officers of the Council.

(g) To represent the Council effectively on any outside body to which they are appointed, providing two-way communication between the organisations and presenting annually to Council a report on the work of the body and its contribution to the District.

(h) To develop and maintain a working knowledge of other organisations and services within the District including the promotion of partnership working.

(i) To contribute constructively to open government and generally encourage all sections of the community to participate in the democratic process.

(j) When unable to attend a meeting of Committee or other body to which they have been appointed a member, to find a suitable substitute for the meeting and advise the Democratic Services section of the substitution.

(k) To take part in Member training in order to develop competencies, increase knowledge and receive updated information.

Skills required:

- Good communication and interpersonal skills.
- Ability to relate to and deal with the public in a professional and timely manner and having regard to all aspects of equality and diversity.
- Ability to work professionally and effectively with Council officers and outside organisations.
- Community leadership skills.

2. **Chairman of a Committee**

Purpose of Role:

To chair meetings of the committee to which they have been appointed by Council in accordance with the committee's terms of reference and to provide leadership and direction to the committee.

Duties and responsibilities (in addition to those of a Ward Councillor):

(a) To develop a constructive relationship with the relevant Head of Service, senior officers and appropriate Portfolio Holder.

(b) To maintain a good working relationship with the Vice-Chairman and Controlling Group Spokesperson of the committee and ensure they are adequately briefed on all relevant issues.

(c) To be consulted as necessary on the addition of items to the agenda as a matter of urgency.

(d) To attend briefing meetings with appropriate senior officer(s) as necessary.

(e) To uphold the Council's Constitution for the conduct of meetings.

(f) To chair effective and efficient meetings of the committee ensuring that approved procedures are followed, all members of the committee are given equal opportunity to debate business to be conducted, and order is maintained during the meeting.

(g) To ensure that the Council's decision-making process is transparent, consistent and accountable.

(h) To use the Chairman's casting vote as and when appropriate.

(i) To vary the order of business if considered appropriate

(j) To approve the final draft Minutes or Notes submitted by Democratic Services officers, suggesting amendments if necessary, and to sign the Minutes/Notes as a correct record of the meeting when approved by the committee at the following meeting.

Specific skills required (in addition to those of a Ward Councillor):

- Ability to gain information by asking relevant questions and seeking necessary information.

- Active listening skills to ensure that speakers with differing abilities are heard and understood.
- Competent in analysing available information, summarising it, explaining outcomes and reasons for outcomes.
- Interpersonal and communication skills to ensure inclusion of all contributors whilst maintaining the focus and direction of the meeting.
- Ability to give clear guidance on procedures to be followed, explanation of outcomes if procedures/protocols not observed, and to take necessary and proportionate action when required.

3. **Chairman of** the **Overview and Scrutiny Committee**

Purpose of Role:

To chair the Council's Overview and Scrutiny Committee ensuring effective consideration and scrutiny by the committee of decisions, proposals and reports of the Executive relating to the remit of the Overview and Scrutiny Committee.

Duties and responsibilities (in addition to those of a Chairman of a committee):

(a) At all times to use their own discretion and act in the interests of the Council and not of their political group.

(b) To lead the committee on scrutiny of the Council's policies, budget, strategies and service delivery as appropriate to the remit of the committee.

(c) To set the agenda for committee meetings, with assistance from officers.

(d) To programme and manage reviews relevant to their committee within the agreed work programme.

(e) To lead on the decisions, responses or recommendations, post scrutiny, to the Executive or relevant officers.

(f) To represent the committee's views and present its resolutions to meetings of the Cabinet, Council or other committees.

(g) To promote the role of overview and scrutiny within and outside the Council.

(h) To meet regularly with relevant officers to ensure the receipt of appropriate independent advice.

(i) To determine whether a key questions meeting is necessary prior to a meeting of the committee and, if so, to attend it together with the Controlling Group Spokesperson and other Members in accordance with the approved procedure.

(j) To be fully aware of the Council's Notice of Forthcoming Key Decisions and to ensure that the committee is able to consider all relevant issues within the timescale set out in the work programme.

(k) To provide agreement where appropriate for special urgency decisions to be implemented if not in the Notice of Forthcoming Key Decisions, in accordance with relevant guidelines.

(l) To provide agreement where appropriate for private meetings of the Executive where 28 days' notice has not been given for an exempt item of business.

(l) To fully involve external stakeholders such as service users, expert witnesses and partners in overview and scrutiny activities.

(m) To lead on the provision of advice to the Executive on major issues or policies before final decisions are made by the Executive.

(n) To call in a decision of the Executive or to receive and action requests for an Executive decision to be called in, in accordance with the agreed procedure.

(o) To ensure regular contact with non-executive Members, community representatives and local stakeholders to inform effective scrutiny of performance management.

(p) To contribute effectively to the Council's scrutiny process by ensuring the questioning of the relevant officers on performance management.

(q) To lead in ensuring that appropriate information, training and guidance is available to non-executive Members in scrutinising performance management.

(r) To lead on the provision of advice to the Executive on matters regarding community and regeneration and the scrutiny of external reports on community and regeneration.

(s) To meet regularly with relevant officers to ensure the receipt of appropriate independent advice to inform effective scrutiny of community and regeneration issues.

(t) To ensure regular contact with non-executive Members, community representatives and local stakeholders to inform effective scrutiny of community and regeneration issues.

(u) To lead in ensuring contact with non-executive Members, community representatives and local stakeholders to inform effective scrutiny of performance management.

Specific skills required (in addition to those of a Chairman of a committee):

- Confidence in bringing together elected Members, officers, representatives of external bodies and members of the public in order to obtain and evaluate information.
- Questioning and summarising skills.
- Ability to focus on essential issues as a basis for key questions.
- Clear understanding of Council's budget and policies.
- Clear understanding of Council's call-in procedure

4. **Chairman of Planning Committee**

Purpose of Role:

To chair meetings of the Council's Planning Committee in accordance with the Committee's terms of reference; to provide leadership and direction to the Committee and open and transparent decision making on planning applications brought to Committee.

Duties and responsibilities (in addition to those of a Chairman of a Committee:

(a) At all times to use their own discretion and act in the interests of Dover District and not of their political group.

(b) To be fully conversant with the procedure for public speaking at Committee and to ensure that all parties are given an equal opportunity to express their views within that procedure.

(c) Whenever possible to attend and chair site visits, ensuring that the correct procedure is followed and all parties are given an equal opportunity to express their views within that procedure so that Members obtain the necessary information from the visit.

(d) To act in consultation with the Chief Executive and/or Head of Regeneration and Development in respect of decisions taken in accordance with the Ordinary Decisions (Council Business) Urgency Procedure and to bring such decisions to the attention of the Committee.

(e) To maintain and update a working knowledge of Town and Country Planning matters, Planning Policy Guidance and Planning Policy Statements, the Council's Local Development Framework, and other policies and practices affecting applications for planning permission which come before Committee.

Specific skills required (in addition to those of a Chairman of a Committee):

- Clear understanding of Council's development control function, planning application procedures and processes.
- Working knowledge of Town and Country Planning laws and relevant planning policies.
- Understanding of the Local Development Framework process.
- Ability to conduct site visits

5. **Chairman of Licensing/Regulatory Committee**

Purpose of Role:

To chair meetings of the Council's Licensing Committee and/or Regulatory Committee in accordance with the Committee's terms of reference; to provide leadership and direction to the Committee and open and transparent decision-making on licensing matters brought to Committee.

Duties and responsibilities (in addition to those of a Chairman of a Committee):

(a) At all times to use their own discretion and act in the interests of the Licensing Authority and not of their political group.

(b) To be fully conversant with the procedure for hearings at Committee and to ensure that all parties are given an equal opportunity to express their views within that procedure.

(c) To liaise with the Council's Licensing Manager and the Legal Section as necessary.

(d) To maintain and update a working knowledge of the Licensing Act 2003, relevant guidelines and regulations, and the Gambling Act 2005 as they affect applications which come before the Licensing Committee.

(e) To maintain and update a working knowledge of the various licences dealt with by the Council's Licensing Section, the guidelines for fit and proper persons and the Council's guidelines and policies in respect of the Hackney Carriage

and Private Hire trades as they affect applications and other matters brought before the Regulatory Committee.

(f) To be prepared to appear before a Magistrates' Court as a witness for the Council in the case of an appeal made against the decision of the Regulatory Committee.

(g) To undertake training on new or amended legislation, regulations or procedures as required.

Specific skills required (in addition to those of a Chairman of a Committee):

- Clear understanding of Council's licensing function, licence application procedures and processes.
- Good interpersonal, questioning, analytical and summarising competencies.
- Understanding of legal procedures and processes.

6. **Chairman of Governance Committee**

Purpose of Role:

To chair meetings of the Council's Governance Committee in accordance with the Committee's terms of reference; to provide leadership and direction to the Committee on detailed financial and audit matters brought before Committee; and to provide leadership and direction to the Committee in close liaison with the Council's Monitoring Officer in respect of the Code of Conduct.

Duties and responsibilities (in addition to those of a Chairman of a Committee):

(a) Maintain and update a working knowledge of the Council's financial practices, budget process and timetable, draft and year end accounts.

(b) Have an overall understanding of the various functions and service areas of the Council with regard to audit reports on performance levels.

(c) To have a working knowledge of the Council's Constitution in order to undertake reviews and recommend changes to Council.

(d) To work closely with, the Head of Audit Partnership, Director of Housing and Place, Head of Finance & Investment and Director of Corporate Resources in respect of reports to be considered by Committee.

(e) To undertake training on new or amended legislation, regulations or procedures as required.

(f) To be conversant with the protocols and practices of the Council insofar as they affect the conduct of elected District or Parish councillors.

(g) To be fully conversant with the Council's Code of Conduct, and the arrangements for dealing with Code of Conduct complaints under the Localism Act 2011.

(h) To submit a report to the Annual Meeting of the Council on the work of the Governance Committee during the previous year.

Specific skills required (in addition to those of a Chairman of a Committee):

- Attention to detail, analytical and numeracy skills.

- Understanding of corporate risk assessment and management and the system of internal control.
- Ability to clarify and explain detailed information..
- Good interpersonal, questioning, analytical and summarising competencies.
- Clear understanding of the Dover District Council Kent Code of Conduct for Members and its implications for Councillors together with Members' Disclosable Pecuniary Interests and Other Significant Interests.
- Ability to be completely impartial when dealing with elected councillors, officers and members of the public.

7. **Chairman of General Purposes Committee**

Purpose of Role:

To chair meetings of the Council's General Purposes Committee in accordance with the Committee's terms of reference; to provide leadership and direction to Members on matters which would otherwise have been dealt with by Council.

Duties and responsibilities (in addition to those of a Chairman of a Committee)

(a) To have a clear understanding of the role of the Committee and the matters which it can consider and those powers and functions which are reserved to Council.

(b) Have an overall understanding of the various functions and service areas of the Council.

(c) Maintain and update a working knowledge of the Council's terms and conditions of employment.

(d) To work closely with the Chief Executive, Director of Corporate Resources and the Heads of Service as necessary.

Specific skills required (in addition to those of a Chairman of a Committee):

- Excellent interpersonal and communication competencies.
- Ability to remain impartial and objective when dealing with Members and officers.
- Ability to assimilate, clarify and explain detailed information.

8. **Cabinet Member/Portfolio Holder**

Purpose of Role

(a) To discharge those executive functions of the Council which the Leader has ascribed to the Cabinet.

(b) In addition, to have the general role of providing leadership and guidance in respect of all executive functions within the portfolio area for which they are accountable.

Duties and responsibilities (in addition to those of a Ward Councillor)

(a) To participate effectively as a member of the Cabinet, being responsible collectively and individually for making and implementing executive decisions, including proposing for adoption the Council's budget and policy framework.

(b) To review regularly the effectiveness of policies and services for which the portfolio holder is responsible and make recommendations to the Cabinet for continuous improvement.

(c) To seek advice from relevant officers before taking any decision which may be within their own delegated authority.

(d) To monitor and review capital and revenue budgets in their areas of responsibility to ensure expenditure and income is consistent with the Council's agreed budget.

(e) Annually to review fees and charges where these are relevant to the responsibility areas and to recommend changes in line with the Council's agreed budget strategy.

(f) To liaise and work with other portfolio holders on cross-cutting areas of responsibility and make recommendations to the Cabinet as appropriate for decision.

(g) To consider and agree service plans for services for which they are responsible and regularly review these with appropriate officers to ensure agreed actions are taken.

(h) To identify and encourage participation and consultation on Council policies and strategies contained in the Corporate Plan with all members of the Council, staff, residents of the District, partners and stakeholders and to promote the Council's core values. (i) To speak on behalf of the Council and to represent the Council on relevant external bodies to which they are appointed by the Council or the Executive.

(j) To receive representations from Members acting in their capacity as Ward members in relation to the provision of services to residents within their area.

(k) To exercise delegated powers in accordance with the Council's Constitution.

(l) To make a decision in accordance with Part 3; section 3; paragraph C12 of the Council's Constitution in a case where a matter is urgent and cannot wait for the next meeting of the Cabinet.

Specific skills required (in addition to those of a Ward Councillor):

- Ability to analyse complex issues.
- Understanding of local government and national statutory and financial frameworks.
- Understanding of the Council's Corporate Plan, annual budget, and relevant portfolio issues.

9. **Leader of the Council**

Purpose of Role

(a) To discharge or make arrangements for the discharge of functions which are the responsibility of the executive.

(b) To provide strategic direction and political leadership to the Council and lead in its relations with government, other public bodies, partner organisations and the media.

(c) To be responsible for:

- Leadership
- Ensuring that the Council maintains good relations with its staff
- Economic Development
- Place Making
- Corporate Plan
- Inward Investment
- Human Resources (including Corporate Health & Safety)

Duties and responsibilities (in addition to those of a Ward Councillor and Chairman of a Committee)

(a) To provide effective political leadership and strategic direction to the Council, stakeholders and partners in the overall co-ordination of Council policies, strategies and service delivery and to achieve the objectives of the Council's Corporate Plan.

(b) To ensure effective corporate governance including working with opposition groups to achieve, where possible, cross-party co-operation and to promote the highest standards of probity.

(c) To lead the Cabinet and chair its meetings, ensuring that it meets its collective terms of reference and that of individual portfolio holders, and be responsible for the Council's corporate and resource strategy.

(d) To lead the development of local, regional, national and European policy and strategic partnerships.

(e) To lead in developing partnerships with agencies, residents of the Dover District and stakeholders in relation to the delivery of strategic objectives and the provision of services to residents of the District in accordance with the community planning process.

(f) To be the key contact for outside organisations including central government.

(g) To positively promote the Council and the District in the media and to act as the political spokesperson for the Council.

(h) To promote the long-term financial, business and economic stability of the Council.

(i) To ensure that the recommendations of the Overview and Scrutiny Committees are fully considered in the formulation and development of Council policy.

(j) To appoint members of the Cabinet and determine the individual portfolio holders.

(l) To act as consultee where appropriate on decisions taken between meetings of Cabinet as set out in Part 3; Section 3; paragraph C12 of the Council's Constitution.

(m) To give an oral report of the business of the Executive to each ordinary meeting of Council.

Specific skills required (in addition to those of a Ward Councillor and Chairman of a Committee):

- Effective leadership including chairing meetings and facilitating discussion.
- Business and financial acumen including understanding and managing the Council's budget.
- Excellent political knowledge and awareness.
- Ability to work effectively with officers, public, media and outside organisations

10. **Deputy Leader**

Purpose of the role:

To support the Leader and fulfil all areas of responsibility of the Leader in their absence and to ensure that the Council's management and political processes function effectively.

Duties and responsibilities (in addition to those of a Ward Councillor and a Chairman of a Committee)

(a) To assist and work with the Leader of the Council.

(b) To act in the Leader's place when the Leader is unable to act or the office of Leader is vacant.

(c) To carry out such duties and undertake portfolio responsibility as delegated by the Leader of the Council.

11. **Leader of the Major Opposition Group**

Purpose of Role

(a) To provide leadership to the Council's major opposition group.

(b) To ensure effective, positive and constructive opposition and/or challenge to the Council's majority group.

Duties and Responsibilities (in addition to those of a Ward Councillor and Chairman of a Committee)

(a) To provide overall leadership to the Council's major opposition group.

(b) To lead effectively the opposition and/or challenge to the majority group at the Council and provide, as appropriate, alternatives or amendments to the Council's policies, strategies and budgets and proposed amendments thereto.

(c) To act as the principal political spokesperson for the major opposition group.

(d) To meet regularly with their group members to ensure good communications and to inform effective opposition

(e) To maintain effective relationships with the Leader of the Council, members of the Executive, the Chief Executive, Heads of Service and other relevant senior officers, meeting them as required to ensure effective briefings on service and relevant corporate areas and any other relevant issues pertaining to the Council.

(f) To nominate members of their group to serve on Committees and Sub-Committees of the Council.

(g) To ensure effective contact with community representatives and other local stakeholders, as appropriate, and represent their views in ensuring effective opposition to the majority party.

12. **Shadow Cabinet Member**

Purpose of Role:

To assist the Leader of the majority opposition group by providing informed comment and advice in respect of their particular shadow portfolio and with regard to the work being undertaken by the current Portfolio Holder.

Duties and responsibilities (in addition to those of a Ward Councillor)

(a) To provide constructive challenge to the policies of the administration.

(b) To assist in shaping the policy of the opposition group with regard to its shadow portfolio.

(c) To liaise and work with other shadow portfolio holders on cross-cutting areas of responsibility.

(d) To receive briefings at regular intervals from senior officers of the Council as required.

(e) To participate effectively as a member of the Shadow Cabinet by becoming thoroughly conversant with the area of expertise relevant to their specific portfolio.

Specific skills required (in addition to those of a Ward Councillor):

- Understanding of key policy areas relevant to the shadow portfolio.
- Understanding of local government and national statutory and financial frameworks.
- Understanding of the Council's Corporate Plan, annual budget and key policy documents.

13. **Chairman of the Council** (Article 5)

Purpose of Role:

The Chairman will be elected by the Council annually to

(a) Be the Civic Head of the Council representing the Council as a whole in all civic and ceremonial matters.

(b) Preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Members and the interests of the community.

Duties and responsibilities (in addition to those of a Ward Councillor and Chairman of a Committee):

Ceremonial Role

(a) The Chairman will attend such civic and ceremonial functions as the Council and he/she determines appropriate having regard to criteria determined in consultation with the Leader of the Council for which events require a civic/ceremonial presence and which represent the work of the Executive.

(b) To positively promote the Council and the District.

[The Chairman has social precedence in the Dover District by virtue of the Local Government Act 1972 (but not so as to prejudicially affect His Majesty's royal prerogative)].

Chairing the Council Meeting

(a) To uphold and promote the purposes of the Council's Constitution and to interpret the Constitution when necessary.

(b) To preside over meetings of the Council in an impartial manner.

(c) To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are neither on the Executive nor hold Committee chairs are able to hold the Executive and Committee chairmen to account.

(d) To promote public involvement in the Council's activities.

(e) To be the conscience of the Council.

(f) In the absence of the chairman of a relevant Overview and Scrutiny Committee to give consent under the Urgency Procedures to enable executive decisions to be made outside the Budget or Policy Framework.

(g) To be the arbiter in respect of appropriate decisions taken between meetings of Cabinet where the call-in procedure should not apply.

Specific skills required (in addition to those of a Ward Councillor and Chairman of a Committee):

- Chairing meetings in an effective and impartial manner.
- Knowledge of the Council's Constitution and procedures.
- Public relations experience and skills.
- Tact, diplomacy and respect for the position of first citizen of the District.
- Confidence in instructing the Chairman's Chauffeur and Attendant on matters affecting the Chairman's civic role.

14. **Vice-Chairman of the Council**

Purpose of Role:

To support the Chairman of the Council and, in his/her absence, to have the same roles and functions as the Chairman.

Duties and Responsibilities:

(a) To attend such civic functions and events as shall be requested by the Chairman.

(b) To assist the Chairman at meetings of Council as necessary.

Article 3 – Citizens and the Council

3.01 Citizens' rights

Citizens have the following rights.

Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution. Reference should also be made to the section headed Citizens' Rights contained in the Summary and Explanation

(a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

(b) **Information.** Citizens have the right to:

(i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

(ii) attend meetings of the Executive and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private

(iii) find out from the notice of forthcoming key decisions what key decisions will be taken by the executive and when;

(iv) see reports and background papers, except where confidential or exempt information is being reported, and any records of decisions made by the Council and the executive; and

(v) inspect the Council's accounts and make their views known to the external auditor; and

(vi) make a request for information pursuant to the Freedom of Information Act 2000.

(c) **Participation.** Citizens have the right to submit petitions to the Proper Officer, participate in the Council's public question time and contribute to reviews by overview and scrutiny committees.

(d) **Complaints.** Citizens have the right to complain to:

(i) the Council itself under its complaints scheme;

(ii) the Ombudsman after using the Council's own complaints scheme;

(iii) the Monitoring Officer about an alleged breach of the Dover District Council Kent Code of Conduct for Members.

3.02 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

Article 4 – The Full Council

4.01 Meanings

(a) **Policy Framework.** The policy framework means the following plans and strategies:

(i) **Statutory:**

- Sustainable Community Strategy;
- Crime and Disorder Reduction Strategy;
- Local Transport Plan (District Strategy);
- Plans and strategies which together comprise the Development Plan;
- Formulating a plan or strategy for the control of the authority's borrowing or capital expenditure;

(ii) **Non-Statutory:**

- Council's Corporate Plan;
- Any other plans or strategies which the Council may decide should be adopted by it;

The Council may from time to time review the list of plans and strategies which form the Policy Framework where there is a local choice. For clarification where a plan or strategy is not part of the Policy Framework the plan or strategy in question shall be subject to approval by the executive.

(b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

The budget for each financial year will (after approval by full Council) be set out in a Budget Book prepared by the Section 151 Officer and circulated to all members and officers.

(c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.

4.02 Functions of the full Council

Only the Council can exercise the following functions:

(a) adopting and changing the Constitution;

(b) changes to the form of executive;

(c) approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer;

(d) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;

(e) electing the Chairman and Vice-Chairman of the Council;

(f) electing the Leader of the Council for a four year term;

(g) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;

(h) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;

(i) adopting an allowances scheme under Article 2.05;

(j) changing the name of the area or conferring the title of honorary alderman;

(k) confirming the appointment of the head of paid service or any new appointments where the proposed salary is to exceed £100,000;

(l) confirming any severance payments awarded in excess of £100,000;

(m) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

(n) approving the Scheme of Delegations in relation to non-executive functions;

(o) various electoral and parish matters;

(p) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the executive;

(q) approval or adoption of the investment strategy; and

(r) all other matters which, by law, must be reserved to Council.

Reference should also be made to the allocation of functions set out in Part 3 (Responsibility for Functions) (Section 2) which lists all of the functions which are made the responsibility of the full Council.

4.03 General Purposes Committee

This Committee will consider matters between Council meetings. Council business will be discharged through this Committee in accordance with the Budget and Policy Framework such as changes to the Council's terms and conditions of employment. An

extraordinary meeting of the Council would be convened for all business contrary to the Budget and Policy Framework or involving the creation of new policy.

The Committee may not discharge those powers and functions:

(a) Specifically reserved by paragraph 4.02(a)-(q) of Article 4; or

(b) Those which are within the remit of another Council Committee.

4.04 Council meetings

There are three types of Council meeting:

(a) the annual meeting;

(b) ordinary meetings;

(c) extraordinary meetings;

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.05 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the executive.

4.06 Seating

The Council has approved a convention for seating at meetings of Full Council whereby the Chief Executive and the Monitoring Officer (or their representatives) will be seated in close proximity to the Chairman and the Vice-Chairman and all other Members will be seated in the main part of the Council Chamber (i.e. seated in“the two "horseshoes").

References: Local Authorities (Functions and Responsibilities) (England) Regulations 2000 Chapters 2 and 9, DETR Guidance

Article 5 – Chairing the Council

5.01 Role and function of the Chairman

The Chairman of the Council and in their absence, the Vice-Chairman, will have the following roles and functions:

CEREMONIAL ROLE

The Chairman will represent and promote the Council as a whole and its area in all civic and ceremonial matters.

The Chairman has social precedence in the district by virtue of the Local Government Act 1972 (but not so as to prejudicially affect His Majesty's royal prerogative).

Note: The Chairman and the Leader of the Council shall together determine criteria for deciding which functions require a civic/ceremonial presence and which functions represent the work of the executive. If there is any overlap or difference of opinion both may attend the event.

CHAIRING THE COUNCIL MEETING

The Chairman will be elected by the Council annually. The Chairman will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the executive or do not hold committee chairs are able to hold the executive and committee chairmen to account;
4. to promote public involvement in the Council's activities;
5. to be the conscience of the Council;
6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate;
7. in the absence of a chair of a relevant overview and scrutiny committee to give consent under the Urgency Procedures to enable executive decisions to be made outside the Budget or Policy Framework; and
8. to be the arbiter in respect of urgent decisions where the call-in procedure should not apply.

The Chairman and Vice-Chairman of the Council cannot be elected as Leader or be appointed to the Cabinet.

References: *Sections 3, 5, 245; Schedule 2, 12; Local Government Act 1972*
Schedule 3, Local Government Act 2000
Chapters 2, 4 and 9, DETR Guidance

Article 6 – Overview and Scrutiny Committees

OVERVIEW AND SCRUTINY – GENERAL COMMENTS

6.01 The overview and scrutiny function is central to the constitution. Government guidance makes it clear that overview and scrutiny committees should be powerful committees which meet in public to discuss and make recommendations on the development of policies and hold the executive to account for its actions. They also have a key role in considering other matters of local concern. The only other specific function which they may be empowered to undertake is the conduct of best value reviews.

6.02 The rules for how overview and scrutiny committees operate are set out in the overview and scrutiny procedure rules which are contained in Part 4 of the constitution.

CO-ORDINATING OVERVIEW AND SCRUTINY

6.03 The Council acknowledges the need to co-ordinate overview and scrutiny arrangements within the Council's decision-making structure. The co-ordination of overview and scrutiny shall be the responsibility of the Overview and Scrutiny Committee whose role will include:

(a) To co-ordinate call-in arrangements;

(b) To identify the need for resources to support scrutiny arrangements;

(c) To oversee the work programme of the Overview and Scrutiny Committee;

(d) To ensure that scrutiny arrangements support the Council's decision-making processes.

6.04 **Terms of reference**

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out below.

Scrutiny – Areas of remit
1. Budget and Major Policy 2. Call-in 3. Performance Monitoring and Improvement 4. Public Health 5. Major Projects 6. Crime and Disorder

6.05 **General role**

Within their terms of reference, the overview and scrutiny committees will:

(i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;

(ii) make reports and/or recommendations to the full Council and/or the executive in connection with the discharge of any functions;

(iii) consider any matter affecting the area or its inhabitants; and

(iv) reconsider decisions made but not yet implemented by the executive (following the exercise of the right of call-in).

6.06 **Specific functions**

(a) **Policy development and review.** The overview and scrutiny committee may:

(i) assist the Council and the executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;

(ii) conduct research and undertake community and other consultation in the analysis of policy issues and possible options;

(iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

(iv) question members of the executive and/or committees and chief officers about their views on issues and proposals affecting the area; and

(v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny.** The overview and scrutiny committee may:

(i) review and scrutinise the decisions made by and performance of the executive and/or committees and council officers both in relation to individual decisions and over time;

(ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

(iii) question members of the executive and/or committees and chief officers 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;

(iv) make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;

(v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and

(vi) question and gather evidence from any person (with their consent).

(c) **Finance.** The overview and scrutiny committee may exercise overall responsibility for the finances made available to it.

(d) **Annual report.** The overview and scrutiny committee must report annually to full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.

(e) **Officers.** The overview and scrutiny committees may exercise overall responsibility for the work programme of the officers employed to support its work.

6.07 Proceedings of overview and scrutiny committee

The overview and scrutiny committees will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

References: Section 21 and Schedule 1 (Paragraphs 7, 8, 10 and 11), Local Government Act 2000
Chapters 3 and 9, DETR Guidance

Article 7 – The Executive

THE ROLE OF THE EXECUTIVE

The executive is at the heart of the day-to-day decision-making process. It has a key role in proposing the budget and policy framework to the Council for adoption and is responsible for making and implementing executive decisions in accordance with the approved budget and policy framework.

Provision has been made in the constitution for both collective decision-making and decision-making by the Leader of the Council and individual elected members.

The rules for how the Leader and the executive will operate are set out in the Leader and Executive Procedure Rules which are contained in part 4 of the constitution.

7.01 Role

The executive (meaning the Leader of the Council and such other Members of the Council as the Leader may appoint) will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. The Leader may however, make arrangements to delegate some matters to the Cabinet, a Cabinet Committee, individual Cabinet members, or to officers.

7.02 Form and composition

The executive will consist of the Leader of the Council together with at least two, but not more than nine, councillors appointed to the executive by the Leader.

7.03 Leader

The Leader will be a councillor elected to the position of leader by the Council at the Annual Meeting of the Council following on from the ordinary election of all Councillors for a four-year term.

The Leader will hold office until:

(a) He or she resigns from the office; or

(b) He or she is no longer a councillor except where the Leader of the Council fails to be returned as a Councillor following an ordinary election of all Councillors when unless the Leader resigns, is disqualified or is otherwise removed from office s/he shall continue as Leader until the day of the Annual Meeting; or

(c) He or she is removed from office by resolution of a simple majority of the Council.

7.04 Deputy Leader

The Deputy Leader will be a councillor appointed to the position of Deputy Leader by the Leader of the Council for a four-year term at the Annual Meeting of the Council following on from the ordinary election of all Councillors.

The Deputy Leader shall hold office until:

(a) He or she resigns from office; or

(b) He or she is no longer a councillor; or

(c) He or she is removed from office by the Leader of the Council; or

(d) The expiry of the term of office of the Leader of the Council.

If for any reason the Leader of the Council is unable to act or the office of Leader is vacant the Deputy Leader must act in her/his place.

7.05 Other executive members

In addition to the Deputy Leader, the Leader of the Council must appoint at least one other councillor as a member of the executive (also known as a Portfolio Holder) for a four-year term at the Annual Meeting of the Council following on from the ordinary election of all Councillors.

Members of the executive shall hold office until:

(a) He or she resigns from office; or

(b) He or she is no longer councillors; or

(d) He or she is removed from office by the Leader of the Council.

If for any reason the Leader of the Council is unable to act or the office of the Leader is vacant and the Deputy Leader is unable to act or the office of the Deputy Leader is vacant, the executive must act in the Leader's place or must arrange for a member of the Cabinet to act in her/his place.

7.06 Proceedings of the executive

Proceedings of the executive shall take place in accordance with the Leader and Executive Procedure Rules set out in Part 4 of this Constitution.

7.07 Responsibility for functions

The Leader will be responsible for allocating executive functions and shall maintain a list (contained in Part 3 of this Constitution) setting out which individual members of the executive, committees of the Cabinet, officers or joint or other bodies are responsible for the exercise of particular executive functions.

In particular, the Leader may:

(a) Allocate areas of responsibility to those Members.

(b) Discharge executive functions or make arrangements for their discharge by the executive collectively, committees of the executive, individual Portfolio Holders, an area committee or Officers of the Council.

All the Leader's arrangements under paragraph 7.07 will be effective from the time the Leader makes them. A notice of these arrangements will be published.

7.08 Lead Members

The Leader will be responsible for the appointment and removal of Lead Members who will advise and assist Portfolio Holders. The Leader will be responsible for determining the number of Lead Members and allocating their responsibilities and shall maintain a list setting out the responsibilities of each individual Lead member. Lead Members

may not discharge any function of an Executive Member and are not members of the Executive.

The lists (and any amendments) shall be reported to the Council.

References: *Section 11 and Schedule 1, paragraphs 1, 2, 3, Local Government Act 2000*
Chapters 4, 14, and 15, DETR Guidance

Article 8 – Regulatory and Other Committees

8.01 Regulatory and Other Committees

The Council will appoint the following committees to discharge the functions as set out respectively in Part 3 of this Constitution (Responsibility for Functions).

- Dover Joint Transportation Advisory Board
- Electoral Matters Committee
- East Kent (Joint Arrangements) Committee
- General Purposes Committee
- Governance Committee
- Joint Staff Consultative and Joint Health, Safety and Welfare Consultative Fora
- Licensing Committee
- Overview and Scrutiny Committee
- Planning Committee
- Regulatory Committee

Article 9 – The Governance Committee

9.01 Governance Committee

The Council may establish a Governance Committee.

The purpose of a Governance Committee is to provide independent assurance of the adequacy of the authority's control and risk management framework, and the associated control environment. The Governance Committee will undertake independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment and oversee the financial reporting process. The Governance Committee will also sit as the Council's Audit Committee receiving reports from both internal and external audit, approving the audit programmes and ensuring sufficient resources to deliver the internal audit service.

9.02 Composition

(a) **Membership.** The Governance Committee membership will be set by the full Council. It currently comprises seven district councillors.

(b) **Political Balance.** The Governance Committee must comply with the political balance rules in section 15 of the Local Government and Housing Act 1989.

(c) **Quorum.** The quorum for a meeting of the Governance Committee shall be one quarter of the whole number of members provided that it shall not comprise less than three members.

(d) **Substitutes.** Substitutes shall be appointed in accordance with the Council's Procedure Rules.

References: Localism Act 2011

Article 10 – Area Committees and Forums

10.01 Area Committees

The Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision-making.

The Council will consult with relevant parish and town councils and the chairmen of relevant parish meetings when considering whether and how to establish area committees.

10.03 Conflicts of interests – membership of area committees and overview and scrutiny committees

(a) **Conflict of interest.** If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of any area committee of which the councillor concerned is a member, then the councillor may not speak or vote at the overview and scrutiny committee meeting unless a dispensation to do so is given by the Governance Committee.

(b) **General policy reviews.** Where the overview and scrutiny committee is reviewing policy generally the member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

References: Part VA, Local Government Act 1972
Section 13, Local Government and Housing Act 1989
Reg 4, 5 and 16A Local Government (Committees and Political Groups) Regulations 1990
Section 18, Local Government Act 2000
The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
Chapters 6 and 9, DETR Guidance

Article 11 – Joint Arrangements

11.01 Arrangements to promote well-being

The Council or the Leader of the Council, in order to promote the economic, social or environmental well-being of its area, may:

(a) enter into arrangements or agreements with any person or body;

(b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and

(c) exercise on behalf of that person or body any functions of that person or body.

11.02 Joint arrangements

(a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

(b) The Leader of the Council may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

(c) Except as set out below, the Leader of the Council may only appoint executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.

(d) The Leader of the Council may appoint members to a joint committee from outside the executive in the following circumstances:

- the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Leader of the Council may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area;
- the joint committee is between a county council and a single district council and relates to functions of the executive of the county council. In such cases, the executive of the county council may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area.

In both of these cases the political balance requirements do not apply to such appointments.

(e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Parts 8 and 9 of this Constitution.

(f) Dover Joint Transportation Advisory Board: In accordance with an agreement made between Kent County Council and Dover District Council, a Dover Joint Transportation Advisory Board has been established by the executives of Kent County Council and Dover District Council. The Board advises the executives

of Kent County Council and Dover District Council on decisions to be taken by the relevant executive in relation to functions specified in the Agreement. Further details of the Board's Constitution are set out in Part 3 Section 6 of this Constitution.

11.03 Access to Information

(a) The Access to Information Rules in Part 4 of this Constitution apply.

(b) If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive.

(c) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.04 Delegation to and from other local authorities

(a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

(b) The Leader of the Council may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

(c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.05 Contracting out

The Council (for non-executive functions) and the Leader of the Council and executive (for executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

References: *Sections 2, 19, 20 LGA 2000*
Chapters 6 and 9, DETR Guidance
The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000

Article 12 – Officers

TERMINOLOGY

The use of the words "officers" means all employees and staff engaged by the Council to carry out its functions. This word has also been used instead of "employees" to cover those engaged under short term, agency or other non-employed situations.

12.01 Management structure

(a) **General:** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) **Chief Officers:** The Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Leadership, strategic direction and management Member/Officer relationships Change management Local Government Reorganisation Provision of external focus
Director of Corporate Resources (Deputy Chief Executive)	Civic Functions Client Officer East Kent Audit Partnership* Responsible for client relationship with Partnership One* Community Safety and CCTV Continuous Improvement Creative Design & Corporate Communications Democratic and Corporate Services Electoral Services Finance and Procurement Responsible for Corporate Governance Human Resources (including Health & Safety) Legal & Licensing Parking Services Payroll (shared service) Port Health & Environmental Services Technology and Resilience *undertaken by the S.151 Officer
Director of Housing and Place	Housing Management (including Strategic Housing and Housing Delivery) Housing Needs Housing Repairs Parks, Open Spaces and Countryside Place and Community (including major projects) Planning and Development (including Strategic Transport) Property Services Waste Services

(c) **Head of Paid Service, Monitoring Officer and Section 151 Officer**

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Head of Legal and Licensing	Monitoring Officer & Solicitor to the Council
Head of Finance and Investment	Section 151 Officer

Such posts will have the functions described in Article 12.02–12.04 below.

(d) **Structure**

The Head of Paid Service 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 part 7 of this Constitution.

(e) **Corporate Management Team**

The Corporate Management Team shall comprise the Chief Executive (and Head of Paid Service), Director of Corporate Resources (Deputy Chief Executive) and Director of Housing and Place.

The Monitoring Officer and Section 151 Officer are not members of the Corporate Management Team; however, they will both always have access to the Chief Executive and Directors and to Corporate Management Team agendas in advance of the meetings. They will both be free to attend meetings of the Corporate Management Team as they require and will attend routinely on a monthly basis as part of the extended management team.

The Corporate Management Team is not a decision-making body, and its meetings will not be held in public.

The extended management team will comprise members of Corporate Management Team, plus the Monitoring Officer, the Section 151 Officer and the Head of Human Resources, Payroll and Corporate Communications.

(f) **Deputy Chief Executive**

The Deputy Chief Executive will work closely with the Chief Executive and will act in the absence of the Chief Executive. The Deputy Chief Executive may exercise all the powers and responsibilities of the Chief Executive where the position is vacant, or the Chief Executive is unable to act.

(g) **Leadership Forum**

The Leadership Forum comprises the Leader of the Council, the Chief Executive, members of the executive, members of the Corporate Management Team and supporting officers.

In exercising their respective leadership roles, and as part of any effective working arrangements, it is necessary for the Leader and the Chief Executive to meet informally from time to time with members of the executive and members of the Corporate Management Team. A Leadership Forum will therefore be held to enable regular and scheduled discussions to take place between members of the executive and members of the Corporate Management Team.

The purpose of the Leadership Forum is therefore to

- facilitate discussions on general of particular issues or enable clarification of matters between Leader, the Chief Executive, members of the executive, members of the Corporate Management Team
- assist in settling the Notice of Forthcoming Key Decisions.
- assist in identifying items for consideration at future meetings of the Cabinet.

The Leadership Forum is not a decision-making body and its meetings will not be held in public.

12.02 Functions of the Head of Paid Service

(a) **Discharge of functions by the Council.** The Head of Paid Service 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.

(b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

NB In the absence of the Head of Paid Service at any meeting of the Council, the Deputy Chief Executive or nominee shall act on his behalf for the purposes of the conduct of that meeting.

12.03 Functions of the Monitoring Officer

(a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

(b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and, the Section 151 Officer , the Monitoring Officer will report to the full Council or to the Leader and executive 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. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Dover District Council Kent Code of Conduct for Members.** The Monitoring Officer will discharge those functions ascribed to them under the arrangements for dealing with Code of Conduct complaints under the Localism Act 2011.

(d) **Proper officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(e) Contributing to corporate management. The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional governance advice.

(f) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

(g) **Providing advice.** The Monitoring 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 councillors.

(h) **Restrictions on posts.** The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

12.04 Functions of the Section 151 Officer

(a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council or to the Leader and executive 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.

(b) **Administration of financial affairs.** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management.** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice.** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

(e) **Give financial information.** The Section 151 Officer will provide financial information to the media, members of the public and the community.

12.05 Duty to provide sufficient resources to the Monitoring Officer and the Section 151 Officer

The Council will provide the Monitoring Officer and Section 151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.06 Solicitor to the Council

The Solicitor to the Council shall have full access to the Council and the Executive, to all Committees and Sub-Committees of the Council and the Executive and to all Chief Officers on all matters of legal professional business.

12.07 Senior Information Risk Owner

A senior officer who is familiar with information risks and the Council's response to risk with overall responsibility for the Council's information risk and governance management arrangements. The responsibilities of the Senior Information Risk Owner are to lead and champion a culture of good information management, Own the overall information risk policy and procedures and advise the Council's senior management on information risk.

The role of the SIRO includes:

- Accountability for Information Risk Management, its confidentiality, integrity and availability and to ensure it is being effectively managed and correctly classified
- Leading and encouraging a culture that protects and exploits information within the Council, including agreeing the risk appetite within the Authority
- Responsibility for the corporate information security and information governance policy
- Providing an annual statement of the security of information assets for inclusion in the Annual Governance Assurance Statement

12.08 **Data Protection Officer**

Article 37 of General Data Protection Regulation 2016 requires a public body to designate a Data Protection Officer on the basis of professional qualities and particular knowledge of data protection law and practices. This post holder should not be the Senior Information Risk Officer. The council must support its Data Protection Officer by providing resources to undertake tasks and access to personal data and process and operations and to maintain expert knowledge. The Data Protection Officer must be able to perform their duties in an independent manner and the council may not give the Data Protection Officer instruction on exercising their role.

12.09 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.10 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

References: *Chapters 8 and 9, DETR Guidance*
Sections 4 and 5, Local Government and Housing Act 1989
Sections 60, 64–66, Local Government Act 2000

Article 13 – Decision Making

13.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is contained in Part 3 of this Constitution.

13.02 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

(a) Proportionality (ie the action must be proportionate to the desired outcome);

(b) Due consultation and the taking of professional advice from officers;

(c) Respect for human rights (see below for further details);

(d) A presumption in favour of openness; and

(e) Clarity of aims and desired outcomes.

13.03 Types of decision

(a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 and Section 2 of Part 3 (Responsibility for Functions) will be made by the full Council and not delegated.

(b) Key decisions. In this Constitution, a 'key decision' shall mean an executive decision which is likely:

(i) To result in the Council incurring expenditure which is, or savings which are, significant having regard to the Council's budget for the service or function to which the budget relates;

(ii) To be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District; or

(iii) To have a particularly significant impact on any community as experiencing social exclusion or discrimination, whether geography or interest defines that community and even if that community is only located in one ward in the area of the local authority.

Notes:

1. In relation to paragraph (i) above, the term "significant" shall be construed as meaning £200,000.

2. In relation to paragraph (ii) above, the Council will unless impracticable, treat as if they were key decisions any decisions which are likely to have significant impact on communities in one ward. Where a decision is only likely to have a significant impact on a very small number of people in one ward, the decision maker should ensure that those people are nevertheless informed of the forthcoming decision in sufficient time for them to exercise their right to see the relevant papers and make an input into the decision making process.

3. In considering whether a decision is likely to be significant a decision maker will also need to consider the strategic nature of a decision and whether the outcomes have an impact for better or worse on the amenity of the community or quality of service provided by the authority

to a significant number of people living or working in the locality affected. Regard should be given to the underlying principles of open, transparent and accountable decision making of this Constitution to ensure that there is a presumption towards openness.

4. In interpreting after the event whether or not a decision should or should not have been classified as a key decision, the following will be taken into account:

   (a) the issue must be assessed on the basis of the information which could reasonably have been available to the decision maker at the time;

   (b) the "de minimis" rule will be applied (in this context this means that the rule does not apply to trifling, minor or insignificant variations, departures or breaches);

   (c) the level and nature of advice sought by the decision-maker. The Monitoring Officer and Section 151 Officer will have significant roles to play in this.

5. A decision taker may only make a key decision in accordance with the requirements of the Leader and Executive Procedure Rules set out in Part 4 of this Constitution.

13.04 Decision making by the full Council

Subject to Article 13.08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by the executive

Subject to Article 13.08, the executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by overview and scrutiny committees

Overview and scrutiny committees will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision making by other committees and sub-committees established by the Council

Subject to Articles 13.08 and 13.09, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.08 Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

13.09 **Member Training**

Only members (and substitutes) who have received the appropriate training may serve on Appeals, the Licensing, Regulatory, Governance and Planning Committee. The training requirements are set out in the Appendix to this article.

References: *Chapter 7, DETR Guidance*
Regulations made under section 22, Local Government Act 2000

Training Criteria for the General Purposes Committee

Constitution: Part 3, Responsibility for Functions, Section 2, Responsibility for Council Functions

Training provider: Either In-house by the Monitoring Officer or Head of HR, H&S, Payroll and Corporate Communications or a suitably qualified nominee or by an accredited external provider

When: As required, in advance of the committee meeting.

Content:

1. To understand the functions of the General Purposes Committee and the role individual councillors fulfil on the committee.
2. An understanding of the relevant legislation
3. An understanding of the Officer Conditions of Service
4. Awareness of the procedures to be followed when hearing and then deliberating on an appeal
5. To understand the appeal processes.

Period: **For the four-year term of the Council or any part of this period.**

Training Criteria for the Licensing Committee

Constitution: Part 3, Responsibility for Functions, Section 2, Responsibility for Council Functions

Training provider: In-house by the Licensing Manager or a suitably qualified nominee or by an accredited external provider

When: At the start of the new 4 year Council and thereafter as required, and if membership changes or substitutes require training, co-ordinated in advance of the next committee meeting.

Content:

1. To understand the functions of the Licensing Committee and the role individual councillors fulfil on the committee.

2. To understand the licensable activities, the licensing objectives and the types of licence.

3. To understand the Hearing process when considering an application, including what the Sub-Committee can consider and how it makes decisions (e.g. adjournments, information requests and the use of conditions).

4. To understand the types of applications (application for a licensable activity, variation of an existing licence and a review of an existing licence).

Period: **For the four-year term of the Council or any part of this period.**

Training Criteria for the Regulatory Committee

Constitution: Part 3, Responsibility for Functions, Section 1 and 2, Responsibility for Council Functions

Training provider: In-house by the Licensing Manager or a suitably qualified nominee or by an accredited external provider

When: At the start of the new four-year Council and thereafter as required, and if membership changes or substitutes require training, co-ordinated in advance of the next committee meeting.

Content:

1. To understand the functions of the Regulatory Committee and the role individual councillors fulfil on the committee.

2. To understand the procedures for hearings at Committee and the type of licensable activities that the Committee may be required to consider.

3. To understand the Council's policies and guidelines in respect of the Hackney Carriage and Private Hire trades as they affect applications and other matters brought before Committee, including the Council's Fit and Proper Persons policy.

4. To understand the Council's policies and guidelines in respect of other forms of licensable activities.

5. To understand the appeal processes.

Period: **For the four-year term of the Council or any part of this period.**

Training Criteria for the Governance Committee

Constitution: Part 3, Responsibility for Functions, Section 2, Responsibility for Council Functions

Training provider: Either In-house by the Monitoring Officer and/or S151 Officer or a suitably qualified nominee or by an accredited external provider

When: At the start of the new four-year Council and thereafter as required, and if membership changes or substitutes require training, co-ordinated in advance of the next committee meeting.

Content:

1. To understand the functions of the Governance Committee.
2. To understand the role that individual councillors fulfil on the committee, in particular in relation to exercising their functions in relation to ethical standards and the Dover District Council Kent Code of Conduct for Members.
3. To understand the role and work of internal audit, including the audit plan, audit assurance levels, risks and controls, audit reports and audit recommendations.
4. To understand the role of management in agreeing, accepting and then implementing audit recommendations.
5. To understand the role and work of external audit.
6. To understand risk management arrangements including risk assessment and risk mitigation.
7. To understand the Annual Governance Assurance Statement process and the monitoring and follow up actions.
8. To understand the Council's financial management and reporting process, in particular an understanding of the Statement of Accounts.
9. To understand the standards regime for the conduct of members under the Localism Act 2011 and local codes of member conduct.
10. To understand the arrangements made by the Council for dealing with complaints under the Localism Act 2011
11. To understand the role and responsibilities of the Monitoring Officer.
12. To understand the role of the Independent Person.
13. To understand the formal service complaints procedures, the role of the Local Government Ombudsman and the issues relating to maladministration.

Period: **For the four-year term of the Council or any part of this period.**

Training Criteria for the Planning Committee

Constitution: Part 3, Responsibility for Functions, Section 1, Responsibility for Council Functions

Training provider: Either In-house by the Head of Regeneration and Development or a suitably qualified nominee or by an accredited external provider

When: At the start of the new four-year Council and thereafter as required, and if membership changes or substitutes require training, co-ordinated in advance of the next committee meeting.

Content:

1. To understand the functions of the Planning Committee and the role individual councillors fulfil on the committee.
2. To understand the different types of planning application.
3. To understand planning policy, what a material consideration is and the duties imposed by statute.
4. To understand the legislation in respect of bias and predetermination and understand the application of the Code of Conduct in respect of the Planning Committee.
5. To have an understanding of the Protocol on Good Practice in Planning Procedures.
6. To understand the site visit procedure, including dealing with lobbying from members of the public.

Period: **For the four-year term of the Council or any part of this period.**

Article 14 – Finance, Contracts and Legal Matters

14.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contract Standing Orders set out in Part 4 of this Constitution.

14.03 Legal proceedings

The Chief Executive in consultation with the Solicitor to the Council is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Executive in consultation with the Solicitor to the Council considers that such action is necessary to protect the Council's interests.

14.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive or other person authorised by him/her unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £100,000 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the Council attested by at least one officer. The officers authorised in this regard shall be the same as those authorised to affix the Common Seal of the Council in paragraph 14.05 below.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the office of the Chief Executive.

A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision.

The Common Seal may be affixed to any necessary transfer documents in investment transactions arranged by the Section 151 Officer in accordance with the Council's approved investment policy.

The Common Seal will be affixed to those documents which in the opinion of the Chief Officer (in consultation with the Solicitor to the Council), should be sealed. The affixing of the Common Seal will be attested by the Chief Executive, the Section 151 Officer, the Monitoring Officer, Deputy Chief Executive or the Solicitor to the Council and an entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by the person who shall have

attested the seal. The Officer originating the document shall be responsible for its contents and accuracy.

References: Sections 135, 151, 223 & 234, Local Government Act 1972
Part VIII, Local Government Finance Act 1988

Article 15 – Review and Revision of the Constitution

15.01 Duty to monitor and review the constitution

The Governance Committee and the Council's Statutory Officers (the Head of Paid Service, the Monitoring Officer and the Section 151 Officer) shall be responsible for monitoring and reviewing the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Review of the Constitution will be carried out

(a) on an annual basis (this review will be linked to monitoring of the Council's Corporate Governance);

(b) on an ad hoc basis if and when necessary (e.g. such a review may be triggered by requests from outside bodies, such as the Ombudsman or from Members (made to full Council) or from the Council's Statutory Officers.

Protocol for monitoring and review of constitution

A key role for the responsible committee(s)/statutory officers is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations to Council for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the responsible committee(s)/statutory officers may:

1. observe meetings of different parts of the member and officer structure;

2. undertake an audit trail of a sample of decisions;

3. record and analyse issues raised by members, officers, the public and other relevant stakeholders; and

4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.02 Changes to the Constitution

(a) **Approval.** Amendments to the constitution will only be approved by the full Council after consideration of the proposal and report by the Governance Committee and the Council's statutory officers.

(b) **Proposals**. In drawing up proposals to amend the Constitution, the Council will consider the extent to which the proposals, if implemented, are likely to assist in securing continuous improvement in the way in which the authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

A requirement (if any) to undertake public consultation before the Council approves an amendment to the Constitution will be proportionate to the scale, scope and extent of the change proposed.

(c) **Change from a Leader and Cabinet form of executive to alternative arrangements, or vice versa.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals to change the form of executive arrangements.

(d) **Amendments.** 15.02(a) and 15.02(b) shall not apply to a proposed change of the Constitution which consists solely of amending references to a title of a person or officer which may be approved by the Monitoring Officer or Deputy Monitoring Officer.

References: Sections 30 and 37, Local Government Act 2000
Chapters 10 and 15, Guidance

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

(a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.

(b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

(c) **Rules capable of suspension.** The following Rules may be suspended in accordance with Article 16.01:

- Council Procedure Rules
- Access to Information Procedure Rules
- Budget and Policy Framework Procedure Rules
- Leader and Executive Procedure Rules
- Overview and Scrutiny Procedure Rules
- Financial Procedure Rules
- Contract Standing Orders
- Officer Employment Procedure Rules

16.02 Interpretation

The ruling of the Chairman of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

(a) The Monitoring Officer will publish an electronic copy of this Constitution on the Council's website.

(b) The Monitoring Officer, on receipt of each member's declaration of acceptance of office, will provide the web page address for the Constitution on the Council's website.

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Overview and Scrutiny Committees) and the Overview and Scrutiny Procedure Rules;

2. Article 7 (The Executive) and the Leader and Executive Procedure Rules;

3. Article 10 (Area Committees and Forums) (where applicable);

4. Article 11 (Joint arrangements) (where applicable);

5. Article 13 (Decision making) and the Access to Information Procedure Rules;

6. Part 3 (Responsibility for Functions).

PART 3 RESPONSIBILITY FOR FUNCTIONS

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PART 3 – RESPONSIBILITY FOR FUNCTIONS

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Responsibility for Functions

Introduction

This part of the Constitution deals with responsibility for Council and Executive functions and decision making. It should be read in conjunction with the rest of this Constitution, in particular Articles 4, 6, 7, 8, 9, 12 and 13.

This part of the Constitution shall be interpreted in accordance with the relevant provisions of the Local Government Act 2000, in particular Section 13 (Functions which are to be the responsibility of an executive), and The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). In the event of any conflict between this part and a provision in any piece of legislation, the latter shall prevail. Regard shall also be had to the Secretary of State's statutory guidance on New Council Constitutions (October 2002) as amended from time to time (referred to in this part as the Guidance).

In any case where a function or decision making power is in this part described in words (without reference to the Act or Statutory Instrument conferring that function or power) which are also used in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), those words shall be deemed to include a reference to the provision of the Acts or Statutory Instruments listed or referred to in those Regulations.

A number of the functions shown below as delegated to the various decision-making bodies listed are further delegated to officers and reference should be made to Section 4.

The Leader of the Council will be responsible for all executive functions as required by the Local Government Act 2000. The Leader may:

(a) discharge any of those functions; or
(b) may arrange for the discharge of any of those functions by:

(i) the Cabinet
(ii) Portfolio Holder
(iii) a committee of the Cabinet;
(iv) an area committee; or
(v) an officer of the authority

SECTION 1: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Decision Making Body: The Executive (known as the Cabinet)

Membership: Leader, Deputy Leader and up to eight other members of the authority.

Functions:

1. Any function under any local Act other than those relating to licensing, registration or regulatory matters that has been delegated to the Executive by the Leader of the Council.

2. In connection with executive functions, the appointment of any individual –

   (a) to any office other than an office in which he or she is employed by the authority;

   (b) to any body other than –

      (i) the authority;
      (ii) a joint committee of two or more authorities or

   (c) to any committee or sub-committee of such a body,

   and the revocation of any such appointment.

3. The preparation in draft of a strategic policy of the local authority in respect of the following functions or actions:-

   (i) Functions relating to contaminated land.

   (ii) The discharge of functions relating to the control of pollution or the management of air quality.

   (iii) The service of an abatement notice in respect of a statutory nuisance.

   (iv) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.

   (v) The inspection of the authority's area to detect any statutory nuisance.

   (vi) The investigation of any complaint as to the existence of a statutory nuisance.

   (vii) The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.

   (viii) The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

Decision Making Body: The Council

Membership: 32 members.

Functions:

1. The determination of an appeal made against any decision made by or on behalf of the authority.

2. In connection with non-executive (Council) functions, the appointment of any individual:

   - to any office other than an office in which he or she is employed by the authority;
   - to any body other than the authority or a joint committee of two or more authorities; or
   - to any committee or sub-committee of such a body

   and the revocation of any such appointment.

3. The following functions or actions where the function or action involves the approval (as opposed to the preparation in draft) of a strategic policy of the local authority:-

   (i) Functions relating to contaminated land.

   (ii) The discharge of functions relating to the control of pollution or the management of air quality.

   (iii) The service of an abatement notice in respect of a statutory nuisance.

   (iv) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.

   (v) The inspection of the authority's area to detect any statutory nuisance.

   (vi) The investigation of any complaint as to the existence of a statutory nuisance.

   (vii) The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.

   (viii) The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

Decision Making Body: Regulatory Committee

Membership: 5 [or other number to be agreed by Council] members of the authority.

Functions:

1. All regulatory functions under any local Act.

2. The following functions or actions where the function or action involves:

   - determining an application from a person for a licence, approval, consent, permission or registration;

- direct regulation of a person (with substantial discretion as to the regulatory action); or
- enforcement of any such licence approval, consent, permission or direct regulation.

(i) Functions relating to contaminated land.

(ii) The discharge of functions relating to the control of pollution or the management of air quality.

(iii) The service of an abatement notice in respect of a statutory nuisance.

(iv) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.

(v) The inspection of the authority's area to detect any statutory nuisance.

(vi) The investigation of any complaint as to the existence of a statutory nuisance.

(vii) The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

Decision Making Body: General Purposes Committee

Membership: 5 [or other number to be agreed by Council] Members of the authority.

Functions:

1. To hear appeals against both disciplinary decisions made by the Chief Executive and decisions taken to dismiss members of the Council's staff made by the members of staff affected except where the Committee itself has exercised the power to dismiss.

2. To consider representations by the member of staff affected, any representative(s) and/or witness(es).

3. To consider representations by the Head of HR, H&S, Payroll and Corporate Communications concerning the appeal.

4. To determine the appeal.

5. To determine whether any grievance lodged against the Chief Executive, Monitoring Officer or Section 151 Officer has any merit and, if so determined, to appoint an independent assessor as contained in these officers' terms and conditions of employment.

6. To determine a grievance against a member of the Corporate Management Team where the employee lodging the grievance remains dissatisfied with the determination of the Chief Executive.

7. To appoint an Investigation and Disciplinary Sub-Committee consisting of three members of the General Purposes Committee, one of whom must be a member of the Cabinet. The Sub-Committee will be politically balanced and will be responsible for electing its own Chair.

The function of this Sub-Committee shall be to consider any disciplinary action against one of the Council's statutory officers, the Head of Paid Service, Monitoring Officer or the section 151 Officer. The powers of the Sub-Committee shall include, but are not limited to, the following:

(i) To suspend a statutory officer;
(ii) To appoint an investigator to carry out a disciplinary investigation in respect of a statutory officer;
(iii) To conduct a disciplinary hearing;
(iv) To recommend to Full Council the dismissal of a statutory officer (subject to consideration of the matter by a panel formed of at least two Independent Persons (as defined by the Localism Act 2011, s.28(7)); and
(v) To determine disciplinary action short of dismissal in respect of a statutory officer.

Decision Making Body: Planning Committee

Membership: 10 [or other number to be agreed by Council] members of the authority.

Functions:

1. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.

2. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

3. Functions in connection with the determination of an appeal against any decision made by or on behalf of the authority in relation to planning matters.

SECTION 2: RESPONSIBILITY FOR COUNCIL FUNCTIONS

Decision Making Body: The Council

Membership: 32 Members of the Authority.

Functions:

1. Adoption of the Constitution for new political management arrangements and any subsequent changes to it.

2. Changes to the form of executive.

3. Agreeing or amending the Policy Framework.

4. Agreeing or amending the Budget including:

    - Borrowing or capital expenditure strategy including determination of borrowing limits under Section 45 of the Local Government and Housing Act 1989.

    - Setting the Council Tax including functions referred to in Section 67 of the Local Government Finance Act 1992 (Council Tax calculations etc) and special expenses resolutions.

5. Agreeing revisions to Rules of Procedure under Part 4 of the Constitution and Codes and Protocols under Part 5 of the Constitution.

6. Approving any application to the Secretary of State in respect of any Housing Land Transfer.

7. Decisions in respect of executive functions that are not in accordance with agreed policies and budgets.

8. Making or confirming the appointments of Head of Paid Service, Monitoring Officer and S151 Officer.

9. Adoption of the Scheme of Delegations in relation to non-executive functions.

10. Election of Chairman and Vice-Chairman of the Council.

11. Election of the Leader of the Council.

12. Electoral matters including –

    - Appointment of the Electoral Registration Officer.

    - Appointment of the Returning Officer and Deputy Returning Officer for Local Government Elections and Acting Returning Officer for Parliamentary Elections.

    - Division of the Parliamentary Constituency into Polling Districts.

- Boundary or re-organisation proposals.

13. Consideration of reports of the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989 (as amended).

14. Consideration of reports of the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 (as amended).

15. Consideration of reports of the S151 Officer under Section 114 of the Local Government and Housing Act 1989 (as amended).

16. Adoption of the Members Allowances Scheme.

17. Making, amendment, revocation or re-enactment of byelaws.

18. Power to promote or oppose local or private bills.

19. Overall responsibility for Standards and ethics including:

    - Resolution adopting and amending Codes of Conduct for Members and Officers.

    - Setting up and constitution of Governance Committee.

20. Appointing the Chairman and Vice-Chairman of the Governance Committee annually.

21. Determination of the number of Committees, their terms of reference, the total number of places on them and the allocation of those places to Political Groups in accordance with the political balance rules.

22. Appointment of the Chairmen and Vice-Chairmen of the Overview and Scrutiny Committees annually.

23. Appointment of the Chairmen and Vice-Chairmen of the Council's Committees.

24. Power to petition for a charter to confer borough status.

25. Approval of any change of name of the Council.

26. Conferring the title of Honorary Alderman or admitting an individual to be an Honorary Freeman.

27. Agreeing the overall management structure proposed by the Chief Executive as contained in Part 7 of the Constitution.

28. Statutory duties and powers in relation to parishes and parish councils.

29. The power to make standing orders.

30. The duty to make arrangements for the proper administration of financial affairs etc.

31. Any other matters required by law to be dealt with by the full Council.

Decision Making Body: General Purposes Committee

Membership: 5 [or other number to be agreed by Council] Members of the Authority.

Functions:

1. To exercise the powers and functions of the Council within the Budget and Policy Framework other than:
   (a) Those which are specifically reserved to the full Council by Article 4.02.
   (b) Those which are within the remit of another committee of the Council.

Decision Making Body: Planning Committee

Membership: 10 [or other number to be agreed by Council] Members of the Authority.

Functions:

1. Planning and Conservation

   Functions relating to town and country planning and development control, trees, footpaths, bridleways and restricted byways and public rights of way as described in Article 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000 no.2853) with the exception of any functions required by any enactment or this constitution to be discharged by the council including:

   (a) Power to determine applications for planning permission.
   (b) Power to determine applications to develop land without compliance with conditions previously attached.
   (c) Power to grant planning permission for development already carried out.
   (d) Power to decline to determine applications for planning permission.
   (e) Duties relating to the making of determinations of planning applications.
   (f) Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
   (g) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
   (h) Power to enter into planning obligations, to modify and discharge planning obligations and related powers.
   (i) Power to issue a certificate of existing or proposed lawful use or development.
   (j) Power to serve a completion notice.
   (k) Powers in relation to the display of advertisements.
   (l) Powers in relation to entry onto land.
   (m) Power to require the discontinuance of a use of land.

(n) Power to serve a planning contravention notice, breach of condition notice or stop notice.

(o) Power to issue a temporary stop notice.

(p) Power to issue an enforcement notice.

(q) Power to apply for an injunction restraining a breach of planning control.

(r) Power to determine applications for hazardous substances consent, and related powers

(s) Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active phase 1 or 2 sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.

(t) Power to require proper maintenance of land.

(u) Power to determine application for listed building consent, and related powers.

(v) Duties relating to applications for listed building consent.

(w) Power to serve a building preservation notice, and related powers.

(x) Power to issue enforcement notice in relation to demolition of listed building in conservation area.

(y) Powers to acquire a listed building in need of repair and to serve a repairs notice.

(z) Power to apply for an injunction in relation to a listed building.

(aa) Power to authorise stopping up or diversion of highway.

(bb) Power to execute urgent works.

(cc) Powers relating to the protection of important hedgerows.

(dd) Powers relating to the preservation of trees.

(ee) Powers in relation to complaints about high hedges.

(ff) Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.

(gg) Power to extinguish public rights of way over land held for planning purposes.

2. To implement the provisions of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017

3. Local choice functions allocated to the Planning Committee as set out in Section 1 of Part 3 of the Constitution.

Decision Making Body: Regulatory Committee

Membership: 5 [or other number to be agreed by Council] Members of the Authority.

Functions:

1. To exercise the functions of the Council relating to:

(a) Licensing the use of land as a caravan site ("site licences").

(b) Licensing the use of moveable dwellings and camping sites.

(c) Licensing hackney carriages and private hire vehicles.

(d) Licensing drivers of hackney carriages and private hire vehicles.

(e) Licensing operators of private hire vehicles.

(f) Granting of permits in respect of premises with amusement machines.

(g) Registering societies wishing to promote lotteries.

(h) Granting permits in respect of premises where amusements with prizes are provided.

(i) Licensing of sex shops and sex cinemas.

(j) Licensing the performance of hypnotism.

(k) Licensing or registration of premises for acupuncture, tattooing, ear-piercing and electrolysis.

(l) Licensing of pleasure boats and pleasure vessels.

(m) Licensing of market and street trading.

(n) Licensing dealers in game and the killing and selling of game.

(o) Registration and Licensing of premises for the preparation of food.

(p) Licensing premises for the breeding of dogs.

(q) Licensing of pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.

(r) Registration of animal trainers and exhibitors.

(s) Licensing of zoos.

(t) Licensing of dangerous wild animals.

(u) Knackers' yards.

(v) Licensing of persons to collect for charitable and other causes.

(w) Granting of consents for the operation of a loudspeaker.

(x) Approving meat product premises.

(y) Approving premises for the production of minced meat or meat preparations.

(z) Approving dairy establishments.

(aa) Approving egg product establishments.

(bb) Licensing of retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.

(cc) Approving fish products premises.

(dd) Registration of food business premises.

(ee) The making of closing orders with respect to take-away food shops.

(ff) Power to grant permission for provision, etc. of services, amenities, recreation, and refreshment facilities on the highway and related powers.

(gg) Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.

(hh) Licensing of Riding Establishments.

Including the functions of:

(1) imposing any condition, limitation or other restriction on any such approval, consent, licence permission or registration granted

(2) determining any other terms to which any such approval, consent, licence, permission or registration is subject

(3) determining whether, and in what manner to enforce

(a) any failure to comply with any such approval, consent, licence, permission or registration

(b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject

(c) any other contravention in relation to a matter with regard to the function of determining an application for any such approval, consent, licence, permission or registration

(4) amending, modifying or varying any such approval, consent, licence permission or registration, or any condition, limitation or term to which it is subject.

(5) revoking or suspending any such approval, consent, licence permission or registration.

(6) determining appeals against refusal and revocation of registration of door staff/supervisors.

2. Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

3. Local choice functions allocated to the Regulation and Licensing Committee as set out in Section 1 of Part 3 of the Constitution.

Decision Making Body: Scrutiny Committees

Committee: Overview and Scrutiny Committee

Membership: 10 [or other number to be agreed by Council] Members of the Authority.

Functions:

1. To discharge the functions conferred by section 21 of the Local Government Act 2000.
2. Budget and Major Policy
3. Call-in
4. Performance Monitoring and Improvement
5. Public Health
6. Major Projects
7. Crime and Disorder

Decision Making Body: Governance Committee

Membership: 7 [or other number to be agreed by Council] Members of the Authority.

Functions:

1. To agree and then periodically review the Terms of Reference in relation to the Internal Audit function.

2. To ensure effective internal audit and internal control arrangements.

3. To receive the Internal Audit Annual Programme of work.

4. To receive audit activity reports and the assurances contained therein relating to the level of internal control and risk management across the Council.

5. Ensure that audit recommendations agreed by management are implemented effectively.

6. To consider external audit reports and make recommendations to the Council.

7. To ensure the effectiveness of the Council's risk management arrangements.

8. To seek assurances that effective action is being taken on risk and internal control related areas of weakness.

9. To receive the Statement of Internal Control and to monitor the implementation of the action plan.

10. To approve the Council's Statement of Accounts, as required by prevailing legislation.

11. Monitor and review the Constitution and make recommendations to the Council.

13. Independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment.

14. To discharge the functions of the Council relating to Standards contained in Part 1, Chapter 7 of the Localism Act 2011 (other than those which are reserved to Council by law) including:

    1. 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.

    2. To advise and assist Town and Parish Councils and Town and Parish Councillors to maintain high standards of conduct and to make recommendations to Town and Parish Councils on improving standards.

    3. To advise the District Council on the adoption of or revisions to its Code of Conduct.

4. To advise, train or arrange to train District Members, Co-opted Members and Town and Parish Councillors on matters relating to the Code of Conduct.

5. To assist the District Councillors, Co-opted Members and Town and Parish Councillors to observe their respective Codes of Conduct.

6. To monitor and assess the operation and effectiveness of the Code of Conduct and to review and manage the Arrangements for dealing with Code of Conduct Complaints.

7. To advise on local ethical governance protocols and procedures.

8. To maintain oversight of the District Council's arrangements for dealing with Code of Conduct complaints.

9. To act as an advisory body in respect of any ethical governance matter.

10. To monitor and review the procedures for the Register of Members' Interests and declaring gifts and hospitality.

11. 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.

12. To receive an annual report on the District Council's ethical governance arrangements.

13. To appoint a Hearing Panel to deal with Member Code of Conduct complaints following investigation.

15. To grant dispensations pursuant to S33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct where:

(i) without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
(ii) that the authority considers that the dispensation is in the interests of persons living in its area; or
(iii) where the Committee considers that it is otherwise appropriate to grant a dispensation.

16. To monitor complaints handling and Ombudsman investigations and, in relation to non-executive functions, to make payments or provide other benefits in cases of maladministration.

17. To deal with any alleged breaches by councillors of local protocols adopted by the Council including the Protocol for Good Practice in Planning Procedure and the Protocol for Officers and Members for Dealing with Conflicts of Interest of Councillors in Professional Practice

18. To receive debt reports, including levels of write off, on an annual basis after the financial year end.

19. To monitor the robustness of the Council's counter-fraud arrangements.

Decision Making Body: Licensing Committee

Membership: 15 [or other number to be agreed by Council] Members of the Authority (and shall not be required to be politically balanced).

Functions:

1. Discharge those functions referred to by Section 7(1) of the Licensing Act 2003 (licensing functions).

2. Consider and report upon any recommendation or report of the Council or its Committees or the Executive and its Committees on any matters referred to it which relate to a licensing function.

3. Make recommendations to the Council or its Committees or to the Executive and its Committees on any matter relating to a licensing function.

Decision Making Body: Licensing Sub-Committee

Membership: Each to comprise 3 Members of the Authority appointed by the Licensing Committee (and shall not be required to be politically balanced)

Functions:

1. To discharge the functions under Section 18(3) relating to determining applications for premises licences where there are relevant representations.

2. To discharge the functions under Section 31(3) relating to determining applications for provisional statements where there are relevant representations.

3. To discharge the functions under Section 35(3) relating to determining applications for variations to premises licences where there are relevant representations.

4. To discharge the functions under Section 39(3) relating to determining applications to vary the designated premises supervisor where there is police objection.

5. To discharge the functions under Section 44(5) relating to determining applications for the transfer of a premises licence where there is police objection.

6. To discharge the functions under Section 48(3) relating to considering police objection to interim authority notice.

7. To discharge the functions under Section 72(3) relating to determining applications for club premises certificates where there are relevant representations.

8. To discharge the functions under Section 85(3) relating to determining applications to vary club premises certificates where there are relevant representation.

9. To discharge the functions under Section 105(2) relating to determining whether to give counter notice where there is police objection to temporary events notices.

10. To discharge the functions under Section 120(7) relating to determining applications for personal licences where there is police objection.

11. To discharge the functions under Section 120(6) relating to determining applications for personal licences where the applicant has unspent convictions.

12. To discharge the functions under Section 121(6) relating to determining applications for the renewal of personal licences where there is police objection.

13. To discharge the functions under Section 121(5) relating to determining applications for the renewal of personal licences where the applicant has unspent convictions.

14. To discharge the functions under Section 124(4) relating to revoking licences where convictions come to light after the grant or renewal of a personal licence.

15. To discharge the functions under Section 52(2) or (3) relating to the determination of applications for the review of premises licences in cases where relevant representations (within the meaning of Section 52(7)) have been made.

16. To discharge the functions under Section 88(2) or (3) relating to the determination of applications for review of club premises certificates in cases where relevant representations (within the meaning of Section 88(7)) have been made.

17. To discharge the functions under Section 167(5) relating to review following closure order in cases where relevant representations (within the meaning of Section 167(9)) have been made.

Decision Making Body: Electoral Matters Committee

Membership: 5 [or other number to be agreed by Council] Members of the Authority.

Functions:

1. To consider electoral matters and Boundary Reviews and make recommendations to the Council.

2. To make recommendations on electoral boundaries and associated issues.

3. To make recommendations to the Council on Community Governance Reviews.

SECTION 3: RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

A. The Executive

1. To be responsible for making all executive decisions in respect of functions delegated to it by the Leader of the Council.

2. The Leader of the Council has delegated the discharge of all functions which are the responsibility of the Leader and Cabinet Executive to the Executive which may discharge those functions irrespective of whether they have also been delegated to any other individual members of the Executive, a Committee of the Executive or to an officer of the Council.

3. To be responsible for executive functions which involve a recommendation to the Council with regard to budget and policy proposals.

4. To receive and respond to:

   (a) reports to the executive from the overview and scrutiny committees, the Head of Paid Service, the Monitoring Officer and the Section 151 Officer.

   (b) recommendations from Council.

B. Description of Portfolios

Each member of the executive has a portfolio and the following parts set out a description of each portfolio together with its overall scope and responsibilities.

Portfolio: Leader of the Council

The Leader of the Council provides strategic and political leadership to the authority, and leads in its relations with government, other public bodies, partner organisations and the media and is responsible for encouraging and promoting the prosperity of the District by developing local entrepreneurship, inward investment and community regeneration.

The Council is required to operate a 'strong leader' model and executive authority rests with the Leader of the Council. The Leader has presently delegated functions to members of the executive to the extent necessary to permit collective decision making by the executive.

Main Areas of Responsibility

- Leadership
- Ensuring that the Council maintains good relations with its staff
- Economic Development
- Place Making
- Corporate Plan

- Inward Investment
- Human Resources (including Corporate Health & Safety)

Portfolio: Deputy Leader

The Deputy Leader supports the Leader, including if for any reason the Leader is unable to act or the office of the Leader is vacant, acting in the Leader's place.

Main Area of Responsibility

- Political Management Processes
- Communications
- Kent County Council lead

(Note: Under the current executive structure the Portfolio of the Deputy Leader is held in conjunction with another Portfolio.)

Portfolio 1: Transport, Licensing and Environmental Services

The Portfolio Holder for Transport, Licensing and Environmental Services is responsible for:

- Port Health & Environmental Services (Port Health, Environmental & Public Protection, Environmental Enforcement, Private Sector Housing)
- Digital Services (including website)
- Licensing
- Transport

Main Areas of Responsibility

- Transport
- Technology and Resilience
- Licensing Policy – all Acts
- Environmental and Public Protection
- Environmental Enforcement
- Private Sector Housing
- Air, Water and Land Quality
- Nuisance (noise, dust, etc.)
- Accumulations
- Dog and Pest Control
- Food Safety
- Health and Safety
- Infectious Disease Control
- Smoke Free Enforcement

Portfolio 2: Planning and Built Environment

The Portfolio Holder for Planning and Built Environment is responsible for:

- Improvement to the built and natural environment and conserving the heritage of the District
- Ensuring that waste and pollution is minimised and that waste produced is recycled or reused as much as possible
- Ensuring up to date and relevant planning policies

Main Areas of Responsibility

- Planning and Development (Development Management, Planning Policy, Local Plan, Core Strategy, Building Control, Planning Enforcement)
- Waste Services

Portfolio 3: Community and Corporate Property

The Portfolio Holder for Community and Corporate Property is responsible for:

- Non-Housing Assets (Corporate Property, Asset Management, Architecture & Surveying, Valuation & CPS, Civic Warden, Leisure Services, Deal Pier)
- Commercial Services (Parks and Open Spaces, Natural Environment, HLF Kearsney Abbey)
- Parking Services
- Events (including Open Golf)
- Community Services (Community Services, Community Safety, CCTV)
- Museums, Heritage, VIC and Tourism

Main Areas of Responsibility

- Corporate Property
- Asset Management
- Architecture and Surveying
- Valuation and CPS
- Leisure Services
- Deal Pier
- Parks and Open Spaces
- Natural Environment
- Public Conveniences
- Events
- Community Services
- Community Safety
- CCTV

Portfolio 4: Finance, Governance, Climate Change and Environment

The Portfolio Holder for Finance, Governance, Climate Change and Environment is responsible for:

- Ensuring the effective management and use of the Council's finances, revenue income, non-staff resources and other assets
- Co-ordinating the delivery of the Capital Programme
- Ensuring that the Council performs to a high standard in accordance with good governance and equality-related principles and that these areas are monitored effectively
- Supporting the Council's culture of customer care in its delivery of services
- Ensuring the effective use of information technology
- Member Responsible for Complaints (MRC) in line with the requirements of the Local Government and Social Care Ombudsman and the Housing Ombudsman that a member of the 'governing body' (in this case the Cabinet) is designated as the MRC.

Main Areas of Responsibility

- Finance
- Revenue
- Capital Programme and Prudential Borrowing Code
- Property Investment
- Performance Management and Monitoring
- Corporate Governance
- Corporate Support Services – Audit, Legal and Democratic Services
- Complaints about Council Services
- Equalities and Diversity
- Customer Services and Revenues & Benefits
- Climate Change and Environment

Portfolio 5: Housing, Skills and Education

The Portfolio Holder for Housing, Skills and Education is responsible for:

- Ensuring that the future housing needs of the District are met, and that current housing stock is of a decent standard
- Overseeing the Council's relationship with tenants and private sector landlords
- Partnership working with a range of bodies involved in the provision of (or with an interest in) health services in Kent
- The Council's response to the public health directive of the Local Government and Public Involvement in Health Act 2007
- Monitoring the accessibility and acquisition of skills and training by all age groups in the District

Main Areas of Responsibility

- Housing (Strategic Housing including Housing Development, Housing Management, Housing Options, Housing Assets/Maintenance but excluding Private Sector Housing)
- Landlord and Tenants
- Homelessness Prevention
- Health and Wellbeing
- Education (Skills and Lifelong Learning)

C. General Responsibilities Delegated to All Members of the Executive

1. In addition to acting collectively in the Cabinet, each Cabinet Member will have the general role of providing leadership and guidance in respect of all executive functions within the portfolio area for which he or she is accountable.

2. In accordance with the Secretary of State's guidance “New Council Constitutions – Guidance Pack Volume 1”, Cabinet Members should amongst other things:

   (i) ensure that they have sufficient time to focus on broad strategic issues (paragraph 4.21 of the Guidance); and

   (ii) seek advice from relevant officers before taking any decision which may be within his or her own delegated authority; where appropriate this should include taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is a doubt about legal powers (paragraph 4.44 of the Guidance).

3. Any matter within a Cabinet Member's delegated powers may be referred by him or her to Cabinet for decision.

4. To regularly review the effectiveness of policies and services for which the Portfolio Holder is responsible and make recommendations for continuous improvement to the Cabinet.

5. To monitor and review capital and revenue budgets in areas of responsibility to ensure expenditure and income is consistent with the Council's agreed budget.

6. To liaise and work with other Portfolio Holders on cross cutting areas of responsibility and make recommendations to Cabinet as appropriate. [Note: Any matter relating to more than one portfolio area must be referred by the Portfolio Holders to Cabinet for decision.]

7. To annually review fees and charges where these are relevant to the responsibility areas and recommend changes in line with the Council's agreed budget strategy.

8. To make or agree recommendations to Cabinet in relation to new policy areas.

9. To consider and agree service plans for services for which they are responsible and regularly review these with appropriate officers to ensure agreed actions are taken.

10. To authorise the making of applications for consent or permission under Town and Country Planning legislation for proposed development relating to the Member's portfolio area.

11. To determine applications for use of the Council's logo relating to the Member's portfolio area.

12. In any case where a matter is urgent and a decision cannot reasonably await the next meeting of the Cabinet and the relevant Portfolio Holder does not have a general or specific delegated power, the relevant Portfolio Holder may nevertheless make a decision on behalf of the Cabinet subject (except in the case of the Leader) to prior consultation with the Leader (or in the absence of the Leader with the Deputy Leader or in the absence of both the Leader and the Deputy Leader with one other member of the Cabinet) and subject to the decision being reported to Cabinet as soon as practicable.

13. To identify and encourage public participation and consultation ensuring effective communication of Council policies and strategies (as contained in the Corporate Plan and other plans) to all members of the Council, staff, residents of the District, partners and stakeholders.

14. To promote the core values of the Council as contained in the Corporate Plan.

15. To encourage external organisations to work in partnership with the Council.

16. To develop new policies consistent with the overall strategic approach of the Council.

17. To encourage an inclusive approach to the development of new or revised policies ensuring that other sections of the Council's structure and individual members are able to contribute.

18. To establish targets and monitor performance in relation to the Council's policies and strategies.

19. To speak on behalf of the Council.

20. To represent the Council on relevant external bodies to which they are appointed by the Council or the executive.

21. To request or commission research or other studies on matters of policy or service provision whether external or via other parts of the Council's political management structure.

22. To refer to the Cabinet any matters with corporate implications.

23. To prepare responses to consultation papers issued by the Government and other organisations in relation to those functions within the purview of the Cabinet.

24. To give guidance on budget priorities.

25. To develop proposals for the effective use of land and property in partnership with other stakeholders where appropriate.

26. To receive representations from Councillors acting in their capacity as ward members in relation to the provision of services to residents within their area.

D. Specific Powers Delegated to Members of the Executive

1. The following table sets out those powers which are delegated to individual members of the executive. Column (1) sets out the member of the executive to whom the power(s) is delegated; Column (2) sets out the delegated power(s) and Column (3) sets out any Conditions or Limitations on the delegation.

2. By virtue of Section 9(E) of the Local Government Act 2000 the Leader may themself discharge any executive function. Listed here are the functions which the Leader has indicated he would as a matter of practice normally intend to exercise themself and those which he has delegated to other individual members of the Executive.

Delegation to: Leader of the Council

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions/ Limitations/Notes
1.		1. To make nominations and vote on behalf of the Executive in respect of the appointment of representatives to outside bodies by local authorities in Kent. 2. Confirm Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).	None. Leader in consultation with the Portfolio Holder for Planning and Built Environment

Delegation to: All Members of the Executive

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions/ Limitations/Notes
1.		1. To determine applications to the Council for revenue or capital grants.	(1) The grant shall relate to a function which falls within the member's portfolio. (2) The grant shall be made in accordance with the Budget and Policy Framework. (3) The amount of the grant shall not exceed £10,000.

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions/ Limitations/Notes
		2. To authorise the acceptance of a tender for services or works (in cases where the original estimate was £50,000 or more).	(1) The tender shall be the most economically advantageous option to the Council in accordance with any predetermined evaluation criteria. (2) An officer's written report shall be required. (3) There shall be no other issues for determination. NB The member shall not be authorised to make any contract either orally or in writing on behalf of the Council.
		3. To invite additional Members of the Council and third parties to attend their respective Policy/Project Groups when considered appropriate.	None.
		4. Exercising non-delegated executive powers where the Leader and Deputy Leader are, in the view of the Monitoring Officer, unable to act or the office is vacant.	If for any reason the Leader is unable to act or the office of the Leader is vacant and the Deputy Leader is unable to act or the office of the Deputy Leader is vacant, the executive may act in the Leader's place or may arrange for a member of the Cabinet to act in his place, subject to the Access to Information Rules.

Delegation to: Portfolio Holder for Housing, Skills and Education

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions/ Limitations/Notes
1.		To exercise the functions of the Council in relation to the	None.

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions/ Limitations/Notes
		Supporting People in Kent Commissioning Body.	

Delegation to: Portfolio Holder for Transport, Licensing and Environmental Services

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions/ Limitations/Notes
1.		1. In consultation with the appropriate Parish or Town Council, to exercise the powers and duties of the Council under Sections 17 and 19 of the Public Health Act 1925 (street naming).	None.
		2. To grant permission for voluntary/ charitable organisations to use free of charge car parks where a charge is made.	(1) No cost shall accrue to the Council. (2) The general public shall not be inconvenienced.

Delegation to: Portfolio Holder for Planning and Built Environment

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions/ Limitations/Notes
1.		To sign the annual Kent Waste Partnership Service Plan.	None.

Delegation to: Portfolio Holder for Finance, Governance, Climate Change and Environment

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions/ Limitations/Notes
1.		To consult with local stakeholders on the priorities to be adopted by the Executive in publishing initial proposals for the Medium-Term Financial Strategy, budget and policy framework.	None.
2.	In connection with the Council's Investment Property Strategy	To approve the acquisition of property investments by the Council including the price to be paid and the terms and conditions upon which they are to be acquired.	To be exercised with such advice from the Residential Investment Project Advisory Group and/or the Commercial Investment Project Advisory Group as the Portfolio Holder considers appropriate.
3.	In connection with the Council's Investment Property Strategy	To approve the engagement of professional property advisors, agents, surveyors, financial advisors and providers of legal services.	To be exercised with such advice from the Residential Investment Project Advisory Group and/or the Commercial Investment Project Advisory Group as the Portfolio Holder considers appropriate.
4.	In connection with the formation of residential and commercial property companies or other corporate vehicles in pursuance of the Council's Investment Property Strategy	To approve the detailed form of any such companies or other corporate vehicles to include approving any associated shareholder arrangements or financial arrangements to be entered into between the Council and any such companies or other corporate vehicles.	To be exercised with such advice from the Residential Investment Project Advisory Group and/or the Commercial Investment Project Advisory Group as the Portfolio Holder considers appropriate.
5	Complaints procedure and policy	To grant compensatory payments exceeding £2,000 in respect of loss or damage suffered as a result of maladministration.	

Delegation to: Portfolio Holder for Community and Corporate Property

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions/ Limitations/Notes
1 .		To grant consent for the letting of specific sites for circuses on Dover District Council land dependent upon the applications received in consultation with the Director of Housing, Finance & Assets.	None.

2. An executive member must seek advice from relevant officers before taking a decision within his/her delegated authority. Where appropriate, this should include taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is any doubt about legality, powers, etc.

3. In the absence of the relevant Portfolio Holder, the function may be discharged by the Leader or, in the absence of the Leader, by the Deputy Leader.

4. Members of the executive retain the discretion to refer any matter to the Cabinet for determination where they feel it would be more appropriate.

5. In the event that a function falls within two or more portfolios, any of those Portfolio Holders may discharge the function in consultation with the other Portfolio Holder(s).

E. Amendment of the Scheme of Delegation

The Leader may amend the scheme of delegation relating to executive functions at any time.

SECTION 4: GUIDELINES FOR EXECUTIVE COMMITTEES

1. **Section 106 (Developer Contributions) Committee of the Executive**

To exercise the powers and functions of the Executive in relation to:

(a) Monitoring the receipt of Section 106 monies, agreeing to their release and reviewing expenditure on approved schemes.

(b) Ensuring the co-ordination of the expenditure of Section 106 monies with other Council expenditure, including schemes in the Capital Programme and programmed expenditures by other agencies as required.

(c) Reviewing the Council's priorities for seeking developer contributions from time to time and making recommendations on the operation of the Development Contributions Supplementary Planning Document to the Planning Committee and the Council.

(d) Making recommendations to the Planning Committee in cases of competing requirements which exceed available developer contributions, including on the priorities which might be pursued in respect of contributions sought by other bodies.

(e) Considering other related matters as required.

3. **Quorum**

The quorum for a meeting of a Committee of the Executive shall be 3.

4. **Substitutes**

Members of Executive Committees may appoint substitutes from amongst the Cabinet only. All other rules regarding substitutes apply in accordance with Council Procedure Rule 4.

SECTION 5: GUIDELINES FOR ADVISORY GROUPS

1. **Appointment**

The Leader/Cabinet may appoint such cross-party Advisory Groups as it wishes in order to assist in the work of the executive for the following purposes:

(a) Project Advisory Groups: To advise the Leader/Cabinet in respect of one (or more) specific project(s).

(b) Reference Groups: To advise the Leader/Cabinet or a Portfolio Holder (eg where executive functions have been delegated to a Portfolio Holder) in respect of executive decisions which relate to a specific function or activity.

2. **Membership**

Unless otherwise agreed by the Leader/Cabinet, an Advisory Group shall:

(a) comprise of 5 members including the Leader or appropriate Portfolio Holder who shall chair the Group;

(b) as far as possible, the Group will be appointed in accordance with the rules on political balance;

(c) particular regard shall be had to include a relevant ward member on the Group.

3. **Terms of Reference**

(a) To provide a forum for consultation with other members of Council before particular issues are determined by the executive.

(b) To advise the Leader or Cabinet/Portfolio Holder on any matter which concerns a project or relevant function/activity to be determined by the Leader/executive.

(c) To assist and support the Leader or Cabinet/Portfolio Holder with regard to background information or preliminary work or research in connection with a project or function/activity to be determined by the Leader/executive.

4. **Quorum**

The quorum of a meeting of an Advisory Group shall be 3 members.

5. **Substitutes**

The substitutes rule (Council Procedure Rule 4) applies to Advisory Groups.

6. **Attendance at Meetings**

Any other member of the Council not duly appointed to the Advisory Group (as member or substitute) may attend and take part in the proceedings.

SECTION 6: SCHEME OF OFFICER DELEGATIONS

A. General

1. The intention of the Scheme of Officer Delegations is to authorise the Chief Executive, the Deputy Chief Executive or a Director to carry out responsibilities for all functions which the Council has not reserved to itself or delegated to a Committee or Sub-Committee in this Constitution and which Council has not authorised another officer to carry out.

2. For the purposes of this scheme of officer delegations the Chief Officers referred to are:

   (i) Those set out in Article 12.01(b) of the Constitution

3. Chief Officers or specified officers are hereby empowered to carry out those specific functions of the Council or the Leader/Executive delegated to them as set out in this scheme of delegations.

4. References herein to a specific statutory provision or Ministerial Circular shall include any statutory re-enactment or modification thereof for the time being in force.

5. Any decision taken under delegated powers shall be in accordance with any policies approved by the Council (the Policy Framework) and all of its Rules of Procedure. Further, where expenditure is involved, such action shall be conditional upon the necessary financial provision being included in the approved Budget.

6. Whenever an officer considers it appropriate, he or she shall seek the approval of the appropriate Committee, the Leader/executive or the executive member (as the case may be) notwithstanding the availability of a delegated power.

7. Any decision taken by an officer in exercise of a delegated power shall be reported to the appropriate Committee, the Leader/executive or executive member (as the case may be) for information at the request of any Member.

8. The action of an officer under a delegated power shall be deemed to be the act of the Council or the Leader/executive (as the case may be).

9. Chief Officers or specified officers to whom a duty, function or power is delegated may nominate another officer or officers to exercise that duty, function or power, provided that the nominated officer(s) reports to or is responsible to the Chief Officer or specified officer concerned.

10. Nothing in these delegated powers shall restrict the powers or duties placed upon any officer by statute.

11. In relation to Council functions when matters of urgency and items not involving matters of policy require decisions between the meetings of a Council or Committee or Sub-Committee of the Council, the Chief Executive or appropriate Head of Service or specified officer shall be empowered, in consultation with the Chairman and Vice-Chairman of the Council or of the relevant Committee or Sub-Committee, or one other

member in the absence of either (or two other members in the absence of both), to deal with such items.

12. In all cases of urgency any Chief Officer may:

(a) exercise any of the powers delegated herein to a Chief Officer or specified Head of Service or specified officer; and

(b) authorise any other officer of the Council whom he or she considers it appropriate to exercise such power.

13. The Scheme of Officer Delegations may be amended from time to time in any manner as is considered appropriate:

(1) In relation to Council functions:

(a) by the Council; or

(b) by the relevant committee or sub-committee insofar as it relates to functions discharged by that committee or sub-committee.

(2) In relation to executive functions by the Leader.

In the case of amendments made by a committee, sub-committee or the Leader, a report of the amendment will be made to the next ordinary meeting of the Council.

14. The exercise of the powers and functions delegated by the Scheme of Officer Delegations shall without prejudice to any specific delegation or authorisation set out, and subject to any express Conditions/Exclusions/Limitations/Notes specified, be taken to include power to do anything incidental or conducive to the discharge of such functions including (by way of example and not by way of limitation) power to do any of the following:

(a) To appoint or designate any officer as an "authorised officer", "inspector", "person duly authorised" or similar under any of the legislation or functions specified for the purposes of enabling any such person to carry such legislation or functions into effect.

(b) To authorise any officer for the purposes of any of the above-mentioned legislation or functions.

(c) To exercise any power or function conferred by or in connection with the specified legislation or functions to:

(i) Require any person to provide any information.

(ii) Enter or inspect any land, premises, vehicle or vessel.

(iii) Take samples of, seize, test, dispose of, destroy, or otherwise deal with and thing or substance in accordance with the applicable legislation.

(iv) Make application for any warrant or order to a court of summary jurisdiction and to execute any such warrant or order taking with him or her any other person as may be authorised.

(v) to make or swear any information.

(vi) Institute, in consultation with the Solicitor to the Council, proceedings in respect of any offence.

(vii) Execute work.

(viii) Sell or dispose of any goods, articles, samples materials or other property (other than land and buildings) unless specifically authorised within this Scheme of Officer Delegations.

(ix) Recover any sums of money due to the Council.

(x) Authorise any other person to do any of the things mentioned in (i) to (vii) above to the extent permitted by law.

15. Any reference to any Act, Rule, Order or Regulation shall be taken as including a reference to that Act, Rule, Order or Regulation as re-enacted replaced or modified from time to time.

16. References to any statutory provision shall include a reference to any subordinate or secondary legislation made under or taking effect under it from time to time

17. This Scheme of Officer Delegations has been approved in its totality by both the Council and by the Leader of the Council and no delegation contained within it shall be treated as invalid by reason of it being incorrectly classified as a Council Function instead of an Executive function or vice versa.

18. The Council and/or the executive (as appropriate) have delegated the powers and functions set out in the following tables to the officers described. The powers and functions delegated are specified in Column 1 below and/or described in Column 2 below, but their exercise is subject to the conditions/exclusions or limitations specified in Column 3.

19. For the purposes of clarity in respect of this Scheme, reference to any post that is vacant, combined with any other and/or has had its name changed shall be construed as referring to the officer post which takes on the relevant function and role of the original officer post.

B. Delegation to: All Chief Officers

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
1.	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To act as an "authorised officer" in relation to any legislation under which the Chief Officer is authorised or empowered to act by the Council or a Committee, or under delegated powers.	
2.	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To authorise any officer to act as an "authorised officer" to the extent that the Chief Officer is so authorised in accordance with the foregoing paragraph.	
3.	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To authorise or appoint any officer to exercise any statutory power of entry in relation to any legislation under which the Council is authorised or empowered to act and to authorise any such officer to apply for a Justices Warrant for entry in any of the circumstances contemplated by the legislation concerned.	
4.	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To sign documents authenticating "Authorised Officers".	
5.	To authorise expenditure	(a) To authorise expenditure and to take such action as may be necessary and appropriate thereon in respect of sums provided in the estimates approved by the Council. (b) To authorise contracts with a value not exceeding £200,000.	
6.	ICT procurement	To ensure that, prior to the procurement of any ICT (eg computer or communications hardware or software), adequate checks are carried out: (a) To verify that the ICT is fit for the purpose intended. (b) To obtain confirmation from the Director of EK Shared Services as to the compatibility of ICT selected for purchase. (c) To ensure that appropriate funding is available to cover the costs of ICT purchase.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
7.	Implementation of new and existing legislation	To arrange for the implementation of new and existing legislation, statutory instruments, orders and byelaws, except where a discretion is granted to the Council.	
8.	Use of premises	In consultation with the Head of Property Assets to let or authorise the use of premises under their control upon the terms and conditions approved by the Council.	
9.	Applications under the Town and Country Planning legislation	To make application for consent or permission under Town and Country Planning legislation in accordance with any proposals approved by the Council or the Cabinet or a relevant Portfolio Holder, or an officer under any delegated powers.	
10.	Appointment of staff	Within agreed procedures to appoint persons nominated by any contractor to the Council to any appropriate office of the Council other than as a direct employee of the Council.	
11.	Disposal of equipment	To dispose of surplus, unserviceable or obsolescent plant, equipment, stock, stores or material.	The prior approval of the S151 Officer shall be sought in such circumstances as they may direct.
12.	Issue appropriate licences, permits, certificates of registration and similar documents	The issue as appropriate of any licences, permits, certificates of registration and similar documents where the application conforms to statutory provisions and regulations and the requirements of the Council.	
13.	Disciplinary code of conduct	The implementation of the Council's disciplinary code of conduct.	
14.	Town and Country Planning Act 1990 (Section 225)	To take appropriate action under Section 225 of the Town and Country Planning Act 1990, including entry on to unoccupied land, to combat flyposting	
15.	Enforcement action	(a) Without prejudice to the specific provisions of these Delegations to Officers and subject to any policies approved by the Council, where any statutory provision empowers or requires the Council to issue make or serve (howsoever expressed) any notice, demand, requisition, direction, order or regulation, to discharge the functions of the Council in relation thereto and to issue, make or serve (as the case may be) any such notice, demand, requisition, direction, order or regulation, to authorise the carrying out of works in default, and, in consultation with the appropriate Chairman and Vice-Chairman or Portfolio Holder (as the case may be), to institute legal proceedings in connection therewith.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
		(b) Subject to the relevant statutory provisions, in matters of urgency, to carry out works and to institute such proceedings without the prior service of any notice, demand or requisition.	
16.	Instruct the Solicitor to the Council to act	To instruct the Solicitor to the Council to act on behalf of the Council to the extent that they are authorised to act themselves.	
17.	Administer formal cautions	To administer formal cautions in appropriate cases and, in consultation with the Solicitor to the Council, in respect of offences under legislation, or regulations made thereunder, for which the relevant Chief Officer is authorised to prosecute and similarly to authorise any inspector appointed by the Council or a relevant chief officer.	
18.	Safety of staff	To make arrangements for the safety of staff.	
19.	Council's representative in relation to contracts	To act as the Council's representative in relation to any Contracts authorised by the Council for the provision of goods or services or the execution of any works within the sphere of their responsibility and to appoint any suitably qualified or experienced officer to discharge the functions of the Supervising Officer/ Contract Administrator/ Architect/Quantity Surveyor/Engineer or Clerk of Works (as the case may be) in relation to any such Contract.	
20.	Press statements	In consultation with the PR Manager to issue or authorise the issue of statements, including press statements, on behalf of the Council in consultation with the Chairman or Vice-Chairman of the Council, the Leader of the Council or the relevant Portfolio Holder or the Chairman and Vice-Chairman of the appropriate Committee as appropriate.	
21.	Lettings or licences of sites and premises	To effect lettings or licences of sites and premises on short term arrangements until required for the purpose for which they were acquired.	To be exercised in consultation with the Estate Valuation Manager
22.	Ex gratia payments	To grant ex gratia payments not exceeding £500 for damage to personal property of employees occurring whilst on duty.	
23.	Institution or Defence of any civil or criminal proceedings	To authorise, in consultation with the Solicitor to the Council, the institution or defence of any civil or criminal proceedings or of proceedings under any enactment, statutory instrument, order or byelaw on behalf of the Council.	
24.	Licensing Act 2003 and Gambling Act 2005	To make application to the licensing authority under the Licensing Act 2003 and the Gambling Act 2005 for premises licences in respect of any premises to be used by or under authority of the Council and to make	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
		application to vary the terms of any such licence or to surrender the same.	
25.	Licensing Act 2003	To authorise any officer of the Council holding a personal licence as the designated premises supervisor in relation to any licence held or to be held by the Council under the Licensing Act 2003.	
26.	Licensing Act 2003 and Gambling Act 2005	To discharge the functions of a "responsible authority" within the meaning of the Licensing Act 2003 and the Gambling Act 2005 in so far as those functions relate to any functions of the Council which fall within the broad range of responsibilities of the Chief Officer concerned.	
27.	Licensing Act 2003 and Gambling Act 2005	To exercise on behalf of the Council the rights of the Council as an "interested party" within the meaning of the Licensing Act 2003 and the Gambling Act 2005 in so far as the Council falls to be considered as such.	
28.	Responses to any consultations	To make responses to any consultation	This may be exercised irrespective of the nature or number of third-party representations
29.	Placing of services of officers at the disposal of other authorities	To authorise any Chief Officers or specified Operational Managers, to whom powers are delegated under the Scheme of Officer Delegations, to authorise appropriately experienced officers, whose services are placed at the disposal of the Council pursuant to section 113 of the Local Government Act 1972, to exercise any powers or functions delegated to the Chief Officer or specified Heads of Service/Operational Manager concerned.	
30.	Abandoned, Lost and Uncollected Goods and Property	To exercise the powers of the Council to dispose of goods and property under (i) Section 41 of the Local Government (Miscellaneous provisions) Act 1982 in relation to lost and uncollected property. (ii) The Torts (Interference with Goods) Act 1977 (iii) any other power or contractual right	

B. Delegation to: All Heads of Service

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
31.	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To act as an "authorised officer" in relation to any legislation under which the Chief Officer is authorised or empowered to act by the Council or a Committee, or under delegated powers.	
32.	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To authorise any officer to act as an "authorised officer" to the extent that the Chief Officer is so authorised in accordance with the foregoing paragraph.	
33.	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To authorise or appoint any officer to exercise any statutory power of entry in relation to any legislation under which the Council is authorised or empowered to act and to authorise any such officer to apply for a Justices Warrant for entry in any of the circumstances contemplated by the legislation concerned.	
34.	Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and Local Government Act 2000 (Section 13)	To sign documents authenticating "Authorised Officers".	
35.	To authorise expenditure	(a) To authorise expenditure and to take such action as may be necessary and appropriate thereon in respect of sums provided in the estimates approved by the Council. (b) To authorise contracts with a value not exceeding £200,000.	
36.	ICT procurement	To ensure that, prior to the procurement of any ICT (eg computer or communications hardware or software), adequate checks are carried out: (a) To verify, in consultation with the Technology and Resilience service, that the ICT is fit for the purpose intended. (b) To ensure that appropriate funding is available to cover the costs of ICT purchase.	
37.	Implementation of new and existing legislation	To arrange for the implementation of new and existing legislation, statutory	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
		instruments, orders and byelaws, except where a discretion is granted to the Council.	
38.	Use of premises	In consultation with the Head of Property Assets to let or authorise the use of premises under their control upon the terms and conditions approved by the Council.	
39.	Applications under the Town and Country Planning legislation	To make application for consent or permission under Town and Country Planning legislation in accordance with any proposals approved by the Council or the Cabinet or a relevant Portfolio Holder, or an officer under any delegated powers.	
40.	Appointment of staff	Within agreed procedures to appoint persons nominated by any contractor to the Council to any appropriate office of the Council other than as a direct employee of the Council.	
41.	Disposal of equipment	To dispose of surplus, unserviceable or obsolescent plant, equipment, stock, stores or material.	The prior approval of the S151 Officer shall be sought in such circumstances as they may direct.
42.	Issue appropriate licences, permits, certificates of registration and similar documents	The issue as appropriate of any licences, permits, certificates of registration and similar documents where the application conforms to statutory provisions and regulations and the requirements of the Council.	
43.	Disciplinary code of conduct	The implementation of the Council's disciplinary code of conduct.	
44.	Town and Country Planning Act 1990 (Section 225)	To take appropriate action under Section 225 of the Town and Country Planning Act 1990, including entry on to unoccupied land, to combat flyposting.	
45.	Enforcement action	(a) Without prejudice to the specific provisions of these Delegations to Officers and subject to any policies approved by the Council, where any statutory provision empowers or requires the Council to issue make or serve (howsoever expressed) any notice, demand, requisition, direction, order or regulation, to discharge the functions of the Council in relation thereto and to issue, make or serve (as the case may be) any such notice, demand, requisition, direction, order or regulation, to authorise the carrying out of works in default, and, in consultation with the appropriate Chairman and Vice-Chairman or Portfolio Holder (as the case may be), to institute legal proceedings in connection therewith. (b) Subject to the relevant statutory provisions, in matters of urgency, to carry out works and to institute such proceedings	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
		without the prior service of any notice, demand or requisition.	
46.	Instruct the Solicitor to the Council to act	To instruct the Solicitor to the Council to act on behalf of the Council to the extent that they are authorised to act themselves.	
47.	Administer formal cautions	To administer formal cautions in appropriate cases and, in consultation with the Solicitor to the Council, in respect of offences under legislation, or regulations made thereunder, for which the relevant Chief Officer is authorised to prosecute and similarly to authorise any inspector appointed by the Council or a relevant chief officer.	
48.	Safety of staff	To make arrangements for the safety of staff.	
49.	Council's representative in relation to contracts	To act as the Council's representative in relation to any Contracts authorised by the Council for the provision of goods or services or the execution of any works within the sphere of their responsibility and to appoint any suitably qualified or experienced officer to discharge the functions of the Supervising Officer/ Contract Administrator/ Architect/Quantity Surveyor/Engineer or Clerk of Works (as the case may be) in relation to any such Contract.	
50.	Press statements	In consultation with the Corporate Communications Team to issue or authorise the issue of statements, including press statements, on behalf of the Council in consultation with the Chairman or Vice-Chairman of the Council, the Leader of the Council or the relevant Portfolio Holder or the Chairman and Vice-Chairman of the appropriate Committee as appropriate.	
51.	Lettings or licences of sites and premises	To effect lettings or licences of sites and premises on short term arrangements until required for the purpose for which they were acquired.	To be exercised in consultation with the Estate Valuation Manager
52.	Institution or Defence of any civil or criminal proceedings	To authorise, in consultation with the Solicitor to the Council, the institution or defence of any civil or criminal proceedings or of proceedings under any enactment, statutory instrument, order or byelaw on behalf of the Council.	
53.	Licensing Act 2003 and Gambling Act 2005	To make application to the licensing authority under the Licensing Act 2003 and the Gambling Act 2005 for premises licences in respect of any premises to be used by or under authority of the Council and to make application to vary the terms of any such licence or to surrender the same.	

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
54.	Licensing Act 2003	To authorise any officer of the Council holding a personal licence as the designated premises supervisor in relation to any licence held or to be held by the Council under the Licensing Act 2003.	
55.	Licensing Act 2003 and Gambling Act 2005	To discharge the functions of a "responsible authority" within the meaning of the Licensing Act 2003 and the Gambling Act 2005 in so far as those functions relate to any functions of the Council which fall within the broad range of responsibilities of the Chief Officer concerned.	
56.	Licensing Act 2003 and Gambling Act 2005	To exercise on behalf of the Council the rights of the Council as an "Other party" within the meaning of the Licensing Act 2003 and the Gambling Act 2005 in so far as the Council falls to be considered as such.	
57.	Responses to any consultations	To make responses to any consultation	This may be exercised irrespective of the nature or number of third-party representations
58.	Placing of services of officers at the disposal of other authorities	To authorise specified Operational Managers, to whom powers are delegated under the Scheme of Officer Delegations, to authorise appropriately experienced officers, whose services are placed at the disposal of the Council pursuant to section 113 of the Local Government Act 1972, to exercise any powers or functions delegated to the Chief Officer or specified Heads of Service/Operational Manager concerned.	Only to be exercised in consultation with the Head of Paid Services and the Head of Human Resources, Payroll and Corporate Communications
59.	Abandoned, Lost and Uncollected Goods and Property	To exercise the powers of the Council to dispose of goods and property under (i) Section 41 of the Local Government (Miscellaneous provisions) Act 1982 in relation to lost and uncollected property. (ii) The Torts (Interference with Goods) Act 1977 (iii) any other power or contractual right	

C. Council and Executive Functions

1. CHIEF EXECUTIVE'S DIRECTORATE

Delegation to: Chief Executive

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
1.	Appointment of staff below Chief Officer level	As Head of Paid Service to determine the establishment and make changes to the establishment below the level of Chief Officer.	
2.	Appointment and dismissal of staff below Chief Officer level	Within the approved establishment to appoint and dismiss all staff below the level of Chief Officer and to determine the terms and conditions upon which they are appointed and continue to be employed.	All appointments shall be made substantially in accordance with the Council's Standard Terms and Conditions of Employment and agreed policies and procedures. Any minor variations shall only be made in the interests of the effective and efficient discharge of the Council's functions The Head of Paid Service has nominated all Directors, Heads of Service and service managers to appoint staff
3.	S112 Local Government Act 1972	To discharge the Council's powers and duties as employer of all employees	The Chief Executive shall act substantially in accordance with the Council's Standard Terms and Conditions of Employment and agreed policies and procedures. Any minor variations shall only be made in the interests of the effective and efficient discharge of the Council's functions.
4.	Complaints procedure and policy	To determine complaints made against the Council in accordance with the Council's Complaints Procedure and Policy on Remedies from time to time, and	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
		(i) To grant compensatory payments not exceeding £2,000 in respect of loss or damage suffered as a result of maladministration. (ii) To take such action as he deems appropriate from time to time to publicise the Council's Complaints Procedure (iii) To arrange the provision of such training, and to produce such guidance materials, for Members and staff as he deems appropriate.	
5.	Section 113 of the Local Government Act 1972	As Head of Paid Service, to exercise or nominate another officer to exercise, the powers and functions of the Council to effect any changes necessary to the contract of employment of any officer so as to enable his services to be placed at the disposal of another local authority under the provisions of section 113 of the Local Government Act 1972.	
6.	Various	To appoint any person as "Proper Officer" for any specified statutory purposes or for any specified purposes.	The Chief Executive shall be satisfied that any person whom they propose to appoint as a proper officer has the necessary skills and experience to enable them to discharge the functions of the proper officer appointment.
7.	Legal Proceedings (Local Government Act 1972 (Section 222); Localism Act 2011; all other enabling powers)	In consultation with the Solicitor to the Council, to institute, defend, or participate in any legal proceedings (and to settle any legal proceedings whether actual or prospective) in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Executive in consultation with the Solicitor to the Council considers that such action is necessary to protect the Council's interests.	

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
8.	Legal Proceedings (Local Government Act 1972: Localism Act 2011; all other enabling powers)	In consultation with the Solicitor to the Council, to institute, defend, settle, or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Executive in consultation with the Solicitor to the	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
		Council considers that such action is necessary to protect the Council's interests.	
9.	Companies Act 2006 (Section 323)	To discharge the powers and functions of the Council in its capacity as a member or shareholder of any company of which the Council is a member or shareholder and to act as the Council's representative at any meeting of the company pursuant to Section 323 of the Companies Act 2006.	
10.	Urgent Executive Business	To deal with urgent items of business falling within the remit of the Executive where the Leader, and Deputy Leader are not in office.	
11.	Acquisition of key regeneration sites	To authorise acquisitions relating to key regeneration sites in consultation with the Leader, the Director of Housing, Finance & Assets and the Solicitor to the Council.	The Chief Executive shall have been provided with the relevant completed pro forma in respect of the site
12.	Local Government Act 1972 (Section 138)	To exercise the powers of the Council under Section 138 of the Local Government Act 1972 in respect of emergencies or disasters.	
13.	Civil Contingencies Act 2004	To discharge the duties of the Council under the Civil Contingencies Act 2004.	
14.	Local Government Act 1972 (Section 113) - Placing of services of officers at the disposal of other authorities	(1) Exercise the powers and functions of the Council to enter into an agreement with another local authority: (a) for the placing at the disposal of that authority for the purposes of its functions, the services of officers employed by the Council; (b) for the placing at the disposal of the Council for the purposes of its functions, the services of officers employed by that authority. (2) As Head of Paid Service, to exercise, or nominate another officer to exercise, the powers and functions of the Council to effect any changes necessary to the contract of employment of any officer so as to enable his services to be placed at the disposal of another local authority under the provisions of section 113 of the Local Government Act 1972.	
15.	Local Authorities (Goods and Services) Act 1970	Exercise the powers and functions of the Council.	
16.	Management of Claims Against the Council (Land Charges)	To take all appropriate steps in the management of claims against the Council arising out of the land charges functions including approving the terms of any compromise or settlement.	
17.	Part VI, Chapter II, Town and Country Planning Act 1990	To exercise the powers and functions of the Council in relation to Blight Notices.	None

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
18.	Local Government Act 1972 (Section 111), Localism Act 2011 (Section 1) and all other enabling powers.	In connection with the Dover Western Dock Revival Project, the Dover Waterfront Development and any other development proposals of the Dover Harbour Board relating to the Port of Dover, whether or not arising out of or relating to any current or proposed Harbour Revision Order: Acting in consultation with the Leader, to take all steps (including the submission and withdrawal of objections and representations, the conduct of negotiations and settling the terms of and approving any agreements and instruments with any relevant person) which he considers appropriate.	
19.	Local Government Act 1972 (Section 111), Localism Act 2011 (Section 1) and all other enabling powers.	In connection with any agreements between the Council and the Dover Harbour Board relating to the Dover Western Dock Revival Project, whether or not arising out of or relating to any current or proposed Harbour Revision Order: to exercise the functions and responsibilities of the Council with regard to any Design and Access Statements or the giving or withholding of any other consent, permission or approval.	
20.	Anti-Social Behaviour Crime and Policing Act 2014 Section 77	To authorise a Closure Notice for a maximum period of 48 hours or extend a 24-hour closure notice for a period of up to a further 24 hours	
21.	Complaints procedure and policy	To determine complaints made against the Council in accordance with the Council's Complaints Procedure and Policy on Remedies from time to time, and (i) To grant compensatory payments not exceeding £2,000 in respect of loss or damage suffered as a result of maladministration. (ii) To take such action as he deems appropriate from time to time to publicise the Council's Complaints Procedure (iii) To arrange the provision of such training, and to produce such guidance materials, for Members and staff as he deems appropriate.	

2. CORPORATE RESOURCES (DEPUTY CHIEF EXECUTIVE) DIRECTORATE

Delegation to: Director of Corporate Resources (Deputy Chief Executive)

Council Function

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
22.	Local Government (Miscellaneous Provisions) Act 1976 (Part II; Section 61)	Revocation of a Hackney Carriage or Private Hire Driver's Licence	No officer shall authorise the immediate revocation of a Hackney Carriage or Private Hire Driver's Licence otherwise than in consultation with the Solicitor to the Council

Executive Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
23.	General Data Protection Regulation (EU) 2016/679 (GDPR) and The Data Protection Act 2018	To exercise the powers and functions of the Council in relation to the GDPR and the Data Protection Act 2018	Excluding the functions of the Data Protection Officer
24.	Section 92 of the Localism Act 2011 (Assets of Community Value)	Review of Decision to include land in list	

Delegation to: **Solicitor to the Council**
Director of Corporate Resources

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
25.	Defence of any civil or criminal proceedings	To take all necessary action (including the laying of an information) for the institution or defence of any civil or criminal proceedings or of proceedings under any enactment, statutory instrument, order or byelaw on behalf of the Council.	
26.	Local Government (Miscellaneous Provisions) Act 1976 (Section 16), Town and Country Planning Act 1990 (Section 330) and Road Traffic Regulation Act 1984 (Section 112)	To serve Requisitions for Information and any other enabling statutory provision.	
27.	Town and Country Planning Act 1990 (Section 172)	To issue enforcement notices to specify the date upon which they are to become effective and to determine the appropriate period or periods for compliance with such notices.	
28.	Enforcement Notices	To issue Enforcement Notices under the instruction of the Head of Regeneration and Development.	
29.	Temporary Stop Notices	To issue a Temporary Stop Notice.	
30.	Licensing Act 2003 and Gambling Act 2005	To act as Solicitor to the Council as Licensing Authority.	
31.	Licensing Act 2003 and Gambling Act 2005	To take all necessary action (including the laying of an information) for the institution or defence of any civil or criminal proceedings arising out of or in connection with the functions of the Council as Licensing Authority.	
32.	Licensing Act 2003 and Gambling Act 2005	To authorise appropriately experienced officers to exercise any powers or functions delegated to them. .	
33.	Regulation of Investigatory Powers Act 2000 -Covert Surveillance Policy	To act as the authorising officer for all covert surveillance operations.	In accordance with the Council's Covert Surveillance Policy and Procedures.

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
34.	Institution or defence of any civil or criminal proceedings	To take all necessary action (including the laying of an information) for the institution or defence of any civil or criminal	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
		proceedings or of proceedings under any enactment, statutory instrument, order or byelaw on behalf of the Council.	
35.	Serve notices or demands leases, licences, tenancies and mortgages	To serve notices or demands in relation to leases, licences, tenancies and mortgages for breach of covenant or condition and to recover possession and any monies owing to the Council.	
36.	Recover money	To institute, in consultation with the Director of Housing, Finance & Assets or the Head of Shared Services proceedings to recover money owing to the Council.	
37.	Notices to Treat and Notice of Entry	To serve Notices to Treat and Notices of Entry.	
38.	Local Government (Miscellaneous Provisions) Act 1976 (Section 16), Town and Country Planning Act 1990 (Section 330) and Road Traffic Regulation Act 1984 (Section 112)	To serve Requisitions for Information and any other enabling statutory provision.	
39.	Proceedings for the possession of a property	To institute proceedings for the possession of a property in mortgage to the Council where the mortgage repayments are three months or more in arrears and such arrears amount to not less than £100.	
40.	National Assistance Act 1948	To make application to a Court of summary jurisdiction under the provisions of the National Assistance Act 1948, as amended, on receipt of a certificate from the Proper Officer, for the removal to suitable premises of persons in need of care and attention and to make application to extend or vary any Order made under Section 47 of that Act.	
41.	Criminal Justice and Public Order Act 1994 (Sections 77-79)	To discharge the Council's powers and functions in respect of travellers encampments.	
42.	Possession Orders	To authorise the enforcement of any order for the possession of premises made in favour of the Council.	
43.	Sir Ernest Bruce Charles Charity	To keep under review the proper administration of the Sir Ernest Bruce Charles Charity and to make periodic reports to the Cabinet recommending the use and distribution of the charitable fund.	All matters requiring a decision of the Council as trustee to be taken by Cabinet.

Delegation to: **Director of Corporate Resources**
Head of Legal and Licensing
Licensing Manager

Council Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
44.	Licensing Act 2003 (as amended) and any Regulations and Orders made or having effect thereunder	To exercise all functions of the Council as Licensing Authority.	Those which are either reserved to or conferred upon either the full Council or the Licensing Committee (or a Sub-Committee thereof) either by law, or by virtue of this or any other scheme of officer delegations made by the Licensing Committee from time to time [Licensing Committee]
45.	Authorise experienced officers to exercise functions	To authorise appropriately experienced officers to exercise any powers or functions delegated to them.	[Licensing Committee]
46.	Licensing Act 2003	No officer shall authorise or bring or defend any legal proceedings (including criminal proceedings for the breach of any requirement arising under the Licensing Act 2003 or any Regulations or Orders made or having effect thereunder) otherwise than in consultation with the Solicitor to the Council.	[Licensing Committee]
47.	Gambling Act 2005 and any Regulations and Orders made or having effect thereunder	To exercise all functions of the Council as Licensing Authority under the Gambling Act 2005 and any regulations and orders made or having effect thereunder.	Except those which are either reserved to or conferred upon either the full Council, the Licensing Committee (or a Sub-Committee thereof) or, another specified officer, either by law, or by virtue of this or any other scheme of delegations made by the Licensing Committee from time to time.
48.	Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4)	To exercise the powers and functions of the Council in relation to street trading.	[Council]
49.	The House to House Collections Act 1939	To exercise the powers and functions of the Council in relation to house-to-house collections.	[Council]
50.	The Public Health Acts Amendment Act 1907 (Section 94)	To issue licences in respect of pleasure boats and pleasure vessels and boatmen.	[Council]
51.	Local Government (Miscellaneous	To exercise the powers and duties in respect of the licensing of Hackney	[Council]

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
	Provisions) Act 1976 (Part II) and Town Police Clauses Act 1847 (Sections 37 to 68)	Carriages and their drivers and Private Hire Vehicles, drivers and their operators.	Excluding the grant or renewal of any licence in circumstances which are contrary to the Council's policy guidance Excluding the making of policy, regulations and by-laws Excluding the refusal of any licence Excluding the revocation of any licence which can only be done in accordance with delegation No. 22 (Revocation of a Hackney Carriage or Private Hire Driver's Licence)
52.	Local Government (Miscellaneous Provisions) Act 1982 (Part VIII)	To exercise the powers and duties in respect of acupuncture, tattooing, piercing and electrolysis, etc.	[Council]
53.	Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3)	To exercise the Council's powers and duties in relation to the control of sex establishments.	
54.	Animal Boarding Establishment Act 1963	To exercise the powers and duties in respect of Animal Boarding Establishments.	
55.	Pet Animals Act 1951 (as amended)	To exercise the powers and duties in respect of pets shops.	
56.	Riding Establishments Acts 1964 & 1970	To exercise the powers and duties in respect of riding establishments.	
57.	Zoo Licensing Act 1981	To exercise the powers and duties in respect of zoos.	
58.	Performing Animals (Regulation) Act 1925	To exercise the powers and duties in respect of performing animals.	
59.	Animal Welfare Act 2006	To exercise the powers and duties in respect of the licensing of primates.	
60.	Breeding and Sale of Dogs Act 1999 Breeding of Dogs Act 1973 & 1991	To exercise the powers and duties in respect of the breeding and sale of dogs.	
61.	Hypnotism Act 1952	To exercise the powers and duties in respect of hypnotism.	
62.	Dangerous Wild Animals Act 1976	To exercise the powers and duties in respect of the keeping of dangerous wild animals.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
63.	Business & Planning Act 2020 (Part I)	To exercise the Council's powers and functions in relation to Pavement Licences	

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
64.	Sunday Trading Act 1994	To administer the provisions of the Sunday Trading Act 1994 including the receipt of notices in respect of large shops and shops occupied by persons observing the Jewish Sabbath and to maintain the statutory registers in respect thereof. To enforce the provisions of the Sunday Trading Act 1994 (including the institution of legal proceedings in respect of any offence under the Act) and to appoint inspectors for the purpose thereof.	
65.	Sunday Trading Act 1994 (Schedule 3)	To determine all applications for consent and exercise all powers under Schedule 3 of the Sunday Trading Act 1994.	
66.	Criminal Justice and Police Act 2001 Section 19 Section 20 Section 21 Section 22 Section 23 Section 24 Section 25 Section 26 Section 27	Closure of unlicensed premises Closure notices Applications for closure orders Closure orders Termination of closure orders by constable or local authority Discharge of closure orders by the court Appeals Enforcement of closure orders Offences by corporate body Service of notices	
67.	Criminal Justice & Police Act 1991	To exercise the power and duties in respect of closure of unlicensed premises.	
68.	Scrap Metal Dealers Act 2013	To exercise the powers and duties in respect of scrap metal dealers.	
69.	Health Act 2006	To exercise powers and duties in respect of smoke free premises places and vehicles.	
70.	Business & Planning Act 2020 (Part I)	To exercise the Council's powers and functions in relation to Pavement Licences	

Delegation to: **Section 151 Officer**

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
71.	Financial Regulations	To deal with matters specified by Financial Regulations.	
72.	In connection with the Medium-Term Financial Plan	To apply capital receipts, revenue resources, grants, section 106 monies and other such monies. to finance the approved Capital and Special Revenue Projects Programmes; To authorise new projects up to £50,000 that can be funded within the overall resources of the approved Medium-Term Financial Plan To approve the allocation of funds from the Capital and Special Revenue Contingencies to projects; To authorise virements between Regeneration projects; To apply Growth Point reserves to Regeneration projects; To authorise and finance project overspends up to a maximum of 10% or £100,000 (whichever is lower); To set the level of the on-going HRA minimum balance, the transfer of balances to the HIR, the use of prudential borrowing, and adjustment of the resources of the HIR accordingly; To authorise the acquisition of freehold or leasehold residential properties and to agree terms and conditions in connection therewith; To approve feasibility assessments for projects up to a maximum of 10% or £50,000 (whichever is lower) of the project's estimated costs as set out in the approved Capital programme; to be funded from the allocation included in the Medium-Term Financial Plan for project feasibility costs (any expenditure to be added to the project following approval).	To be exercised in consultation with the Portfolio Holder responsible for Finance
73.	Raising of Income	To be responsible for the administration of the Council's financial affairs including ensuring proper arrangements for the administration and accounting of council tax, business rates, housing rents and services	Limitations: The issue of demands and recovery action in respect of council tax, business rates and sundry debts

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
		charges and the accounting and raising of any other statutory charges, and charges for services, licences, fees, fines and any other income due. "Proper arrangements" shall include, but not be limited to: the appropriate or statutory accounting arrangements authorisation of statutory returns authorisation of write-off of irrecoverable or uneconomic debts and approval for the management of the write-off of irrecoverable or uneconomic debts	is the responsibility of PartnershipOne.
74.	Investment, borrowing and banking	To manage the investment of the Council's funds and the borrowing of such sums as the Council has approved, including, but not limited to: Determining the most appropriate assets, instruments and counterparties to use The period and terms of the investment and borrowing, including any variations to the agreed period and terms The banking arrangements of the council, including the appointment of bankers and the terms and conditions of any bank accounts To declare every six months, where appropriate, a local average rate of interest in respect of Housing Act Advances.	
75.	Financing of capital and major revenue project expenditure	To take decisions to apply capital receipts, revenue resources, grants, Section 106 monies, Community Infrastructure Levy, leases and other council funds to finance the approved capital and major revenue project assets and programmes.	
76.	Revenue Budget	To approve: Virements between revenue budgets Revenue budget carry forwards The application of funds held in reserves to fund revenue expenditure.	In consultation with the Leader of the Council or the Portfolio Holder with responsibility for finance where appropriate.
77.	Reserves	To authorise transfers between the reserves and balances of the councils accounts.	In consultation with the Portfolio Holder with responsibility for finance
78.	In connection with the Housing Revenue Account	To set the level of the on-going HRA minimum balance, the transfer of balances to the HIR, the use of prudential borrowing, and adjustment of the resources of the HIR accordingly.	In consultation with the Portfolio Holder with responsibility for finance
79.	Benefits	To ensure the proper administration of all benefits which are the responsibility of the council, including, but not limited to:	Limitations: The calculation and payment of benefits and discretionary housing

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
		Authorisation of statutory subsidy calculations and returns. Write off irrecoverable or uneconomic overpayments of any benefit and the approval of the arrangements for the write-off of irrecoverable or uneconomic overpayments.	payments are undertaken by PartnershipOne.
80.	Taxation Responsibilities	To authorise statutory returns and to manage the taxation of the council in compliance with legislation and in its interest, including opting to tax supplies of land and buildings for the purposes of VAT.	
81.	Residential Property	To authorise the provision of grants and loans for house purchase and improvement in accordance with any scheme approved by the Council and to grant any approval or consent in respect of properties held in mortgage by the Council.	
82.	To Acquire Residential Property. Local Government Act 1972 – s.120 Housing Act 1985 – s. 17 Localism Act 2011 – s.1	To acquire freehold or leasehold residential properties and to agree terms and conditions in connection therewith.	In consultation with the Portfolio Holder for Finance, Governance, Climate Change and Environment.
83.	Leasehold Service Charges	To determine the levels of service charges payable by lessees under leases of any property in respect of which the Council is the lessor.	
84.	Officer car leasing scheme	To administer and manage the Council's officer car leasing scheme.	
85.	Local Government (Contracts) Act 1997	In consultation with the Solicitor to the Council to determine when a certificate should be issued.	Note: Only used in complex commercial transactions.
86.	Local Government Act 1972 S.139	To accept or reject, gifts of property.	
87.	Grant and Financial Assistance to the Council (Various legislation)	To make application for and to accept grants or other assistance on behalf of the Council.	
88.	Financing of s106 projects	To authorise the application of funds received by the Council under s106 agreements to fund projects identified in the respective s106 agreements	
89.	Section 1 of the Localism Act 2011	To make arrangements for the administration of the Council's Discretionary Track and Trace Payment Support Scheme and to determine applications for financial assistance made under it.	

Delegation to: **Director of Corporate Resources**
Head of Finance and Investment

Executive Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
90.	Traffic Management Act 2004 (Part 6)	To exercise such of the executive functions of Kent County Council under part 6 of the Act as are exercisable in the District by virtue of the Agency Agreement made with Kent County Council on 23 January 2011 as subsequently varied.	All powers to be exercised in accordance with the requirements of the agency agreement as varied
91.	Road Traffic Regulation Act 1984 and Traffic Management Act 2004 (Part 6)	To exercise the Council's powers and duties in relation to the provision and maintenance of off street parking places and to be responsible for the procedural aspects of the making of orders and making provision as to their use.	Excluding determining the level of charges
92.	Off street and on street parking places	To exercise the Council's powers and duties in relation to the management of all off street and on street parking places and to institute any legal proceedings in connection therewith.	Excluding determining the level of charges
93.	Road Traffic Regulation Act 1984 (Section 102) and Traffic Management Act 2004 (Part 6)	To move any vehicle or arrange for any vehicle to be removed from any controlled parking place when any vehicle is left in such a parking place in contravention of any of the provisions contained in the appropriate Order and to take all such further action in connection therewith as is permitted by the said Order: and further to exercise all the powers conferred on the Council.	
94.	Town Police Clauses Act 1847	To determine applications for the temporary restriction of highways.	
95.	Highways Act 1980 (Part VIIA) – Provision of amenities on certain highways	To exercise the powers and functions of the Council under Part VIIA in relation to the provision of amenities etc. on highways.	
96.	Goods Vehicles (Licensing of Operators) Act 1995	To make objections and representations on behalf of the local authority to the grant of applications for operators licences.	

Delegation to: Director of Corporate Resources
Head of Corporate Services and Democracy
Information Governance Manager

Council Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
97.	Freedom of Information Act 2000 (Sections 2 and 8)	Where a request for information has been made to the Council in accordance with Section 8 of the Freedom of Information Act 2000: (a) Decide whether an exemption under Part II of the Act applies to the request (save that in cases where the public interest test in Section 2 of the Act applies to the exemption under consideration the decision as to whether or not the public interest test has been satisfied shall be taken in consultation with the Solicitor to the Council); and (b) Respond to the request accordingly.	

Executive Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
98.	Freedom of Information Act 2000	To maintain, update and amend the Council's Records Retention Schedule and Publication Scheme as required.	
99.	Environmental Information Regulations 2004	To exercise the powers and functions of the Council in relations to requests for information made under the regulations.	
100.	General Data Protection Regulation (EU) 2016/679 (GDPR) and The Data Protection Act 2018	To exercise the powers and functions of the Council in relation to the GDPR and the Data Protection Act 2018	In relation to Subject Access Requests
101.	Insurance matters	To deal with all Council insurance matters.	
102.	Equalities	Authority to deliver the Council's equalities programme.	
103.	Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017	To publish Gender Pay Gap information relating to employees	

Delegation to: Director of Corporate Resources
Head of Corporate Services and Democracy

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
104.	Broadcast of Meetings	To manage all aspects of the broadcast of meetings of the Council, its committees, sub-committees and any other bodies including determining not to broadcast or to suspend a live broadcast of a meeting	
105.	Recording of Meetings	To manage all aspects of the recording of broadcast meetings of the Council, its committees, sub-committees and any other bodies including editing the broadcast and deleting the broadcast at the end of the retention period	

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
106.	Broadcast of Meetings	To manage all aspects of the broadcast of meetings of the Council, its committees, sub-committees and any other bodies including determining not to broadcast or to suspend a live broadcast of a meeting	
107.	Recording of Meetings	To manage all aspects of the recording of broadcast meetings of the Council, its committees, sub-committees and any other bodies including editing the broadcast and deleting the broadcast at the end of the retention period	

Delegation to: Director of Corporate Resources
Head of Human Resources, Payroll and Corporate Communications

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
108.	Post Entry training	To grant financial assistance for post entry training in accordance with any scheme approved by the Council.	
109.	Local Government and Housing Act 1989 – s.2	To prepare and maintain a list of politically restricted posts.	
110.	Local Government Act 1972, Localism Act 2011, Apprenticeship, Skills, Children and Learning Act 2009, Deregulation Act 2015 and other enabling powers	To exercise the powers and functions of the Council in relation to the delivery of apprenticeships.	

Delegation to: Head of Human Resources, Payroll and Corporate Communications
Corporate Communications Manager

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
111.	Communication, Consultation and Marketing	To manage the Council's corporate communication and marketing activity.	

Delegation to: Corporate Communications Manager

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
	Localism Act 2011 (s.1)	To exercise the powers and functions of the Council in relation to the acquisition, maintenance, and operation of small unmanned aircraft (drones) including the making of any necessary notifications and registrations and the making of any applications for any necessary licences, permits, registrations and exemptions from the Civil Aviation Authority and other	This does not authorise the use or operation of any small unmanned aircraft for or in connection with any directed surveillance within the meaning of the

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
		regulatory bodies in connection with their operation and use.	Regulation of Investigatory Powers Act 2000 and the codes of practice issued under that Act.

Delegation to: **Director of Corporate Resources**
Head of Port Health & Public Protection
Private Sector Housing Manager

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
112.	The Town and Country Planning Act 1990 – Section 215 to 219	Land adversely affecting amenity of neighbourhood	
113.	Caravan Sites and Control of Development Act 1960 (Part 1)	To exercise the powers and functions of the Council relating to the licensing of caravan sites including the powers of entry under section 26 and, in consultation with the Solicitor to the Council, to institute proceedings in respect of any offence under the Act	
114.	Caravan Sites and Control of Development Act 1960 (Breaches of Site Licence) and Local Government (Miscellaneous Provisions) Act 1976	To institute, in consultation with the Solicitor to the Council, legal proceedings in respect of any offence under the legislation, or Regulations.	
115.	Local Government (Miscellaneous Provisions) Act 1976 and Caravan Sites and Control of Development Act 1960 (Part 1.)	To delegate powers for the service of Statutory Notices.	

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
116.	The Housing Grant, Construction and Regeneration Act 1996 Part I Part IV	 Grants and other assistance for housing purposes	
117.	The Building Act 1984 Section 59 Section 60 Section 64 Section 66 Section 67	 Drainage of buildings Use and ventilation of soil pipes Provision of closets in building Replacement of earth-closets etc	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
	Section 72 Section 76 Section 79 Section 84	Loan of temporary sanitary conveniences Means of escape from fire Defective premises Ruinous and dilapidated buildings and neglected sites. Paving and drainage of yards and passages	
118.	The Housing Act 1985 Part VI Part VI Part X Part XI	To exercise the powers and functions of the Council	Excluding Sections 289 to 302 inclusive and sections 304 to 306 inclusive
119.	The Housing Act 2004 Part 1 Chapter 1 Chapter 2 Chapter 3 Chapter 5	Housing Conditions Enforcement of housing standards: general Improvement notices, prohibition orders and hazard awareness notices Emergency measures General and miscellaneous provisions relating to enforcement action	The provisions of Part 1 Chapter 4 relating to demolition orders and slum clearance declarations have not been delegated Including Schedule 3
	The Local Government Miscellaneous Provisions Act 1976 Section 16 Section 33	 Power to obtain particulars of persons interested in land Restoration or continuation of supply of water gas or electricity	
120.	The Local Government (Miscellaneous Provisions) Act 1982 – Sections 29 to 32	Protection of Buildings	
121.	The National Assistance Act 1948 Section 47 Section 48	 Removal to suitable premises of persons in need of care Duty of councils to provide temporary protection for property of persons admitted to hospitals etc.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
122.	The Prevention of Damage by Pests Act 1949	To exercise the powers and functions of the Council	
123.	The Public Health Act 1961 – Sections 35 and 36	Filthy and verminous premises, articles, etc.	
124.	Public Health Act 1936 Part II Section 45 Sections 83 & 84	 Sanitation and Buildings Defective sanitary conveniences Filthy and verminous premises, articles etc.	 (amended by section 35 Public Health Act 1961)
125.	The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002	Power to improve living conditions	
126.	Environmental Protection Act 1990, Sections 79 and 80	Any premises in such a state as to be prejudicial to health or a nuisance.	Excluding Section 79(1)(b)-(h)
127.	Recovery of repair costs by sale of property	(a) To charge property with the costs of repair works undertaken by the Council pursuant to its statutory powers. (b) To authorise the sale by the Council of any such property pursuant to powers contained in the Law of Property Act 1925 in order to recovery any sums due to the Council and secured by such a charge.	Power of sale only to be exercised where the property in question is unoccupied
128.	The Smoke and Carbon Monoxide Alarm (England) Regulations 2015	To exercise the Council's powers and duties in respect of the enforcement of the Smoke and Carbon Monoxide Regulations.	
129.	The Redress Schemes for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme, etc.)(England) Order 2014	To exercise the Council's powers and duties in respect of the enforcement of the Redress Scheme Regulations.	
130.	The Housing Act 2004 Part 2 Part 3 Part 4	 Licensing of houses in multiple occupation Selective licensing of other residential accommodation Additional control provisions in relation to residential accommodation	 Excluding sections 55 to 60 relating designation of additional licensing areas Excluding sections 80 to 84 relating to the designation of selective licensing areas

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
	Part 7	Supplementary and final provisions	
131.	Housing and Planning Act 2016 Part 2 & Part 5	To exercise the powers and functions of the Council under this part	
132.	Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018	To exercise the powers and functions of the Council in respect of Banning Order Offences	
133.	The Rent Repayment Orders and Financial Penalties (Amounts Recovered)(England) Regulations 2017	To exercise the powers and functions of the Council in respect of Rent Payment Orders	
134.	Protection from Eviction Act 1977	To exercise the powers and functions of the Council under this Act.	

Delegation to: **Head of Port Health & Public Protection**
Environmental Protection and Crime Manager
Port Health Managers

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
135.	European Communities Act 1972 European Union (Withdrawal) Act 2018 European Union (Withdrawal Agreement) Act 2020 (a) All Regulations, Orders and subordinate legislation made under or having effect by virtue of the Act from time to time and relating to public Health (b) any modification or re-enactment of the foregoing	Various measures for the optimisation of public health	

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
136.	European Communities Act 1972 European Union (Withdrawal) Act 2018 European Union (Withdrawal Agreement) Act 2020 (a) All Regulations, Orders and subordinate legislation made under or having effect by virtue of the Act from time to time and relating to public Health (b) any modification or re-enactment of the foregoing	Various measures for the optimisation of public health	
137.	The Animal Welfare Act 2006	Animal welfare	
138.	The Building Act 1984 Section 59 Section 60 Section 65 Section 67 Section 79 Section 84 Section 85 Section 98 Section 104 Section 108	 Drainage of buildings Use and ventilation of soil pipes Provision of sanitary conveniences in workplace Loan of temporary sanitary conveniences Ruinous and dilapidated buildings and neglected sites Paving and drainage and yards and passages Maintenance of entrances to courtyards. Power to require occupier to permit work Local authority to give effect to appeal. Payment by instalments	
139.	The County of Kent Act 1981		
140.	The Environment Act 1995 Section 108 Section 109 Section 110	 Powers of enforcing authorities and persons authorised by them Power to deal with cause of imminent danger of serious pollution Power to authorise prosecution for failure to comply with Section 108 above	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
141.	The Environmental Information Regulations 2004		
142.	Environmental Protection Act 1990 Part I Part II Part IIA Part III Part IV Part VIII	 Integrated Pollution Control and Air Pollution Control by local authorities Waste on Land Contaminated Land Statutory Nuisances Litter etc Miscellaneous – Other controls on substances, articles or waste	 (Amended by Noise and Statutory Nuisance Act 1993) The Environmental Protection and Crime Manager is exclusively appointed as the officer with responsibility discharging the functions imposed or conferred by section 149 for dealing with stray dogs
143.	Environmental Permitting (England & Wales) Regulations 2016	Powers relating to environmental permitting regulations.	
144.	The Food and Environment Protection Act 1985	To exercise the powers and functions of the Council	
145.	The Health Act 2006, Part 1, Chapter 1 – All Regulations, Orders and subordinate legislation made under or having effect by virtue of the Act from time to time relating to smoking	Smoke-free premises, places and vehicles.	
146.	The Local Government Miscellaneous Provisions Act 1976 Section 16 Sections 21 and 22 Section 33 Section 35	 Power to obtain particulars of persons interested in land. Sanitary conveniences. Restoration or continuation of supply of water, gas or electricity. Removal of obstructions from private sewers	
147.	The Local Government (Miscellaneous Provisions)	Protection of buildings.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
	Act 1982 – Sections 29 to 32		
148.	Localism Act 2011 – Section 1	To implement and operate the Food Hygiene Rating Scheme	
149.	The Prevention of Damage by Pests Act 1949	To exercise the powers and functions of the Council	
150.	Private Water Supplies (England) Regulations 2016	To exercise the powers and functions of the Council	
151.	Public Health Act 1936, Part II Section 45 Section 50 Section 78 Section 79 Sections 83 and 84 Section 140 Part XII	Sanitation and buildings Defective sanitary conveniences. Leaking cesspools. Accumulations in yard, etc. Removal of noxious matter. Filthy and verminous premises, articles, etc. Polluted water supply. General works in default, powers of entry, prosecutions, etc.	
152.	The Public Health Act 1961 Section 17 Section 34 Sections 35 and 36	 Drainage Accumulations of rubbish Filthy and verminous premises, articles, etc	
153.	The Public Health (Control of Diseases) Act 1984, to include any Regulations made under the Act	To discharge the powers and functions of the Council under the legislation.	
154.			

Delegation to: Head of Port Health & Public Protection
Environmental Crime & Protection Manager

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
155.	The Noise and Statutory Nuisance Act 1993 - Schedules 2 and 3	Powers relating to loudspeakers and alarms.	
156.	Poisons Act 1972 - Sections 3(1)(b)(ii), 5, 6 and 11	List of persons entitled to sell non-medical poisons	
157.	The Town and Country Planning Act 1990 – Sections 215 to 219	Land adversely affecting amenity of neighbourhood.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
158.	The Town and Country Planning Act 1990 – Sections 224, 225 and 225A	Enforcement of control over advertisements.	

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
159.	The Anti-Social Behaviour Act 2003, Section 43	To authorise officers to issue penalty notices for graffiti and fly-posting	
160.	Byelaws made by the Council in so far as they relate to dogs	To exercise the powers and duties of the Council	
161.	Clean Air Act 1993	To exercise the powers and duties of the Council	Excluding Part lll (provisions relating to smoke Control Areas)
162.	Clean Neighbourhoods and Environment Act 2005 Part 2 Part 3 Part 4 Part 5 Part 6 Part 7	 Vehicles Litter and Refuse Graffiti and other defacement Waste Dogs Noise	 Excluding section 55 (power to make dog control orders) Excluding section 69 (Designation of alarm notification areas)
163.	The Control of Dogs Order 1992	To exercise the powers and duties of the Council	
164.	The Control of Pollution Act 1974 Part lll Part V	 Provisions relating to noise Supplementary Provisions	 Excluding sections 63 to 67 inclusive
165.	The Control of Pollution (Amendment) Act 1989 Section 5 Section 6 Section 7	 Duty to produce authority to transport controlled waste Seizure and disposal of vehicles used for illegal waste disposal Further enforcement provisions	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
166.	The National Assistance Act 1948 Section 47 Section 48	 Removal to suitable premises of persons in need of care. Duty of Councils to provide temporary protection for property of persons admitted to hospitals, etc.	
167.	The Noise Act 1996	Noise at Night	
168.	Pollution Prevention and Control Act 1999	To exercise the powers and duties of the Council	
169.	The Refuse Disposal Amenity Act 1978	Provisions relating to other refuse	
170.	The Water Industry Act 1991 – Sections 77 to 85	Local authority functions with regard to water supplies	
171.	Anti-Social Behaviour Crime and Policing Act 2014 Part 2 Part 4 Part 6	To exercise the powers and functions of the Council under these parts of the Act subject to the exclusions within column 3	Any powers under section 43 shall only be used in consultation with the Solicitor to the Council Excludes the making of Public Space Protection Orders under section 59 Excludes the making of Closure Notices under section 76 in respect of any premises except licensed premises Any closure notices made under section 76 shall be for a maximum period of 24 hours
172.	The Dangerous Dogs Act 1991	To exercise the powers and duties of the Council	
173.	The Dogs Act 1871	Protection against dogs	

Delegation to: **Head of Port Health & Public Protection**
Port Health & Public Protection Managers

Council Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
174.	The Health and Safety at Work etc. Act 1974 - Section 19	Power to appoint and to terminate the appointments of inspectors, to specify and vary the powers which any such inspector is entitled to exercise.	

Executive Functions:

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
175.	The Dover Port Health Authority Order 1978	To exercise the powers and functions of the council in its capacity as Port Health Authority [within the meaning of the Public Health (Control of Disease) Act 1984] whether arising or having effect under: The Food Safety Act 1990 The European Communities Act 1972 European Union (Withdrawal) Act 2018 European Union (Withdrawal Agreement) Act 2020 The Agriculture Act 1970 Any other enactment Any Order, Rule, Regulation or other instrument whatsoever authorised or having effect under any of the above Whether made before or after the date of this delegation	
176.	The Food Safety and Hygiene (England) Regulations 2013	To exercise the powers and duties of the Council	
177.	The Food Safety Act 1990 Part II Part III	 Main Provisions Administration & Enforcement	
178.	The Food Safety Act (Amendment) Regulations 2004	To exercise the powers and duties of the Council	
179.	The General Food Regulations 2004	To exercise the powers and duties of the Council	
180.	The Offices, Shops and Railway Premises Act 1963	To exercise the powers and duties of the Council	
181.	The Official Feed and Food Controls (England) Regulations 2009	To exercise the powers and duties of the Council	
182.	Organic Products Regulations 2009	To exercise the powers and duties of the Council	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
183.	The Public Health (Ships) Regulations 1979	Public health control of ships	
184.	The Specified Products from China (Restriction on First Placing on Market) (England) Regulations 2008	To exercise the powers and duties of the Council	
185.	Trade in Animals and Related Products Regulations 2011	To exercise the powers and duties of the Council	
186.	Fisheries Act 1981	To exercise the powers and duties of the Council	
187.	The Sea Fishing (Illegal Unreported & Unregulated Fishing) Order 2009	To exercise the powers and duties of the Council	
188.	Sunbed Regulation Act 2010	To exercise the powers and duties of the Council	

Delegation to: **Environmental Protection and Crime Manager**
Head of Port Health & Public Protection

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
189.	The Licensing Act 2003 - Parts 3 & 4	Functions of local authority whose functions are exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health	To exercise the powers under the Act of a "responsible authority" within the meaning of sections 13(4)(e) and 69(4)(e) of the Act
190.	The Licensing Act 2003 - Parts 3 & 4	Functions of enforcing authority for the purposes of the Health & Safety at Work etc. Act 1974	To exercise the powers under the Act of a "responsible authority" within the meaning of sections 13(4)(c) and 69(4)(c) of the Act

Delegation to: **Director of Corporate Resources**
Head of Technology and Resilience

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
191.	ICT & Digital Functions	To provide a full ICT and Digital Service to the Council	
192.	Digital Services and ICT	To provide ICT technical support services to the Authorities including: network infrastructure both LAN and WAN solutions, hardware infrastructure, internet access and web infrastructure solutions. To provide technical and business advice on ICT solutions and use of technology. To Provide ICT business support services to the Authorities including: service application system support services including third party supplier liaison, management of corporate data bases, including GIS, quality assurance of data and integration with other business systems. To provide associated procurement administration including all quotations, ordering, invoicing and contract management.	

Delegation to: **Director of Corporate Resources**
Head of Technology and Resilience
Community Safety, Resilience and Digital Manager

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
193.	Anti-Social Behaviour Act 2003 and all other powers	To exercise the powers and functions of the Council under the Anti-Social Behaviour Act 2003 and all other powers, to authorise the institution of proceedings for injunctions, Anti-Social Behaviour Orders and other appropriate legal proceedings in consultation with the Solicitor to the Council, in order to prevent anti-social behaviour or damage to property, occurring within the Dover District.	
194.	Operation of CCTV	To discharge the Council's powers and functions with regard to the management and operation of CCTV.	In accordance with any relevant policies, codes of practice and

			protocols adopted by the Council
195.	Covert operations	To act as signatory for the Council in respect of targeted covert operations requested by the Police or other enforcement agencies	The Monitoring Officer will act as authorising officer for all covert surveillance operations conducted by the Council
196.	Anti-Social Behaviour Act 2003 (Part 8)	To exercise the powers and functions of the Council in relation to High Hedges.	
197.	Anti-Social Behaviour Crime and Policing Act 2014 Part 1 Part 2 Part 4 Part 6	To exercise the powers and functions of the Council under these parts of the Act subject to the exclusions within column 3	Any powers under Part 1 shall only be exercised in consultation with the Solicitor to the Council Any powers under section 43 shall only be used in consultation with the Solicitor to the Council Excludes the making of Public Space Protection Orders under section 59 which shall be reserved to Cabinet Excludes the use of Closure Notices under section 76 in respect of licensed premises Any closure notices made under section 76 shall be for a maximum period of 24 hours

3. HOUSING AND PLACE DIRECTORATE

Delegation to: **Director of Housing and Place**

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
198.	Affordable Housing	To take all necessary actions to develop and deliver an increased programme of affordable housing by Dover District Council, both by direct delivery and via registered providers and community organisations.	In consultation with the S151 Officer and the Portfolio Holder responsible for Housing

Delegation to: **Director of Housing and Place**
Head of Housing

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
199.	Housing Act 1985, Housing Act 1996 Homelessness Act 2002 regulations made under any of the above.	To exercise the powers and functions of the Council as local housing authority including the management and letting of all dwellings, buildings and land held or subsequently acquired or appropriated for housing purposes.	Excluding: Any functions relating to the maintenance and improvement of dwellings, buildings and land held or subsequently acquired or appropriated for housing purposes which are delegated to the Head of Property Assets. The determination of reasonable rents, service charges and other charges for the tenancy and occupation of Council dwellings and garages shall be in accordance with the Council's policy and the provisions of Social Rent Reform. The fixing of the value of Council houses and flats to be sold shall be on the basis

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
			of appropriate professional valuation advice.
200.	Anti-Social Behaviour Crime and Policing Act 2014 Part 2 Part 4 Part 6	To exercise the powers and functions of the Council under these parts of the Act subject to the exclusions within column 3	Any powers under section 43 shall only be used in consultation with the Solicitor to the Council Excludes the making of Public Space Protection Orders under section 59 Any closure notices made under section 76 shall be for a maximum period of 24 hours
201.	Institution of proceedings for injunctions and other appropriate legal proceeding	To authorise the institution of proceedings for injunctions, and other appropriate legal proceedings in consultation with the Solicitor to the Council, in order to prevent anti-social behaviour or damage to property, involving Council tenants or Council housing	
202.	Institution of legal proceedings – unauthorised occupiers (Council housing accommodation)	To authorise the institution of legal proceedings to secure the removal of unauthorised occupiers from Council housing accommodation and any necessary subsequent action to recover vacant possession.	
203.	Housing Act 1996 Part VII and the Homelessness Act 2002	To exercise the powers and functions of the Council in relation to homelessness and threatened homelessness.	The approval for consultation of a draft Homelessness Strategy and the adoption and modification of the Homelessness Strategy.
204.	Private sector leasing scheme	To discharge any functions of the Council under any private sector leasing scheme.	

Delegation to: **Director of Housing and Place**
Head of Housing

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
205.	Housing Act 1985 – ss 8 to 14 and 17 to 21	To exercise the specified powers and duties of the Council in relation to the provision of housing accommodation and the acquisition of land.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
206.	Housing Corporation Grants submitted by Housing Associations	To administer applications for Homes and Communities Agency grants submitted by Housing Associations to the Council in respect of schemes approved by the Council.	

Delegation to: **Director of Housing and Place**
Head of Parks, Open Spaces and Countryside

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
207.	Town and Country Planning Act 1990 Part VIII Chapter 1 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012	Discharge the powers and functions of the Council in relation to trees'	Except in relation to trees that are owned or maintained by the District Council; and Excluding the powers and duties in sections 197, 207 and 214 of the TCPA 1990. and except in relation to the determination of applications for consent under a tree preservation order where referral to Planning Committee will be made in accordance with the provisions of reg 5(3) and 5(4) of the regulation 2026 no. 854

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
208.	Local Government (Miscellaneous Provisions) Act 1976 - Section 23 to 26	To exercise the powers and functions of the Council in relation to dangerous trees and excavations.	
209.	Anti-Social Behaviour Act 2003 (Part 8)	To exercise the powers and functions of the Council in relation to High Hedges.	
210.	The Local Government Act 1972, the Public Health Act 1936 and the Local Authorities Cemeteries Order 1977	To exercise the powers and functions of the Council in relation to the grant of rights of burial, rights to erect memorials and the maintenance of graves.	Only those provisions relating to the matters specified in Column 2 are delegated
211.	Parks and open spaces – various including Public Health Act 1875, Open Spaces Act	To exercise the powers and duties of the Council in relation to parks and open spaces.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
	1906 and Public Health Acts Amendment Act 1907 (section 76)		
212.	White Cliffs Countryside Partnership	To exercise the powers and functions of the Council in relation to the White Cliffs Countryside Partnership.	
213.	Recycling and Waste Collection, street cleansing and cesspool emptying	To exercise the powers and functions of the Council in relation to recycling, waste collection, street cleansing and cesspool emptying.	
214.	East Kent Waste Contract	To discharge the executive functions of Kent County Council and Shepway District Council relating to the management of the East Kent Waste Contract as detailed in paragraph 8.2 of the joint report of the Director of Landlord Services (Shepway District Council) and the Director of Property, Leisure and Waste Management (Dover District Council) to Cabinet on 13 October 2010.	Subject to the conditions and limitations set out in the three-way inter authority agreement between Dover District Council, Kent County Council and Shepway District Council.

Delegation to: **Director of Housing and Place**
Head of Place and Growth

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
215.	Events	To co-ordinate the management of events taking place within the District both on and off Council land.	

Delegation to: **Director of Housing and Place**
Head of Place and Growth
Head of Museums and Tourism

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
216.	Local Government Act 1972 s.142	To exercise the powers and functions of the Council with regard to the provision of information concerning the services available in the area of the authority relating to matters affecting Local Government.	
217.	Power to Encourage Visitors – section 144 Local Government Act 1972	To exercise the powers and functions of the Council in relation to the provision of information, publicity advertising and facilities.	Includes the power to manage tourist information centres and working in partnership with other agencies.
218.	Local Government Act 1972 s.145	To exercise the powers and functions of the Council with regard to the provision of entertainments.	
219.	Provision and maintenance of museums and galleries – Museums and Libraries Act 1964	To exercise the powers and functions of the Council in relation to the provision, maintenance and management of museums and art galleries.	
220.	Salter Collection Charity	To keep under review the proper administration of the Salter Collection Charity and to make periodic reports to the Cabinet.	All matters requiring a decision of the Council as trustee to be taken by Cabinet.

Delegation to: **Director of Housing and Place**
Head of Property Assets

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
221.	Acquisition and Disposal of Freehold or Leasehold Property	To acquire or dispose of freehold or leasehold property and to agree terms and conditions in connection therewith.	All acquisitions or disposals to be in accordance with any relevant Cabinet decision (if applicable). Excluding where the value of the acquisition or disposal exceeds £200,000 which must be subject to prior Cabinet approval. This exclusion shall not apply in the case of individual properties comprised within the redevelopment of the William Muge and Snelgrove House sites, Dover
222.	Acquisition of key regeneration sites	To authorise acquisitions relating to key regeneration sites, in the absence of the Chief Executive, in consultation with the Leader of the Council, the Section 151 Officer and the Solicitor to the Council.	The Director shall have been provided with the relevant completed pro forma in respect of the site
223.	Markets	To exercise the powers and functions of the Council in relation to markets controlled by the Council.	
224.	Local Government Act 1972 - restrictive covenants	(i) To grant approvals where consent is required from the Council to comply with any covenant or restriction affecting property owned or formerly owned by the Council (or its predecessor) (ii) To release the benefit of restrictive covenants or other restrictions where the benefit is held by the Council	
225.	Public Health Act 1925 - Public conveniences	To exercise the powers and functions of the Council in relation to the provision and maintenance of public conveniences.	Excluding permanent closure which must be subject to prior Cabinet approval.
226.	Highways Act - Bus Shelters	To exercise the powers and functions of the Council in relation to the provision and maintenance of bus shelters.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
227.	Beach and foreshore	To exercise the powers and functions of the Council in relation to all matters concerning the beach and foreshore, , pollution of the coastline, beach chalets, the letting of moorings, boat pitches and winter boat storage sites.	
228.	Coast Protection Act 1949	To exercise the powers and functions of the Council in relation to all matters concerning the provision and maintenance of coastal defences	
229.	Flood and Water Management Act 2010	To exercise the powers and functions of the Council in relation to all matters concerning the management of risk in connection with flooding and coastal erosion.	
230.	Land Drainage Act 1991	To exercise the powers and functions of the Council in relation to all matters concerning land drainage.	
231.	Abandoned Vehicles – The Refuse Disposal Amenity Act 1978, Road Traffic Regulation Act 1984; The Removal and Disposal of Vehicles Regulations 1986	To exercise the powers and functions of the Council in relation to the removal and disposal of vehicles.	
232.	Cemeteries, closed churchyards and war memorials	To maintain cemeteries, closed churchyards and war memorials for which the Council is responsible.	
233.	The Local Government Act 1972, the Public Health Act 1936 and the Local Authorities Cemeteries Order 1977	To exercise the powers and functions of the Council in relation to the grant of rights of burial, rights to erect memorials and the maintenance of graves.	Only those provisions relating to the matters specified in Column 2 are delegated
234.	Parks and open spaces – various including Public Health Act 1875, Open Spaces Act 1906 and Public Health Acts Amendment Act 1907 (section 76)	To exercise the powers and duties of the Council in relation to parks and open spaces.	
235.	White Cliffs Countryside Partnership	To exercise the powers and functions of the Council in relation to the White Cliffs Countryside Partnership.	
236.	Sport, Leisure Recreation and Entertainment - Various including, Local Government Act 1972: Local Government (Miscellaneous Provisions) Act 1976	To discharge the powers and functions of the Council with regard to the provision and management of Sports, Leisure, entertainment and recreational facilities and events.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
237.	Aylesham Village Expansion	To take all necessary steps to deliver Phases 1-4 of the Aylesham Village Expansion	To be exercised in consultation with the Chief Executive and the relevant Portfolio Holder
238.	Harbours Act 1964 - Management of the Quay, Sandwich	To exercise the powers and functions of the Council in relation to The Quay, Sandwich and those parts of the River Stour and its banks which are within the ownership of the Council, including, without limitation, the granting and termination of mooring licences and agreements and the regulation of persons and vessels using these areas.	
239.	Harbours Act 1964 and Deal Pier Order	To exercise the powers and functions of the Council in relation to Deal Pier.	
240.	Localism Act 2011, Part V, Chapter 3	To exercise the powers and functions of the Council in relation to Assets of Community Value	Except Section 92 which is delegated to the Director of Corporate Resources (Deputy Chief Executive)
241.	Highways Act 1980 – s. 96(4)	Powers of local authorities to exercise the powers of a highways authority to plant trees, lay out grass verges, etc. on a highway with the consent of the highways authority.	

Delegation to: **Director of Housing and Place**
Head of Property Assets

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
242.	Asset Management	To manage, maintain and improve the Council's property assets (other than those held or subsequently acquired or appropriated for housing purposes) including: Rating (i) To lodge objections to and proposals for rating assessments, agree revised values, sign agreements and appear in the Valuation Court. Taxation Making applications for and accepting grants Grant and Termination of Leases, Licences and Concessions (i) To settle the terms and authorise the grant of leases, licences concessions and similar agreements affecting land and premises.	Property maintenance to be undertaken in accordance with the provisions of the Council's Corporate Property Strategy and Asset Management Plan. Excludes the insuring of the asset which is the responsibility of the Director of Housing, Finance and Assets Excluding demolition of buildings which except in cases of

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
		(ii) to review all rents or other consideration in connection therewith; (iii) to consent to any assignment or underletting or other variation of such lease, licence, concession or agreement; and (iv) to authorise and take all action necessary to determine such a lease, licence, concession or agreement. Management of Facilities (i) To make arrangements for the hire of land, buildings, recreation facilities and all other assets owned or managed by the Council including determining the terms of conditions of use and admission and hire charges	urgency must be subject to prior Cabinet approval. Excluding where the rent or other consideration exceeds £50,000 per annum;
243.	Housing Act 1985 and all other enabling powers.	To maintain and improve dwellings, buildings and land held or subsequently acquired or appropriated for housing purposes.	
244.	Housing Act 1985 – Part V	To exercise the powers and functions of the Council relating to the right to buy (and associated functions) under this part of the Act.	
245.	Housing Act 1985 – Part V	To exercise the powers and functions of the Council relating to the right to buy (and associated functions) under this part of the Act.	
246.	Building Act 1984 (Sections 77 and 78)	To serve Notices and take all necessary action in respect of dangerous buildings and structures.	
247.	Building Act 1984 (Section 81 and 82)	To approve applications for intended demolitions and serve the appropriate notices.	
248.	The Electricity and Gas (Energy Company Obligation) Order 2022	To exercise the powers and functions of the Council in respect of energy company obligation measures	
249.	Public Health Act 1925 (Section 17 – 19) – Naming of streets	To exercise the powers and functions of the Council in relation to the naming of streets.	
250.	Public Health Act 1875 - Street lighting	To exercise the powers and functions of the Council in relation to the lighting of the district.	
251.	County of Kent Act 1981 (Section 10) – Power to allocate numbers to buildings in streets	To exercise the powers and functions of the Council in relation to the numbering of buildings.	
252.	Energy Performance of Buildings (England and Wales) Regulations	To exercise the powers and functions of the Council under the regulations in relation to the energy performance of buildings.	
253.	European Communities Act 1972	Various measures relating to land and property	

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
	(a) All Regulations, Orders and subordinate legislation made under or having effect by virtue of the Act from time to time and relating to land and property (b) any modification or re-enactment of the foregoing		

Delegation to: **Director of Housing and Place**

Executive function

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
254.	Natural Environment and Rural Communities Act 2006 - Section 40a	Production and publishing of monitoring reports for the Biodiversity Duty	Agreements of objectives and action is reserved to Cabinet

Delegation to: **Director of Housing and Place**
Head of Planning and Development

Executive Functions

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
255.	Building (Local Authority Charges) Regulations 2010 Building Act 1984 (all sections that relate to Building Regulations and allied powers including Sections 9, 10, 15, 16, 19, 20, 21, 22, 23, 24, 25, 31, 32, 33, 35, 36, 37, 39, 47, 48, 50, 51, 52, 53, 56, 62, 63, 64, 65, 68, 70, 73, 74, 75, 91, 91A, 93, 95, 96, 97, 99,	(a) Functions relating to Building Regulations and allied functions. (b) To operate the Council's scheme of charges and to vary the standard charge scales in accordance with the Council's Scheme of Charges.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
	100, 107, 108, 109, 110 and 120 and the Building Regulations 2010 as amended Building (Approved Inspectors, etc) Regulations 2010 Building Regulations		
256.	Climate Change and Sustainable Energy Act 2006	To exercise the powers and functions of the Council under the Act	
257.	Environment and Rural Communities Act 2006 – Section 40	To exercise the powers and functions of the Council in relation to the identification, assessment and designation of land within the district as a Local Wildlife Site and to make any necessary amendments to the boundaries of designated Wildlife Sites	
258.	Home Energy Conservation Act 1995	To exercise the powers and functions of the Council in respect of energy conservation measures	

Delegation to: **Head of Planning and Development**

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
259.	Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017	To implement the provisions of the Regulations.	

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
260.	The Local Land Charges Acts	To exercise the functions of the Council in respect of the Local Land Charges Service.	
261.	Countryside and Rights of Way Act 2000 – S.84	To exercise the powers and functions of the Council in relation to conserving and enhancing the natural beauty of the land designated as a National Landscape	Adoption of the Management Plan is for Cabinet

Delegation to: **Head of Planning and Development**
Planning Policy and Projects Manager

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
262.	The Planning and Compulsory Purchase Act 2004 – Part 3 and Town and Country Planning Act 1990	To exercise the powers and functions of the Council in relation to Neighbourhood Development Plans.	The function of designating neighbourhood areas shall be referred to the executive for decision in circumstances where there are objections. The consideration of the recommendation made by the examiner required by paragraph 12 of Schedule 4B to the Town and Country Planning Act 1990 shall be referred to the executive for decision. The functions of deciding to make a neighbourhood development plan under section 38A(4) of the Planning and Compulsory Purchase Act 2004 or refusing to make a plan under section 38A(6) of that Act shall be referred to the executive for consideration and reserved to the Council for decision.
263.	Self-build and Custom Housebuilding Act 2015	To exercise the powers and functions of the Council under the Act.	
264.	Housing and Planning Act 2016	To exercise the Council's powers and functions in relation to the Brownfield Land Register.	
265.	Local Development (Part 2 of the Planning and Compulsory Purchase Act 2004)	To discharge the powers and functions of the council in relation to the Local Plan and supplementary planning documents and policies	The giving of any instruction to prepare or modify any development plan or local development documents, any supplementary planning

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
			documents and policies is reserved to Cabinet Approval of any draft of the Statement of Community Involvement or Local Development documents for the purposes of consultation and the making of recommendations to Council of any such documents is reserved to Cabinet
266.	Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 57) or the Town Grant Scheme	Where the total amount repayable does not exceed £250, and subject to the concurrence of the Section 151 Officer, to determine if grants made should be repaid.	
267.	Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 58)	To decide upon the recovery of sums paid out in respect of repairs to properties.	

Delegation to: **Head of Planning and Development**
Planning and Development Manager

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
268.	Goods Vehicles (Licensing of Operators) Act 1995	To make objections and representations on behalf of the planning authority to the grant of applications for operators licences	
269.	Functions relating to town and country planning and development management, trees, footpaths, bridleways and restricted byways, public rights of way, as described in Article 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities)	To exercise the powers and functions in relation to town and country planning and development management including: (a) Power to determine applications for planning permission. (b) Power to determine applications to develop land without compliance with conditions previously attached. (c) Power to grant planning permission for development already carried out. (d) Power to decline to determine applications for planning permission.	In relation to the determination of planning applications falling within schedule 2 of regulation 2026 no. 854, and all own interest applications (within the meaning of regulation 6 of regulation 2026 no. 854), referral to Planning Committee will be made in accordance with the provision of reg 5(3) and 5(4)

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
	(England) Regulations 2000 (SI 2000 no.2853) and; S106A(1)(a) and S106A(3) of the Town & Country Planning Act 1990 S17(1) of the Land Compensation Act 1961 15 of Schedule 7A to Town & Country Planning Act 1990 96A(4) of the Town & Country Planning Act 1990 19(4) & 26H(1) of the Listed Buildings Act Schedule 2 to the Town & Country Planning (General Permitted Development) Order 2015 Town & Country Planning (Control of Advertisements) (England) Regulations 2007 with the exception of any functions required by any enactment or this constitution to be discharged by the Council	(e) Duties relating to the making of determinations of planning applications. (f) Power to determine applications for planning permission made by a local authority, alone or jointly with another person. (g) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights. (h) Power to enter into planning obligations, to modify and discharge planning obligations and related powers. (i) Power to issue a certificate of existing or proposed lawful use or development. (j) Power to serve a completion notice. (k) Powers in relation to the display of advertisements. (l) Powers in relation to entry onto land. (m) Power to require the discontinuance of a use of land. (n) Powers to serve a planning contravention notice, breach of condition notice or stop notice. (o) Power to issue a temporary stop notice. (p) Power to issue an enforcement notice. (q) Power to apply for an injunction restraining a breach of planning control. (r) Power to determine applications for hazardous substances consent and related powers (including the revocation of consent). (s) Duty to determine conditions to which old mining permissions, relevant planning permissions related to dormant sites or active phase 1 or 2 sites or mineral permissions relating to mining sites as the case may be are to be subject. (t) Power to require proper maintenance of land. (u) Power to determine application for listed building consent, variations / discharge of conditions and related powers. (v) Duties relating to applications for listed building consent. (w) Power to serve a building preservation notice, and related powers. (x) Power to issue enforcement notice in relation to demolition of listed building in conservation area. (y) Powers to acquire a listed building in need of repair and to serve a repairs notice. (z) Power to apply for an injunction in relation to a listed building.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
		(aa) Power to authorise stopping up or diversion of highway. (bb) Power to execute urgent works. (cc) Powers relating to the protection of important hedgerows. (dd) Powers relating to the preservation of trees. (ee) Power in relation to complaints about high hedges. (ff) Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway. (gg) Power to extinguish public rights of way over land held for planning purposes. (hh) Power to determine applications for certificates of appropriate alternative development (ii) Power to determine applications for certificates of lawfulness of proposed works to listed building. (jj) Power to determine applications for non-material amendments to planning permissions or permissions in principle (kk) Power to determine applications for the approval of details required by planning condition	
270.	Local choice functions allocated to the Planning Committee as set out in Section 1 of Part 3 of the Constitution.		
271.	The Town and Country Planning (Environmental Impact Assessment) Regulations 2017	To determine all matters in relation to the Regulations.	

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
272.	Licensing Act 2003 (Sections 13(4)(d) and 69(4)(d))	To exercise the powers of the Planning Committee as “responsible authority”.	
273.	Goods Vehicles (Licensing of Operators) Act 1995	To make objections and representations on behalf of the planning authority to the grant of applications for operators licences.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations & Notes
274.	Planning Performance Agreements	To negotiate and enter into Planning Performance Agreements.	
275.	The Planning Act 2008 (Parts 4 – 8)	To exercise the powers and functions of the Council in relation to develop consent for national significant infrastructure projects	

D. Conditions or Limitations (if any) [Council Functions]

None.

E. Conditions or Limitations (if any) [Executive Functions]

None.

SECTION 7: CONSULTATIVE COMMITTEES AND ADVISORY BOARDS

1. Joint Staff Consultative Forum

Membership: 5 Members of the Authority.

Functions:

1. To act as a medium for negotiations between the Council and its Officers except in matters of individual discipline, promotion or efficiency.

2. To consider matters affecting the interests of the Council and staff and to make recommendations to the Council.

3. To consider any relevant matter referred to by the Council or its Committees or any of the staff organisations.

4. To encourage such other functions specifically assigned to the Joint Committee.

Terms of Reference:

1. Title

   The Committee shall be called the Joint Staff Consultative Forum (hereinafter referred to as "the Joint Forum").

2. Representation

   The Joint Forum shall comprise:

   (i) Five Members of the Dover District Council.

   (ii) Five representatives of the Officers of the Council, being representatives elected by the Dover District Branch of UNISON (hereinafter referred to as "the Branch"), or by any other Union recognised by the District Council for the purposes of consultation in proportion to their Members.

3. Method of Appointment

   The Council Members shall be elected by the Council at its Annual meeting in each Council year. The representatives of the Officers shall be notified to the Head of Corporate Services & Democracy within 21 days after each annual meeting of the Council.

   Members of the Joint Forum shall hold office until the appointment of their successors. A retiring member shall be eligible for re-appointment.

If a member of the Joint Forum ceases to be a Member of the Council or Officer of the Council he or she shall thereupon cease to be a member of the Joint Forum, and such vacancy shall be filled by the Council or by the Branch (or other Union), as the case may be.

4. Chairman and Vice-Chairman

The Joint Forum shall, at its first meeting in each Council year, appoint a Chairman and Vice-Chairman. If the Chairman appointed be a Member of the Council, the Vice-Chairman shall be appointed from the Staff Side, and vice versa. The Chairman of a meeting shall not have a casting vote.

5. Attendance of Substitutes

If a member of the Joint Forum is not able to attend any meeting the member concerned may nominate a substitute.

6. Functions

The functions and objects of the Joint Forum shall be:

(i) to consider matters affecting the interests of the Council and staff and to make recommendations to the Council or an appropriate committee.

(ii) to consider any relevant matter referred to by the Council or its Committees or any of the staff organisations.

(iii) to receive the outcomes from the Joint Negotiation Forum which require approval by the Council's General Purposes Committee.

(iv) to consider such other matters specifically assigned to the Joint Forum.

Regulations

7. Meetings

Meetings of the Joint Forum shall be held on dates to be approved by the Council. Additional meetings shall be convened at the request of the Chairman and/or Vice-Chairman.

8. Business

The agenda for each meeting shall be despatched so as to reach members at least five days before the scheduled date, except in cases of emergency.

9. Quorum

The quorum of the Joint forum shall be two members of the Council's side and two members of the Staff Side.

10. Record of Attendance

The names of the members attending a meeting of the Joint Forum shall be recorded in the notes and every member attending shall sign the attendance book or sheet provided for that purpose.

11. Attendance in Advisory Capacity

The Council's side of the Joint Forum shall have the right to arrange for the attendance, in an advisory capacity, of officials of the Council at meetings of the Joint Forum. Similarly, the Staff Side may be advised by the relevant Union officials.

12. Decisions of the Joint Forum

(i) A recommendation from the Joint Forum to the Council shall only arise on a majority vote by each side of the Joint Forum separately;

(ii) All decisions of the Joint Forum, other than matters of procedure, are subject to confirmation by the Council;

(iii) If there is a failure of the Forum to agree on any issue, such failure to agree shall be reported to the Council.

13. Release of Employees

Employees shall be released from duty with pay for attendance at meetings of the Joint Forum, and travelling and subsistence expenses shall be reimbursed where appropriate.

Paid leave for this purpose will include the normal earnings which would have been paid had the employees been in work.

Facilities shall be made available to the Staff Side of the Joint Forum to meet, if necessary during working hours, to consider the agenda of any meeting of the Joint Forum.

14. Press and Public

This is a Consultative Forum which deals with staffing issues and the press and public will not normally be invited to attend these meetings. The Local Government (Access to Information) Act 1985 does not apply to these meetings.

2. Joint Health Safety and Welfare Consultative Forum

Membership: 5 Members of the Authority.

Functions:

1. To consider all matters relating to the health, safety and welfare of all personnel employed by Dover District Council and to submit to the Council advice and recommendations thereon.

Terms of Reference:

1. Title

   The Committee shall be called 'the Joint Health Safety and Welfare Consultative Forum' (hereinafter referred to as "the Joint Forum").

2. Representation

   The Joint Forum shall comprise:

   (i) Five Members of the Dover District Council.

   (ii) Five representatives of the Officers of the Council, being representatives elected by the Dover District Branch of UNISON (hereinafter referred to as "the Branch"), or by any other Union recognised by the District Council for the purposes of consultation in proportion to their Members.

3. Method of Appointment

   The Council Members shall be elected by the Council at its Annual meeting in each Council year. The representatives of the Officers shall be notified to the Head of Corporate Services & Democracy within 21 days after each annual meeting of the Council.

   Members of the Joint Forum shall hold office until the appointment of their successors. A retiring Member shall be eligible for re-appointment.

   If a Member of the Joint Forum ceases to be a Member of the Council or Officer of the Council he or she shall thereupon cease to be a Member of the Joint Forum, and such vacancy shall be filled by the Council or by the Branch (or other Union), as the case may be.

4. Chairman and Vice-Chairman

   The Joint Forum shall, at its first meeting in each Council year, appoint a Chairman and Vice-Chairman. If the Chairman appointed be a Member of the Council, the Vice-Chairman shall be appointed from the Staff Side, and vice versa. The Chairman of a meeting shall not have a casting vote.

5. Attendance of Substitutes

   If a member of the Joint Forum is not able to attend any meeting the member concerned may nominate a substitute.

6. Functions

   The functions and objects of the Joint Forum shall be to consider all matters relating to the health, safety and welfare of all personnel employed by Dover District Council and to submit to the Council or Cabinet, or to the Corporate Management Team in respect of operational matters, advice and recommendations thereon.

Regulations

7. Meetings

Meetings of the Joint Forum shall be held on dates to be approved by the Council. Additional meetings shall be convened at the request of the Chairman and/or Vice-Chairman.

8. Business

The agenda for each meeting shall be despatched so as to reach members at least five days before the scheduled date, except in cases of emergency.

9. Quorum

The quorum of the Joint Forum shall be two members of the Council's side and two members of the Staff Side.

10. Record of Attendance

The names of the members attending a meeting of the Joint Forum shall be recorded in the notes and every member attending shall sign the attendance book or sheet provided for that purpose.

11. Attendance in Advisory Capacity

The Council's side of the Joint Forum shall have the right to arrange for the attendance, in an advisory capacity, of officials of the Council at meetings of the Joint Forum. Similarly, the Staff Side may be advised by the relevant Union officials.

12. Decisions of the Joint Forum

(i) A recommendation from the Joint Forum to the Council shall only arise on a majority vote by each side of the Joint Forum separately;

(ii) All decisions of the Joint Forum, other than matters of procedure, are subject to confirmation by the Council in relation to matter of policy, and by Corporate Management Team in relation to operational matters;

(iii) If there is a failure of the Forum to agree on any issue, such failure to agree shall be reported to Council.

13. Release of Employees

Employees shall be released from duty with pay for attendance at meetings of the Joint Forum, and travelling and subsistence expenses shall be reimbursed where appropriate.

Paid leave for this purpose will include the normal earnings which would have been paid had the employees been in work.

Facilities shall be made available to the Staff Side of the Joint Forum to meet, if necessary during working hours, to consider the agenda of any meeting of the Joint Forum.

14. Press and Public

This is a Consultative Forum which deals with staffing issues and the press and public will not normally be invited to attend these meetings. The Local Government (Access to Information) Act 1985 does not apply to these meetings.

3. Dover Joint Transportation Advisory Board

Membership: All KCC Members for divisions in the District Council's area and an equal number of Members appointed by the District Council and a non-voting representative of the Parish and Town Councils within the District. The Council may appoint substitutes for its Members.

Status: The JTAB shall be a non-statutory forum.

Terms of Reference:

The Joint Transportation Advisory Board will:

1. Consider:

   (a) capital and revenue funded works programmes
   (b) traffic regulation orders
   (c) street management proposals

   and will provide advice on these matters to the relevant Executive as appropriate

2. Be a forum for consultation between Kent County Council and the Council on policies, plans and strategies related to highways, road traffic and public transport.

3. Review the progress and outturn of works and business performance indicators.

4. Recommend and advise on the prioritisation of bids for future programmes of work.

5. Receive reports on highways and transportation needs within the District.

Regulations:

1. Chairman

   In alternate years a Member of KCC (who is a member of the JTAB) will chair the JTAB and a Council Member (who is a member of the JTAB) will be Vice-Chairman of the JTAB and then a Member of the Council will chair the JTB and a KCC Member will be Vice-Chairman of the JTAB and so on following on the arrangements which existed in the year before the new agreement came

into force. The Chairman and Vice-Chairman will be appointed by the respective Councils as they may determine within their constitutional arrangements. The Chairman and Vice-Chairman of the JTAB will take office at the first meeting of the JTAB following the Annual Meetings of both Councils each year.

2. Meetings

The JTAB will generally meet four times yearly. The dates, times and venues to be agreed by the JTAB.

3. Quorum

The quorum for a meeting shall be four comprising at least two voting members present from each of KCC and the District Council.

4. Rules of Debate

If a formal motion is proposed and seconded the rules of debate applying to the District Council Committees shall apply.

5. Voting

If a matter has to be put to the vote, voting shall be by a show of hands with the Chairman having a second or casting vote.

6. Dissent on a Decision

Any member may require that his/her dissent from the JTAB's advice or the way he/she cast his/her votes be recorded in the Minutes of the meeting.

7. Access to Information

The rules and procedures of the District Council relating to access to information as set out in Sections 100(A)-(K) of the Local Government Act 1972 (as amended) shall apply.

8. Support

The JTB will be clerked by an officer of the District Council. Copies of all papers shall be sent to the Monitoring Officers of both Councils who may attend and speak at any meeting (or instead each Monitoring Officer may arrange for a substitute officer to speak on his/her behalf).

9. Local Member and Parish Consultation

The local members of both the KCC and the District Council and the Parish or Town Council(s) will be consulted on any relevant scheme proposals (other than routine operational maintenance of the highway) within the scope of the Agreement.

10. Executive Action

(a) The KCC Executive will normally act in accordance with the advice or views of the JTAB. If the Executive is minded to act otherwise, no

decision will be taken until after a discussion at the KCC Highways Advisory Board at which the Chairman and Vice-Chairman of the JTAB may attend and speak.

(b) The District Council Executive will normally act in accordance with the advice or views of the JTAB. If the Executive is minded to act otherwise, no decision will be taken until after a discussion between the relevant Executive member and the Chairman and Vice-Chairman of the JTAB.

References: *Chapter 5, Guidance*
The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
Section 13, Local Government Act 2000

PART 4 RULES OF PROCEDURE

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PART 4 RULES OF PROCEDURE

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1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

This rule applies to Council only.

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

(i) elect a person to preside if the chairman or vice-chairman of the Council is not present;

(ii) elect the chairman of the Council;

(iii) elect the vice-chairman of the Council;

(iv) approve the minutes of the last meeting;

(v) receive any announcements from the chairman and/or Head of Paid Service;

(vi) elect the Leader to hold office for four years and remain in position until the day of the next annual meeting of the Council following the ordinary election of all Councillors;

(vii) to note the size and composition of the executive set by the Leader of the Council;

(viii) to note the appointment of the Deputy Leader to hold office until the day of the next annual meeting of the Council following the ordinary election of all councillors;

(ix) to note the appointment of Members to their portfolios to hold office until the day of the next annual meeting following the ordinary election of all councillors;

(x) note the size and composition of the Shadow Cabinet which must directly reflect the Cabinet;

(xi) appoint at least one Overview and Scrutiny Committee, a Licensing Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Leader/executive functions (as set out in Part 3, Section 2 of this Constitution);

(xii) agree or adopt the Schemes of Delegation or such part or parts thereof as the Constitution determines it is for the Council to agree or adopt (as set out in Part 3 of this Constitution);

(xiii) approve a programme of ordinary meetings of the Council for the year;

(xiv) consider any business set out in the notice convening the meeting;

(xv) receive the Annual Reports of the Overview and Scrutiny Committee(s) and Governance Committee; and

(xvi) consider any business deemed by the Chairman of the Council to be a matter of urgency.

The Council may remove the Leader of the Council by a simple majority vote following a motion on notice on the matter and elect a new Leader. The new Leader will be responsible for appointing a Deputy Leader and Cabinet.

Any casual vacancy in the office of Leader shall be filled until the day of the next annual meeting of the Council following the ordinary election of all councillors at the next meeting of the Council.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

(i) decide which committees to establish for the municipal year;

(ii) decide the size and terms of reference for those committees;

(iii) decide the allocation of seats to political groups in accordance with the political balance rules (where applicable);

(iv) receive nominations of councillors to serve on each committee and outside bodies; and

(v) appoint to those committees and outside bodies (except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive).

2. ORDINARY MEETINGS

This rule applies to Council only.

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

(i) elect a person to preside if the Chairman and Vice-Chairman are not present;

(ii) deal with any business required by statute to be done before any other business;

(iii) approve the minutes of the last meeting;

(iv) receive any declarations of interest from members;

(v) receive any announcements from the Chairman, Leader, Members of the Cabinet or the Head of Paid Service;

(vi) receive a report from the Leader and Cabinet on the business of the executive;

(vii) receive questions (on written notice) from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the Council;

(viii) deal with any business from the last Council meeting;

(ix) consider and determine recommendations from the executive in relation to the Council's Budget and Policy Framework;

(x) receive questions (on written notice) from members of the Council to the Leader and members of the Cabinet;

(xi) receive questions (on written notice) from members of the Council to chairmen or vice-chairmen of overview and scrutiny committees and chairmen or vice-chairmen of other committees of the Council;

(xii) consider and determine reports and recommendations of the overview and scrutiny committees;

(xiii) consider motions in the order in which notice has been received;

(xiv) consider a motion on notice to remove the Leader of the Council, any other business specified in the summons to the meeting or any business deemed by the Chairman to be urgent by reason of special circumstances.

Business falling under items (i), (ii), (iii) or (iv) of this Rule shall not be displaced, but subject thereto, the foregoing order of business may be varied:

(a) By the Chairman at his discretion.

(b) By a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

3. EXTRAORDINARY MEETINGS

This rule applies to Council only.

3.1 Calling Extraordinary meetings

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

(i) the Council by resolution;

(ii) the Chairman of the Council;

(iii) the Head of Paid Service or the Monitoring Officer;

(iv) any five members of the Council if they have signed a requisition presented to the Chairman of the Council specifying the business to be transacted and the Chair has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Council Procedure Rule 2 shall not apply to an extraordinary meeting of the Council with the exception of (i), (ii), (iv), (v), and (xiv). All other sub-paragraphs shall not apply.

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, SUB-COMMITTEES AND PANELS/GROUPS

This rule applies to Committees, Sub-Committees (excluding Licensing Sub-Committees) and Panels/Groups.

(1) A full member of a Committee or Sub-Committee or Panel/Group who is unable to attend a meeting and wishes a substitute member to attend the meeting in their place, shall make the necessary arrangements with any other member of their political group and shall either give, or arrange for the nominated substitute member or any other member of their political group, to give notice of the substitution before the time when the meeting is to commence, either in written or oral form to Democratic Services.

(2) Neither the Chairman or Vice-Chairman of the Council nor any member of the executive shall act as a substitute for any member of any Overview and Scrutiny Committee.

(3) For each committee, with the exception of the Cabinet, the Council will allow the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee.

(4) The effect of a valid notice of substitution (whether written or oral) shall be that the full member shall cease to be a member of the Committee or Sub-Committee or Panel/Group (as the case may be) for the duration of that meeting (and for the duration of any adjournment of that meeting) and that the substitute member shall be a full member of the Committee or Sub-Committee or Panel/Group (as the case may be) for the same period; and that the full member shall resume membership of that Committee or Sub-Committee or Panel/Group after the conclusion of that meeting (including any adjournment thereof).

(5) A valid notice of substitution (whether written or oral) once given in respect of a meeting of a Committee or Sub-Committee or Panel/Group may not be revoked in respect of such meeting or any adjournment of it.

(6) The Democratic Services Officer (or their representative) shall announce the appointment of any substitute members made in accordance with this Standing Order at the commencement of the meeting.

(7) In the event of the Chairman of a Committee or Sub-Committee or Panel/Group being absent and appointing a substitute member to attend in his/her place, the substitute member may only act as an ordinary member and will not assume any rights of the full member to act as Chairman (and in such event the normal rules as to the Vice-Chairman taking the chair will apply). In the absence of both the Chairman and Vice-Chairman from a meeting (and the appointment of substitute members to attend in their place) the meeting shall appoint a Chairman for the meeting who may be drawn from any members (including any substitute member) present and with voting rights.

(8) (a) Only members who have received the appropriate training may be appointed to or be appointed to act as substitutes on:

(i) the Planning Committee
(ii) the Regulatory Committee

(iii) the Licensing Committee
(iv) the Governance Committee

(b) Only members of the committees named at Rule 4(8)(a) may be appointed to act as substitutes on their respective sub-committees.

5. TIME AND PLACE OF MEETINGS

This rule applies to meetings of Council, Committees and Sub-Committees.

5.1 The time and place of meetings will be determined by the Proper Officer and notified in the summons.

5.2 Meetings of the Council, Dover Joint Transportation Advisory Board, Electoral Matters Committee, General Purposes Committee, Governance Committee, Planning Committee and Overview and Scrutiny Committee will generally be broadcast via the Council's website whilst the meeting is open to the public and unless otherwise determined by the appropriate officer under the Scheme of Officer Delegations or by resolution of the Council, Committee, Sub-Committee or other body concerned.

6. NOTICE OF AND SUMMONS TO MEETINGS

This rule applies to meetings of Council, Committees and Sub-Committees.

6.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Proper Officer will send a summons signed by him or her to every member of the Council. All Members serving on a body will receive an electronic copy of the summons and agenda unless they have requested a paper copy which will be made available for collection from the Council Offices. All Members will receive an electronic notification by e-mail. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

6.2 This rule shall be interpreted subject to the provisions of paragraph 4 of Schedule 12 to the Local Government Act 1972.

7. CHAIR OF MEETING

This rule applies to meetings of Council, Committees and Sub-Committees.

Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

8. QUORUM

This rule applies to meetings of Council, Committees and Sub-Committees.

8.1 The quorum of a meeting of the Council will be one quarter of the whole number of Members. Subject to rule 8.2, the quorum for a meeting of a committee or sub-committee shall be one quarter of the whole number of members provided that it shall not comprise less than three members.

8.2 During any meeting if the chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. (The chairman may adjourn the meeting for fifteen minutes if satisfied that the meeting can become quorate within that period.) Remaining business will be considered at a

time and date fixed by the chairman. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

8.3 The quorum for meetings of the Joint Consultative Fora or the Dover Joint Transportation Advisory Board shall be determined in accordance with the relevant part of Section 6 of Part 3 (Responsibility for Functions).

9. DURATION OF MEETING

This rule applies to meetings of Council, Committees and Sub-Committees.

Unless the majority of members present vote for the meeting to continue, any meeting that has not concluded its business by 10 pm will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If the chairman does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. LEADER'S TIME

This rule only applies to Council meetings.

10.1 The Leader (with support from the Cabinet) shall give an oral report of the business of the Executive to each ordinary meeting of the Council. The Leader (and Cabinet) shall have up to fifteen minutes to make within this report any statements that they wish on any topic or subject that they feel should be drawn to the attention of the Council.

10.2 The Leader of the Main Opposition Group (or person nominated by the Leader of the Opposition Group to speak at the meeting) shall be allowed up to ten minutes to respond.

10.3 The Leader of any other Opposition Group (or person nominated by the Leader of that Opposition Group to speak at the meeting) shall be allowed up to five minutes to respond.

10.4 Following this, the Leader shall be allowed up to five minutes to exercise a right of reply (or 25% of the time given to the Opposition Group Leaders, whichever is greatest).

11. QUESTIONS BY THE PUBLIC

This rule only applies to Council meetings.

11.1 General

Any member of the public may ask questions of members of the executive at ordinary meetings of the Council.

11.2 Order of questions

Questions will be asked in the order in which notice of them was received, except that the chairman may group together similar questions.

11.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 5.00 pm on the nineth working day

before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Executive to whom it is to be put. The electronic version of the agenda on the internet will be updated with the questions that are received after the despatch of the agenda.

11.4 Number of questions

At any one meeting no person may submit more than one question and no more than one question may be asked on behalf of one organisation. A maximum of three minutes shall be allowed for the question to be read. The period for questions by the public shall be limited so that no further question shall be put after the elapse of 15 minutes from the commencement of the first question.

11.5 Scope of questions

The Proper Officer may reject a question if:

- it is not about a matter for which the local authority has a responsibility or which affects the district;
- it is defamatory, frivolous or offensive;
- it is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- it requires the disclosure of confidential or exempt information; or
- it relates to a personal issue or an individual case.

If the same question is received from multiple members of the public for the same meeting only the first question received will be accepted by the Proper Officer.

11.6 Record of questions

The Proper Officer will make a record of each question which is open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

11.7 Asking the question at the meeting

The chairman will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the chairman to put the question on their behalf. The chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

11.8 Supplementary question

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to the original question. A supplementary question must arise directly out of the original question or the reply.

The chairman may reject a supplementary question on any of the grounds in Rule 11.5 above.

11.9 Discussion

Any member may be allowed, at the Chairman's discretion, up to two minutes to speak on a question/reply.

11.10 Reference of question to the executive or a committee

Any member may move that a matter raised by a question be referred to the executive or the appropriate committee or sub-committee.

11.11 Written answers

Any questions which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

12. QUESTIONS BY MEMBERS

This rule applies to meetings of Council, Committees and Sub-Committees, except for Rule 12.1 which applies only to full Council.

12.1 Questions on notice at full Council

Subject to Rule 12.3, a member of the Council may ask:

- the chairman or vice-chairman;
- the Leader of the Council or a member of the executive; or
- the chairman of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the District.

12.2 Questions on notice at committees and sub-committees

Subject to Rule 12.3, a member of a committee or sub-committee may ask the chairman of it a question on any matter in relation to which the Council has powers or duties or which affects the District and which falls within the terms of reference of that committee or sub-committee.

12.3 Notice of questions

A member may only ask a question under Rule 12.1 or 12.2 if either:

(a) they have given not less than eight clear working days' notice in writing or by electronic mail of the question to the Proper Officer; or

(b) the question relates to urgent matters, they have the consent of the member to whom the question is to be put and the content of the question is given to the Proper Officer by 12 noon on the day of the meeting.

12.4 **Response**

Every question shall be put and answered without discussion. The person to whom a question has been put may decline to answer but must provide a valid reason for this approach.

An answer may take the form of:

(a) a direct oral answer (the preferred approach);

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) a written answer circulated later to the questioner where the reply cannot concisely or conveniently be given orally or to support an oral answer.

12.5 **Written Answer**

A Member raising a question under Council Procedure Rule 12.1 will be provided at the closure of the Council meeting with the written information prepared by officers as background to the relevant member of the executive's verbal answer to the question. This written information will be made available to all other Members of the Council alongside the following week's edition of the Members' Weekly News.

12.6 **Supplementary question**

A member asking a question under Rule 12.1 or 12.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

12.7 **Timing**

No original or supplementary question shall be asked more than 60 minutes after the Council has entered on the item of business under which questions by members are to be asked unless in the view of the Chairman, or on a motion moved by a member, seconded and approved by the Council, it is deemed appropriate to extend the time.

Questions on written notice which have not been asked before the end of the 60 minutes allowed (or any extension thereof) will not be asked but a written answer will be given through the Proper Officer.

13. MOTIONS ON NOTICE

This rule only applies to meetings of Council.

13.1 **Notice**

Except for motions which can be moved without notice under Rule 14, written notice of every motion, signed by the member or members of the Council giving the notice, must be delivered to the Proper Officer not later than eight clear working days before the date of the meeting. A record of the written notices will be maintained which will be open to public inspection.

13.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it at a later meeting or withdraw it.

If a motion set out in the agenda is not moved by the member who gave notice thereof it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

13.3 Scope

Motions must be about matters for which the Council has powers or duties or which affects the District.

13.4 Removal of the Leader of the Council from office

The Leader of the Council may be removed from office by a simple majority vote following a motion on notice of all the Members voting and present in the room at the time the question was put.

13.5 Referral for Consideration and Report

If the subject matter of any motion of which notice has been duly given comes within the province of any Committee or Committees it may, upon being moved and seconded, be referred with or without discussion to such Committee or Committees, or to such other Committee or Committees as the Council may determine, for consideration and report. The intention is to debate wherever possible and reasonable at the Council meeting. Alternatively, the motion may be referred to the Cabinet for consideration and report. Provided that the Council considers it convenient and conducive to the despatch of business, it should allow the motion to be dealt with at the meeting at which it is brought forward.

14. MOTIONS WITHOUT NOTICE

This rule applies to meetings of Council, Committees and Sub-Committees.

The following motions may be moved without notice:

(a) to appoint a chairman of the meeting at which the motion is moved;

(b) in relation to the accuracy of the minutes;

(c) to change the order of business in the agenda;

(d) to refer something to an appropriate body or individual;

(e) to appoint a committee or member thereof arising from an item on the summons for the meeting;

(f) to receive reports or adoption of recommendations of the executive or committees or officers and any resolutions following from them;

(g) to withdraw a motion;

(h) to amend a motion;

(i) to proceed to the next business;

(j) that the question be now put;

(k) to adjourn a debate;

(l) to adjourn a meeting;

(m) On the hour of 10 pm being reached "that the Council do proceed with the business remaining on the agenda";

(n) to suspend a particular council procedure rule;

(o) to exclude the public and press in accordance with the Access to Information Rules;

(p) to not hear further a member named under Rule 22.3 or to exclude them from the meeting under Rule 22.3;

(q) to give the consent of the Council where its consent is required by this Constitution;

(r) that the Council resolve into a Committee of the whole Council.

15. RULES OF DEBATE

This rule applies to meetings of Council only.

The following rules of debate shall apply to all matters except those reserved for Council determination under any statutory requirement.

15.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

15.2 Right to require motion in writing

Unless notice of the motion has already been given, the chairman may require it to be written down and handed to them before it is discussed.

15.3 Seconder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

15.4 Content and length of speeches

(a) A member shall direct his speech to the question under discussion or to a personal explanation or to a point of order.

(b) A speech by a member shall not exceed three minutes except for the proposer of the motion who shall have an additional five minutes to sum up at the end of the debate.

15.5 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

(a) to speak once on any amendment subsequently moved by themselves or another member;

(b) in exercise of a right of reply;

(c) on a point of order; and

(d) by way of personal explanation.

15.6 Amendments to motions

(a) An amendment to a motion must be relevant to the motion and will either be:

(i) to refer the matter to an appropriate body or individual for consideration or reconsideration;

(ii) to leave out words;

(iii) to leave out words and insert or add others; or

(iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate or displace the motion.

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(c) If an amendment is not carried, other amendments to the original motion may be moved.

(d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

(e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

15.7 Alteration of motion

(a) A member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

(b) A member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

15.8 Withdrawal of motion

A member may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

15.9 **Right of reply**

(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

(c) The mover of the amendment has no right of reply to the debate on their amendment.

15.10 **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

(a) to withdraw a motion;

(b) to amend a motion;

(c) to proceed to the next business;

(d) that the question be now put;

(e) to adjourn a debate;

(f) to adjourn a meeting;

(g) on the hour of 10 pm being reached "that the Council do proceed with the business remaining on the agenda";

(h) to exclude the public and press in accordance with the Access to Information Rules; and

(i) to not hear further a member named under Rule 22.3 or to exclude them from the meeting under Rule 22.3.

15.11 **Closure motions**

(a) A member may move, without comment, the following motions at the end of a speech of another member:

(i) to proceed to the next business;
(ii) that the question be now put;
(iii) to adjourn a debate; or
(iv) to adjourn a meeting.

(b) If a motion to proceed to next business is seconded and the chairman thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(c) If a motion that the question be now put is seconded and the chairman thinks the item has been sufficiently discussed, the chairman will put the procedural

motion to the vote. If it is passed, the chair will give the mover of the original motion a right of reply before putting the motion to the vote.

(d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the chairman will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

15.12 Chairman's Action

The Chairman may at any time upon being satisfied that any motion has been fully debated by the Council, require that "the vote be now taken" but so that before the vote is taken the proposer of an original motion shall be entitled to exercise his right of reply.

15.13 Point of order

A member may raise a point of order at any time. The chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the chairman on the matter will be final.

15.14 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the chairman on the admissibility of a personal explanation will be final.

16. MATTERS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

This rule applies to meetings of Council, Committees and Sub-Committees.

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation benefits or conditions of service or as to the personal conduct of any person employed by the Council, it shall not be considered until a resolution to exclude members of the press and public under Section 100(A)(4) of the Local Government Act 1972 has been passed.

17. PREVIOUS DECISIONS AND MOTIONS

This rule applies to meetings of Council only.

17.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one third of the members of the Council.

17.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one third of the members of the Council. Once the

motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

17.3 Provided that Rules 17.1 and 17.2 shall not apply to motions moved in pursuance of the report or a recommendation of the executive or a committee or an officer.

18. VOTING

This rule applies to meetings of Council, Committees and Sub-Committees.

18.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

18.2 Chairman's casting vote

If there are an equal number of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote.

18.3 Show of hands

Unless a recorded vote is demanded under Rule 18.4, the chairman will take the vote by show of hands, or by means of an electronic voting system, or if there is no dissent, by the affirmation of the meeting.

18.4 Recorded vote

If six members present at the meeting request it, the names for and against or abstaining from the motion or amendment will be taken down in writing and entered into the minutes.

18.5 Right to require individual vote to be recorded

(1) Where, immediately after a vote is taken at a meeting of a relevant body, any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his vote for the question or against the question or whether they abstained from voting.

(2) In this paragraph "relevant body" means the Council, a committee or sub-committee of the Council or a relevant joint committee or sub-committee of such a committee.

18.6 Voting on budget decisions

Immediately after any vote is taken at a budget decision meeting of the council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

Budget decision meeting shall have the meaning given to it in The Local Authorities (Standing Orders) (England) Regulations 2001 as amended.

(i) Budget decision means a meeting of the authority at which it –

(i) Makes a calculation (whether originally or by way of substitute) in accordance with any of the sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or

(ii) Issues of precept under Chapter 4 of Part 1 of that act and includes a meeting where making a calculation or issuing the precept, as the case may be, was included as an item of business on the agenda for that meeting.

(ii) Reference to a vote are references to a vote on any decision or amendment related to the making of the calculation or the issuing of the precept as the case may be.

18.7 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. No member shall nominate more than one person for any position to be filled at any one time.

18.8 Voting in Committee and Sub-Committee

This rule only applies to Committees and Sub-Committees.

All questions in Committee and Sub-Committee shall be determined by show of hands or by means of an electronic voting system, or if there is no dissent, by the affirmation of the meeting by majority of the members present and voting.

18.9 Electronic Voting

Any vote cast from a delegate unit other than a Member's own is not a valid vote unless the Chairman is satisfied that a Member's delegate unit is not in working order and/or has directed that a Member sit in a seat other than their own and use another delegate unit.

19. MINUTES

This rule applies to meetings of Council, Committees and Sub-Committees.

19.1 Signing the minutes

The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

19.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting

called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

19.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the chairman put them.

20. RECORD OF ATTENDANCE

This rule applies to meetings of Council, Committees and Sub-Committees.

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

21. EXCLUSION OF PUBLIC

This rule applies to meetings of Council, Committees and Sub-Committees.

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 23 (Disturbance by Public).

22. MEMBERS' CONDUCT

This rule applies to meetings of Council, Committees and Sub-Committees with the exception of rule 22.1 which applies to Council only.

22.1 Chairman standing

When the chairman indicates by standing or by some other means during a debate, any member speaking at the time must stop. The meeting must be silent.

22.2 Disorderly conduct and suspension of sitting

(1) If at a meeting any member of the Council in the opinion of the Chairman misconducts themselves by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by obstructing the business of the Council, it shall be competent for the Chairman or a member to move "that the member named be not further heard" or "that the member named do leave the meeting", in either case, for the remainder of the meeting or for such less period as may be specified in the motion, and the motion if seconded shall be put and determined without discussion.

(2) If after such a motion under paragraph (1) of this Rule has been carried, the member named fails to observe the Council's decision, the Chairman may, without question put, give such directions as they may consider appropriate for the restoration of order, and in addition, if need be, suspend the sitting of the Council for such period as they in their discretion shall consider expedient.

(3) In the event of serious disorder or of persistent disregard of the authority of the Chairman, the Chairman may, without prejudice to any other powers vested in them, direct that the meeting be suspended.

23. DISTURBANCE BY MEMBERS OF THE PUBLIC

This rule applies to meetings of Council, Committees and Sub-Committees

If a member of the public interrupts the proceedings at any meeting the Chairman shall warn them. If they continue the interruption the Chairman shall order their removal from the Council Chamber. In case of general disturbance in any part of the chamber open to the public, the Chairman shall order that part to be cleared.

24. ATTENDANCE AT MEETINGS

This rule applies to meetings of Council, Committees and Sub-Committees only.

24.1 The Proposer and Seconder of a motion which falls within the provisions of Rule 13.5 shall have the right to attend the meeting of the Committee at which it is proposed to consider the motion for the purpose of explaining it.

24.2 Subject to paragraph (1) above, no Member of the Council is entitled to take part in any proceedings of any Committee or Sub-Committee unless:

(i) they are a duly appointed member of the Committee or Sub-Committee
(ii) they are requested or permitted to do so by the Committee or Sub-Committee.

24.3 A resolution by a Committee or Sub-Committee to exclude members of the public in accordance with the Access to Information Rules in Part 4 of this Constitution shall not apply to a member of the Council not being a member of the Committee or Sub-Committee attending the meeting at which such a resolution is passed.

24.4 Members shall only speak at Planning Committee in accordance with the Protocol on Public Speaking at Planning Committee.

24.5 The Council has made arrangements for members of the public to register to speak at meetings of the Planning Committee and the Overview and Scrutiny Committee. These arrangements are set out within the relevant protocols in the Planning Code of Good Practice and the Overview and Scrutiny Procedure Rules respectively.

25. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

This rule applies to meetings of Council, Committees and Sub-Committees with the exception of 25.3 which apply to meetings of Council only.

25.1 Suspension

(1) Subject to paragraph (2) of this Rule, any of the preceding Rules except 18.5 and 19.2 may be suspended so far as regards any business at the meeting where its suspension is moved.

(2) A motion to suspend a Rule of Procedure shall not be moved without notice (ie under Rule 14) unless there shall be present at least one half of the whole number of members of the Council.

25.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

25.3 **Variation of arrangements for an ordinary or extraordinary meeting**

There may on occasions be a need for the Order of Business (Council Procedure Rule 2) and rules of debate (Council Procedure Rule 15) for an ordinary or extraordinary meeting to be varied in view of the nature of the business specified in the Agenda. In these circumstances the Monitoring Officer in consultation with the Chairman of the Council and the Group Leaders will develop a suitable approach and procedure for the specific meeting. This will be clearly documented and sent to all Members of the Council in advance of the meeting.

26. CANCELLATION OF MEETINGS

This rule applies to meetings of Council, Committees and Sub-Committees

26.1 The Chief Executive, in consultation with the Chairman of the Council and all Group Leaders, may cancel a meeting, where there is no business to transact (ie no motions, questions, reports or recommendations).

26.2 The Chief Executive, in consultation with the Chairman of the Council, may cancel or postpone a meeting of the Council, when an emergency or external forces make the holding of the meeting impossible or particularly difficult (e.g. bomb scare, snow, fog, ice, interruption of the power supply).

27. APPLICATIONS TO COMMITTEES AND SUB-COMMITTEES

This rule applies to Committees and Sub-Committees only.

27.1 All of the Council Rules of Procedure apply to meetings of full Council. Only Rules which are expressly specified as applying to meetings of committees and sub-committees apply to meetings of Committees and Sub-Committees.

27.2 None of the rules apply to meetings of the executive.

Annex 1 - Withdrawal from Meetings Procedure Rules

1. A Member with a Disclosable Pecuniary Interest or Other Significant Interest in a matter to be considered, or being considered at a meeting must:

   (a) disclose the interest; and
   (b) explain the nature of that interest at the commencement of that consideration or when the interest becomes apparent (subject to Procedure Rule 5 below); and unless they have been granted a dispensation;
   (c) not participate in any discussion of, or vote taken on, the matter at the meeting; and
   (d) withdraw from the meeting room whenever it becomes apparent that the business is being considered; and
   (e) not seek improperly to influence a decision about that business.

2. A Member with an Other Significant interest, may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member will withdraw from the meeting room immediately after making representations, answering questions or giving evidence.

3. Where a Member with a Disclosable Pecuniary Interest or Other Significant Interest in a matter under discussion (unless a dispensation has been granted in accordance with Procedure Rule 1. above), chooses to participate in the discussion and vote, the Chairman will refuse to count the 'vote' of the Member concerned, for the 'vote' will have been cast illegally and cannot be considered to be a vote at all. In the case of a meeting of the Council, the Chairman may apply the rules in Council Procedure Rule 22.3 relating to 'disorderly conduct'.

4. The Chairman may request that a Member declare a Disclosable Pecuniary Interest or an Other Significant Interest and, if appropriate, leave the meeting room, should they have reason to believe that the provisions of the Code of Conduct and/or these Procedure Rules are being breached.

5. Where a Disclosable Pecuniary Interest or an Other Significant Interest has been agreed by the Monitoring Officer as being a Sensitive Interest, the Member need only disclose the existence of the interest but not its nature.

6. These Procedure Rules apply to:

   (a) meetings of the Council, and to committees of the Council and sub-committees
   (b) meetings of the executive and to committees of the executive
   (c) a Cabinet member acting alone under portfolio powers and to a ward Member who discharges functions at ward level.

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Access to Information Procedure Rules

1. **SCOPE**

These rules apply to all meetings of the Council and its committees and sub-committees and meetings of the Executive and its committees and sub-committees (together called meetings).

These Rules should be read in conjunction with paragraphs 109 – 119 (Members' Access to Documents and Information) of the Protocol for Relationships between Members and Officers in Part 5 of the Council's Constitution.

2. **ADDITIONAL RIGHTS TO INFORMATION**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. **RIGHTS TO ATTEND MEETINGS**

Members of the public may attend all meetings subject only to the exceptions in these rules or the law.

4. **RIGHTS TO REPORT MEETINGS**

While a meeting is open to the public any person is permitted to report on the meeting. For these purposes report means filming, photographing or making audio recordings of proceedings at the meeting; using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later or reporting or providing commentary on proceedings at the meeting orally or in writing.

These rights are subject to the Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

5. **NOTICES OF MEETINGS**

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Council Offices, White Cliffs Business Park, Dover, Kent (the designated office).

6. **ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

(a) The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting.

(b) Where the meeting is convened at shorter notice than set out in Rule 5 (notice of meetings), copies of the agenda and reports shall be open to inspection from the time the meeting is convened.

(c) If an item is added to the agenda, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports

are prepared after the summons or agenda has been sent out the Head of Paid Service shall make each such report available to the public as soon as the report is completed and sent to Councillors.

(d) Where reports are prepared after the agenda has been issued, the designated officer shall make each such report available to Councillors and members of the public as soon as the report is completed.

7. **SUPPLY OF COPIES**

The Council will supply copies of:

(a) any agenda and reports which are open to public inspection;

(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

(c) if the proper officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person on payment of a charge for postage and any other costs. All relevant documentation will be available from the Council's website free of charge.

8. **ACCESS TO MINUTES AND RECORDINGS ETC AFTER THE MEETING**

8.1 The Council will make available copies of the following for six years after a meeting:

(a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the executive, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

8.2 Recorded meetings

(a) Where a meeting has been broadcast via the Council's website a recording of that broadcast will generally be available for viewing on-line for a period of 180 days from the close of the meeting.

(b) The broadcasts and recordings are the copyright of the Council and may not be copied, displayed or published to the public, adapted or dealt with in any other way restricted by the Copyright, Designs and Patents Act 1988.

(c) The Council will not make available copies of the recordings either in whole or in part other than in compliance with a legal requirement arising under The Freedom of Information Act 2000, UK GDPR, The Data Protection Act 2018 or some other enactment, rule of law or direction of a court or tribunal which is binding on it.

9. BACKGROUND PAPERS

9.1 List of background papers

The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of a political adviser.

9.2 Public inspection of background papers

The Council at its offices and on its website will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

10. SUMMARY OF PUBLIC'S RIGHTS

Article 3 of this Constitution in conjunction with these rules is the written summary of the public's rights to attend meetings and to inspect and copy documents. These documents are available to the public at the Council Offices, White Cliffs Business Park, Dover and on the Council's website.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

In applying the access to information rules, the Council and the Executive will take account of the presumption in favour of openness. Where only part of a report contains confidential or exempt information, and it is practicable to do so, the proper officer should exclude only that part of the report from public access.

11.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

11.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

11.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

11.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to any condition):

Category	Condition
1. Information relating to any individual.	Provided that information shall only be exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual.	Provided that information shall only be exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information). "Financial or business affairs" includes contemplated as well as past or current activities	Provided that information shall only be exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Information within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under – (a) the Companies Acts (as defined in Section 2 of the Companies Act 2006); (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986 or (f) the Charities Act 1993.

Category	Condition
	Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Provided that information shall only be exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Provided that information shall only be exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Provided that information shall only be exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

Provided that in the case of information falling within paragraphs 1-7, information shall only be exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

12. **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10,

the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

13. APPLICATION OF RULES TO THE EXECUTIVE

Only Rules 14–23 apply to the Leader of the Council and the Executive (or one of its committees). If the Leader, Executive or its committees meet to take a key decision then it must comply with Rules 1–12 unless Rule 15 (General Exception) or Rule 16 (Special Urgency) apply. A key decision is as defined in Article 13.03 of this Constitution.

14. PUBLICITY IN CONNECTION WITH KEY DECISIONS

Subject to Rule 15 (General Exception) and Rule 16 (Special Urgency), a key decision may not be taken unless at least 28 clear days before it is made a document has been published by making it available for inspection and on its website which states:

(a) that a key decision is to be made on behalf of the Council;

(b) the matter in respect of which the decision is to be made

(c) where the decision-maker is an individual, that individual's name, and title if any and, where the decision-maker is a decision-making body, its name and a list of its members;

(d) the date on which, or the period in which, the decision is to be made;

(e) a list of the documents submitted to the decision-maker for consideration in relation to the matter in respect of which the key decision is to be made;

(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from any document listed is available;

(g) That other documents relevant to those matters may be submitted to the decision-maker; and

(h) the procedure for requesting details of those documents (if any) as they become available.

An item that is likely to contain confidential or exempt information as defined in Rule 11 should still be included in the document, but the confidential information must be omitted and the exempt information should be omitted.

15. GENERAL EXCEPTION

Where the publication of the Notice of Forthcoming Key Decisions is impracticable, then subject to Rule 16 (Special Urgency), the decision may still be taken if:

a) the decision must be taken by such a date that it is impracticable to defer the decision until the publicity requirements for key decisions can be met.

b) the proper officer has notified the chairman of the relevant overview and scrutiny committee, or, there is no such person each member of the relevant overview and scrutiny committee by notice in writing, of the matter on which the decision is to be made.

c) the proper officer has made copies of that notice available to the public at the offices of the Council and on the Council's website;

d) at least five clear working days have elapsed since the proper officer complied with (b) and (c).

16. CASES OF SPECIAL URGENCY

16.1 If by virtue of the date by which a decision must be taken Rule 15 (General Exception) cannot be followed, then the decision can only be taken if the decision-taker (if an individual) or the chairman of the body making the decision, obtains the agreement of the chairman of a relevant overview and scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chairman of a relevant overview and scrutiny committee, or if the chairman of each relevant overview and scrutiny committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will be required.

16.2 As soon as reasonably practicable after the decision-maker has obtained agreement that the making of the decision is urgent and cannot reasonably be deferred the decision maker must make available at the officers of the Council and on its website a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

17. PRIVATE MEETINGS OF THE EXECUTIVE

17.1 The Cabinet or its committees may subject to Rule 16.2 only hold a meeting in private (in whole or part) if notices are made available at the offices of the Council and on its website:

a) at least 28 clear days prior to the meeting of its intention to hold a private meeting containing a statement of reasons for the meeting to be held in private;

b) at least 5 working days prior to the meeting of its intention to hold the meeting in private containing a statement of reasons or the meeting to be held in private, details of any representations received by the decision making body about why the meeting should be open to the public and a statement of its response to any such representation.

17.2 If by virtue of the date by which a meeting must be taken Rule 17.1 cannot be followed, then the meeting can only be held in private if the decision taker (if an individual) or the chairman of the body making the decision, obtains the agreement of the chairman of the relevant overview and scrutiny committee that the taking of the decision is urgent and cannot reasonably be deferred. In the absence of the chairman of the relevant overview and scrutiny committee the agreement of the Chairman of the Council will be required. In the absence of both the chairman of the relevant overview and scrutiny committee and the Chairman of the Council, the agreement of the Vice-Chairman of the Council will be required.

17.3 As soon as reasonably practicable after the decision-maker has obtained agreement that the making of the decision is urgent and cannot reasonably be deferred the decision-maker must make available at the offices of the council and on its website a

notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

* A private meeting of the Executive is a meeting or part of a meeting of the Executive during which the public are excluded in accordance with these rules.

18. REPORT TO COUNCIL

18.1 When an overview and scrutiny committee can require a report

If an overview and scrutiny committee thinks that a key decision has been taken which was not:

(a) included in the Notice of Forthcoming Key Decisions; or

(b) the subject of the general exception procedure; or

(c) the subject of an agreement with a relevant overview and scrutiny committee chairman, or the Chairman/Vice-Chairman of the Council under Rule 17;

the committee may require the Executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the proper officer, who shall require such a report on behalf of the committee when so requested by the chairman, spokesperson or any 3 non-Executive members. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee.

18.2 Executive's report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

18.3 Quarterly reports on Special Urgency decisions

The Leader of the Council will submit annually a report to Council on the executive decisions taken in the circumstances set out in Rule 16 (Special Urgency) in the preceding year. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

19. RECORD OF DECISIONS

As soon as reasonably practicable, after any meeting of the Executive or any of its committees, whether held in public or private, the proper officer or, where the proper officer or his/her representative is not present, the person presiding at the meeting, will ensure that a written statement is produced in respect of every decision made at that meeting which must include the following information:

(a) a record of the decision including the date it was made;
(b) a record of the reasons for the decision;

(c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
(d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision making body which made the decision; and
(e) in respect of any declared conflict of interest, a note of any dispensation granted by the Head of Paid Service.

19.2 Record of individual decision by a member of the Cabinet

As soon as reasonably practicable after an individual member has made an executive decision, that member must produce or instruct the proper officer to produce a written statement of that Executive decision which must include the following:

(a) a record of the decision including the date it was made;
(b) a record of the reasons for the decision;
(c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
(d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
(e) in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer.

19.3 Record of an individual executive decision by an officer

As soon as reasonably practicable after an officer has made an executive decision to which this rule applies, the officer must produce a written statement which must include:

(a) a record of the decision including the date it was made;
(b) a record of the reasons for the decision;
(c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
(d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
(e) in respect of any declared conflict of interest, a note of any dispensation granted by the Head of Paid Service.

19.4 Rule 19.3 applies to decisions made by an individual officer which would otherwise have been taken by an executive decision-making body but has been delegated to an officer either:-

(a) under a specific express authorisation; or

(i) under a general authorisation to officers to take such decisions and, the effect of the decision is to:-

(i) grant a permission or licence;
(ii) affect the rights of an individual;
(iii) award a contract or incur expenditure which, in either case, materially affects the Council's financial position.

or where otherwise, in the opinion of the officer concerned, the decision is such that it is in the public interest that Rule 19.4 should apply.

19.5 **Record of non-executive decision**

As soon as reasonably practicable after an officer has made an non-executive decision to which this rule applies, the officer must produce a written statement which must include:

(a) The date on which the decision was taken;
(b) A record of the decision taken along with the reasons for the decision;
(c) Details of alternative options, if any, considered and rejected; and
(d) Where the decision is taken under a specific express authorisation the names of any member who has declared a conflict of interest in relation to the decision.

19.6 Rule 19.5 applies to decisions made by an individual officer which would otherwise have been taken by the Council, a committee or sub-committee of the Council or a joint committee in which the Council participates but has been delegated to an officer either:-

(a) under a specific express authorisation; or

(b) under a general authorisation to officers to take such decisions and, the effect of the decision is to:

(i) grant a permission or licence;
(ii) affect the rights of an individual;
(iii) award a contract or incur expenditure which, in either case, materially affects the council's financial position.

19.7 The requirements of Rule 19.5 will be taken as satisfied where, in respect of a decision, a written record containing the information referred to in sub-paragraphs (a) and (b) of Rule 19.5 is already required to be produced in accordance with a statutory requirement.

20. INSPECTION OF DOCUMENTS FOLLOWING EXECUTIVE DECISIONS

20.1 After a private meeting or a public meeting of a decision-making body at which an executive decision has been made or, after an individual Councillor or officer has made an executive decision, the proper officer shall ensure that a copy of:

a) any records prepared in accordance with Rule 17; and

b) any report considered at the meeting or, as the case may be, considered by the individual member or officer and relevant to a decision recorded in accordance with Rule 17 or, where only part of the report is relevant to such a decision, that part shall be available for inspection by members of the public, as soon as is reasonably practicable, at the offices of Dover District Council and on the Council's website.

20.2 Where a request on behalf of a newspaper is made for a copy of any of the documents available for public inspection as detailed in Rule 20.1 above those documents shall be supplied for the benefit of the newspaper on payment of postage, copying or other necessary charge for transmission.

20.3 Nothing in these rules authorises or requires the Council to disclose to the public or make available for public inspection any document or part of a document if in the opinion of the proper officer, that document or part of a document contains or is likely to contain confidential information or exempt information.

21. ATTENDANCE AT PRIVATE MEETINGS OF THE EXECUTIVE

Executive Members

(a) All members of the Executive will be served notice of all private meetings of committees of the Executive, whether or not they are members of that committee.

(b) All members of the Executive are entitled to attend a private meeting of any committee of the Executive and speak.

Overview and Scrutiny Committee Members

(a) Notice of private meetings of the executive and its committees will be served on the chairmen of all overview and scrutiny committees and sub-committees, at the same time as notice is served on members of the Executive. Where an overview and scrutiny committee does not have a chairman, the notice will be served on all the members of that committee.

(b) Where a matter under consideration at a private meeting of the Executive, or a committee of it, is within the remit of an overview and scrutiny committee/sub-committee, the chairman of that committee or in his/her absence the vice-chairman may attend that private meeting with the consent of the person presiding, and speak.

Officers

(a) The Head of the Paid Service, the Section 151 officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive and its committees. The Executive may not meet unless the proper officer has been given reasonable notice that a meeting is to take place.

(b) A private executive meeting may only take place in the presence of the proper officer or his/her nominee with responsibility for recording and publicising the decisions.

22. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

22.1 Rights to copies

Subject to Rule 22.2 below, an overview and scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Executive or its committees and which contains material relating to

(a) any business transacted at a meeting of the Executive or its committees;

(b) any decision taken by an individual member of the Executive; or

(c) any decision that has been made by an officer of the authority in accordance with executive arrangements.

22.2 Limit on rights

An overview and scrutiny committee will not be entitled to:

(a) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or

(b) the advice of a political adviser.

22.3 Timescales

Any copy of a document that is to be made available under Rule 22.1 must be provided by the Executive as soon as reasonably practicable and, in any case, no later than 10 clear days after the Executive receives the request.

23. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

23.1 Material relating to previous business

All members will be entitled to inspect any document which is in the possession or under the control of the Executive or its committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

(a) it contains exempt information falling within paragraphs 1 to 7 of the categories of exempt information; or

(b) it contains the advice of a political adviser.

23.2 Timescales

Any document that is to be made available for inspection under Rule 22.1 must be available for inspection when the meeting concludes or, where an Executive decision is made by an individual member or officer, immediately after the decision has been made and, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

23.3 Material relating to key decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the executive or its committees which relates to any key decision unless Rule 23.1 applies.

23.4 Nature of rights

These rights of a member are additional to any other right s/he may have.

References: *Sections 100A–H and schedule 12A Local Government Act 1972*
Section 22 of The Local Government Act 2000
Chapter 7, DETR Guidance
Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000
Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
Openness of Local Government Bodies Regulations 2014

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Budget and Policy Framework Procedure Rules

1. **The framework for executive decisions**

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the executive to implement it.

2. Process for developing the framework

Subject to paragraph (h) below, the process by which the budget and policy framework shall be developed is:

(a) By the end of February, the executive will have consulted on its budget proposals as it considers appropriate and approve the draft Budget and Medium-Term Financial Plan.

(b) The Overview and Scrutiny Committee shall determine whether it wishes to scrutinise the draft Budget and Medium Term Financial Plan. The Overview and Scrutiny Committee shall report to the executive the outcome of its deliberations in sufficient time for the executive to consider the views of Scrutiny (Policy and Performance), make its recommendations to Council and for Council to meet and set the budget and Council tax before 11 March.

(c) Having considered the report of the Overview and Scrutiny Committee, the executive, if it considers it appropriate, may amend its proposals before submitting them to a council meeting prior to 11 March for consideration and adoption. It will also report to Council on how it has taken into account any recommendations from the overview and scrutiny committee.

(d) The Council will consider the proposals of the executive and may adopt them, amend them, refer them back to the executive for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the executive's proposals and any report from any relevant Overview and Scrutiny Committee having regard to the requirement for the Council to set the council tax before 11 March. The council tax levy requires receipt of precepts from precepting authorities and will be submitted to the council meeting.

(e) If the Leader objects to the decision of the Council, he/she shall give written notice to the proper officer to that effect during the first working day after the Council's decision. The written notification must state the reasons for the objection. Where such notification is received, the proper officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.

(f) The Council meeting must take place within 7 working 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.

(g) The Council shall at that meeting make its final decision on the matter.

(h) The policy on virements is set out in Financial Procedure Rules. Any other changes to the budget and policy framework, i.e. significant net increases in the General Fund, Housing Revenue Account, or Capital projects, are reserved to the Council.

(i) Any of the time periods set out within the process for developing the Budget and Policy Framework contained herein may be varied by agreement between the Executive and the Overview and Scrutiny Committee provided that proper regard is had to allowing a reasonable period of time at each stage.

3. 3. Decisions outside the budget or policy framework

(a) Subject to the provisions of virements the executive, committees of the executive, individual members of the executive and any officers, area committees 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 4 below.

(b) If the executive, committees of the executive, individual members of the executive and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the chief financial officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either 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.

(c) Changes to income and expenditure contained within the approved budgets do not constitute a departure from the budget and policy framework provided they are contained within the overall approved resource envelope.

4. Urgent decisions outside the Budget or Policy Framework

(a) The executive, a committee of the executive, an individual member of the executive or officers, area committees 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, the decision may only be taken:

(i) If it is not practical to convene a quorate meeting of the full Council; and

(ii) If the chair of Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

(b) The reasons why it is not practical to convene a quorate meeting of full Council and the chair of Overview and Scrutiny Committee'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 chair of Overview and Scrutiny Committee the consent of the chairman of the Council and in the absence of both the vice-chairman of the Council will be sufficient.

(c) 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. In-year changes to Policy Framework

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the executive, a committee of the executive, an individual member of the executive or officers, area committees or joint arrangements discharging executive functions must be in line with it.

6. Call-in of decisions outside the Budget or Policy Framework

(a) Where Overview and Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or chief financial officer.

(b) In respect of functions which are the responsibility of the executive, the Monitoring Officer's report and/or chief financial officer's report shall be to the executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the executive must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the chief financial officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the chief financial officer conclude that the decision was not a departure.

(c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the chief financial officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the chief financial officer. The Council may either:

(i) Endorse a decision or proposal of the executive decision taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; *or*

(ii) Amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that execution function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; *or*

(iii) Where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing framework to accommodate it, require the executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/chief financial officer.

References: *Chapter 2, DETR Guidance*
The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

Leader and Executive Procedure Rules

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make executive decisions?

The executive comprises the Leader of the Council and up to nine other members. The arrangements for the discharge of executive functions should be set out in the executive arrangements adopted by the Council. It is for the Leader to decide how they are to be exercised. The arrangements or the Leader may provide for executive functions to be discharged by:

(i) her/himself;

(ii) the executive as a whole;

(iii) a committee of the executive;

(iv) an individual member of the executive;

(v) an officer;

(vi) an area committee;

(vii) joint arrangements; or

(viii) another local authority.

1.2 Delegation by the Leader

At the annual meeting of the Council and following her/his election (or re-election), the Leader will present to the Council a written report of delegations to be made by him/her for inclusion in the Council's Schemes of Delegation at Part 3 to the Constitution.

The report presented by the Leader will contain the following information about executive functions in relation to the coming year:

(i) the names of the people appointed to the executive by the Leader;

(ii) the extent of any authority to be delegated to executive members individually, including details of any limitation on their authority;

(iii) the terms of reference and constitution of any executive committees the Leader will appoint and the names of executive members to be appointed to them;

(iv) 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 executive members to be appointed to any joint committee for the coming year; and

(v) 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.

1.3 Sub-delegation of executive functions

(a) Where the Leader of the Council chooses to delegate responsibilities to the executive, a committee of the executive or an individual member of the executive, unless s/he decides otherwise then they may delegate further to an executive committee, area committee, joint arrangements or an officer.

(b) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 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. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

(b) The Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the proper officer 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 proper officer 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.

1.5 Conflicts of Interest

(a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

(b) If every member of the executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

(c) If the exercise of an executive function has been delegated to a committee of the executive, 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 Council's Code of Conduct for Members in Part 5 of this Constitution.

1.6 Executive meetings – when and where?

(a) The executive will meet at least 12 times per year at times to be agreed by the Leader. The executive shall meet at the Council's main offices or another location to be agreed by the Leader and the Cabinet.

(b) Meetings of the executive will generally be broadcast via the Council's website whilst the meeting is open to the public and unless otherwise determined by

the appropriate officer under the Scheme of Officer Delegations or by the executive.

(c) The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Proper Officer will send a summons signed by him or her to every member of the Council. All Members serving on a body will receive an electronic copy of the summons and agenda unless they have requested a paper copy which will be made available for collection from the Council Offices. All Members will receive an electronic notification by e-mail. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

1.7 Public or private meetings of the executive?

Meetings of the executive shall be public except as permitted under Rule 10 of the Access to Information Procedure Rules.

1.8 Quorum

The quorum for a meeting of the executive shall be 3. The quorum for a meeting of a committee of the executive shall be 3.

1.9 Substitutes

Members of Executive Committees may appoint substitutes from amongst the Cabinet only. All other rules regarding substitutions apply in accordance with Council Procedure Rule 4.

1.10 How are decisions to be taken by the executive?

(a) Executive decisions which have been allocated or delegated to the executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

(b) Where executive decisions are allocated or delegated to a committee of the executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the executive as a whole.

2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, the Deputy Leader shall preside. In the absence of both, it shall be a member of the executive appointed by those present.

2.2 Who may attend?

These details are set out in the Access to Information Rules in Part 4 of this Constitution.

2.3 What business?

At each meeting of the executive the following business will be conducted:

(i) consideration of the record of decisions of the last meeting;

(ii) declarations of interest, if any;

(iii) matters referred to the executive (whether by an overview and scrutiny committee or by the Council) for reconsideration by the executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

(iv) consideration of reports from overview and scrutiny committees; and

(v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the executive from any member of the executive 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 relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the executive agenda?

The Leader will decide upon the schedule for the meetings of the executive. He/she may put on the agenda of any executive meeting any matter which he/she wishes, whether or not authority has been delegated to the executive, a committee of it or any member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.

Any member of the executive may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the executive for consideration. If he/she receives such a request the proper officer will comply.

The Monitoring Officer and/or the section 151 officer may include an item for consideration on the agenda of an executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, section 151 officer and Monitoring Officer are of the opinion that a meeting of the executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an executive meeting. If there is no meeting of the executive 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.

2.6 Advisory Groups

The Cabinet may appoint such cross-party advisory groups as it wishes in order to assist in the work of the executive. Such groups may be appointed from time to time in order to advise the Cabinet on one or more specific projects or to advise on matters relating to a particular executive function or activity eg grants and capital expenditure. Guidelines for setting up Advisory Groups are set out in Part 3 (Section 4) of the Constitution.

References: Chapters 4–7, DETR Guidance

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Overview and Scrutiny Procedure Rules

1. **What will be the number and arrangements for overview and scrutiny committees?**

The Council will appoint 1 standing overview and scrutiny committee with terms of reference as set out in Article 6 and will appoint to it as it considers appropriate from time to time. Such committees may appoint sub-committees.

Overview and scrutiny committees or sub-committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

The arrangements for the co-ordination of overview and scrutiny will be undertaken through the Overview and Scrutiny Committee.

For the purposes of Section 19 of the Police and Justice Act 2006, the Overview and Scrutiny Committee shall be designated as the Crime and Disorder Committee.

2. **Who may sit on overview and scrutiny committees?**

All councillors except (a) members of the Executive and (b) the Chairman and Vice-Chairman of the Council may be members of an overview and scrutiny committee or serve as substitutes on an overview and scrutiny committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

3. **Co-optees**

(a) Each overview and scrutiny committee or sub-committee (or working group) shall be entitled to

(i) appoint up to 4 people who are not members of the Council as non-voting co-optees;

(ii) appoint up to 4 additional members of the Council (who shall be eligible to serve as voting co-optees) from among those members who are eligible to assist with their work where those additional members are considered to have particular skills, knowledge or experience relevant to the matter assigned to the committee, sub-committee (or working group).

(b) In relation to crime and disorder matters, the overview and scrutiny committee shall not be entitled to co-opt:

(i) Any individual who was wholly or partly responsible (or otherwise directly involved) in the decision or action for which the Committee is exercising its powers;

(ii) Any member of the Council's Executive; or

(iii) Anyone who is NOT an officer of a responsible authority or co-operating person/body.

(c) The political balance rules shall be maintained if additional voting members are appointed.

(d) The terms of appointment of each co-optee shall specify whether he/she is appointed for a single issue, single meeting or on a permanent or semi-permanent basis.

(e) For the avoidance of doubt, the number of external co-optees serving on an overview and scrutiny committee or sub-committee (or working group) at any time shall not exceed 4; and the number of additional member co-optees serving on an overview and scrutiny committee or sub-committee (or working group) at any time shall not exceed 4.

(f) In the event that the overview and scrutiny committee designated as the crime and disorder committee decides to co-opt someone from a responsible authority or co-operating person/body, they must be consulted as to the most suitable person before co-opting any additional member. The definition of a 'responsible authority' is those bodies which are responsible for crime and disorder strategies.

(g) For the avoidance of doubt, the number of external co-optees serving on an overview and scrutiny committee or sub-committee (or working group) at any time shall not exceed 4; and the number of additional member co-optees serving on an overview and scrutiny committee or sub-committee (or working group) at any time shall not exceed 4. The total number of co-optees shall not exceed the total number of permanent members on the committee or sub-committee (or working group).

(h) A co-optee's membership may be withdrawn at any time by the appointing committee.

References: Police and Justice Act 2006
Local Government and Public Involvement in Health Act 2007

4. Meetings of the overview and scrutiny committee

There shall be 11 ordinary meetings in total of the overview and scrutiny committees in each year, and no fewer than two meetings of the overview and scrutiny committee designated as the crime and disorder committee in each twelve months. In addition, extraordinary meetings may be called from time to time as and when appropriate. An overview and scrutiny committee meeting may be called by the chairman of the relevant overview and scrutiny committee, by any 3 members of the committee or by the proper officer if they consider it necessary or appropriate.

5. Quorum

The quorum for an overview and scrutiny committee shall be as set out in Rule 8 of the Council Procedure Rules in Part 4 of this Constitution. The quorum for a sub-committee shall be one half of the membership provided that a quorum shall never be less than two.

6. Who chairs overview and scrutiny committee meetings?

Subject to the Council Rules of Procedure, the overview and scrutiny committees/sub-committees will be chaired by a councillor who is not a member of the controlling political group on the Council, unless there is no such person serving on the committee/sub-committee. In such cases, the committee/sub-committee may appoint such person to chair it from amongst the councillors sitting on it.

7. Work programme

The overview and scrutiny committees/sub-committees shall (subject to any Guidance/Protocol for setting Work Programmes issued by the Council from time to time) be responsible for setting their own work programmes and reporting to the Council thereon and in doing so they shall take into account the wishes of members on that committee who are not members of the largest political group on the Council.

In respect of each topic review contained in the Work Programme of the Overview and Scrutiny Committee, regular briefing meetings shall be held between the relevant Portfolio Holder(s), the Chairman and Controlling Group Spokesperson of the Scrutiny Committee (or sub-committee if appropriate) and the advisory officer for the review.

8. Major Reviews

All major reviews will be supported by a project plan developed in consultation with the appropriate agenda officer or an officer designated by them and a realistic assessment should be made at the outset of the resources required to support the review and the availability of them.

9. Minor Review

All minor reviews will be assessed on a case-by-case basis to determine whether a project brief will be required. The relevant scrutiny committee in conjunction with Democratic Services will co-ordinate all aspects of any minor review undertaken and be empowered to prioritise workload and use of resources.

10. Agenda Setting

(1) (a) The Chairman, with the assistance of Officer Support, shall be responsible for setting the Agenda.

(b) For each item of scrutiny contained in the Agenda, a Chairman's Meeting may be held to identify a list of Key Questions or Key Areas for scrutiny; these shall be set out in the Agenda. (See Appendix for the circumstances in which a key questions meeting shall be held.)

(c) At meetings with Officer Support e.g. to settle the Agenda or the Key Questions/Key Areas, the Chairman shall invite the Controlling Group Spokesperson and the Spokesperson of any other political group with places on the Overview and Scrutiny Committee; the Chairman may also invite other members of the Committee to attend a Key Questions Meeting.

(d) The Chairman may hold a Scrutiny Committee pre-meeting (at which all Members of the Scrutiny Committee are invited) in order to verify that

all matters of concern have been covered by the Key Questions/Key Areas.

(2) The Chairman and the Controlling Group Spokesperson, in consultation with the relevant Head of Service, shall develop a programme of meetings (or other arrangements) to deal with agenda setting, pre-committee briefings and work programme monitoring.

11. Agenda items

Subject to the Protocol set out below:

(a) Any member of an overview and scrutiny committee or sub-committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. If, following the observance of the Protocol, the member wishes the item to be included on the agenda; the proper officer will ensure that it is included on the next available agenda.

(b) Any member of the Council who is not a member of the overview and scrutiny committee may give written notice to the proper officer that they wish an item relating to his or her ward and which is relevant to the functions of the committee to be included on the agenda of an overview and scrutiny committee. If, following the observance of the Councillor Call for Action Protocol, the members wish the item to be included on the agenda, the Proper Officer shall make arrangements for the matter to be included on the agenda at the next available meeting of the overview and scrutiny committee/sub-committee.

Protocol on Submission of Agenda Items for Scrutiny

(1) Member wishes to bring item/issue to Scrutiny.

(2) Detailed correspondence (e-mail/letter) sent to Democratic Services Officer to include the following:

- Background/History of issue
- Explanation of issue
- Reason for being brought to Scrutiny
- Desired outcome from scrutinising the issue
- Officer contact (if known)

(3) Democratic Services Officer to pass information to relevant Officer(s) and request contact with Member.

(4) Discussion between Member and Officer to determine whether it is the right time for the item to come to Scrutiny (reports may be pending, issue held up due to involvement with outside bodies etc) and what benefits could be achieved by subjecting the item to scrutiny.

(5) Democratic Services Officer to be kept informed of discussions and pass information to the Chairman of the Committee.

(6) Member to make informed decision whether they wish item to be placed on agenda, taking into account discussions with relevant Officer(s).

The overview and scrutiny committee shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the executive to review particular areas of Council activity. Where they do so, the overview and scrutiny committee shall report their findings and any recommendations back to the executive and/or Council. The Council and/or the executive shall consider the report of the overview and scrutiny committee within one month of receiving it.

12. Policy review and development

(a) The role of the overview and scrutiny committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.

(b) In relation to the development of the Council's approach to other matters not forming part of its Policy and Budget Framework, overview and scrutiny committee or sub-committees may make proposals to the executive for developments insofar as they relate to matters within their terms of reference.

(c) Overview and scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

13. Reports from overview and scrutiny committees

(a) Once it has formed recommendations on proposals for development, the overview and scrutiny committee will prepare a formal report and submit it to the proper officer for consideration by the executive (if the proposals are consistent with the existing Budgetary and Policy Framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

(b) If an overview and scrutiny committee cannot agree on one single final report to the Council or executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or executive with the majority report subject to the following conditions:

(i) minority reports must be determined at the Overview and Scrutiny Committee;

(ii) minority reports must be supported by a minimum of two members (a proposer and a seconder) and recorded in the minutes of the meeting.

(c) The Council or executive shall consider the report of the overview and scrutiny committee within one month of it being submitted to the proper officer.

14. Making sure that overview and scrutiny reports are considered by the executive

(a) Once an overview and scrutiny committee has completed its deliberations on any matter it will forward a copy of its final report to the proper officer who will allocate it to either or both the executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's Budget and Policy Framework. If the proper officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The executive will have 4 weeks in which to respond to the overview and scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from an overview and scrutiny committee on a matter which would impact on the Budget and Policy Framework, it shall also consider the response of the executive to the overview and scrutiny proposals.

(b) The agenda for executive meetings shall include an item entitled 'Issues arising from overview and scrutiny'. The reports of overview and scrutiny committees referred to the executive shall be included at this point in the agenda (unless they have been considered in the context of the executive's deliberations on a substantive item on the agenda) within 4 weeks of the overview and scrutiny committee completing its report/recommendations.

(c) In considering a report from Overview and Scrutiny, the Cabinet must either accept, reject or amend the recommendations and where it rejects a recommendation it must give reasons for it.

(d) Where an overview and scrutiny committee or sub-committee prepares a report for consideration by the executive in relation to a matter where an individual member has delegated decision making power, then the overview and scrutiny committee will submit a copy of their report to that individual for consideration. At the time of doing so, the overview and scrutiny committee shall serve a copy on the proper officer and the Leader. If the member with delegated decision making power does not accept the recommendations of the overview and scrutiny committee then he/she must then refer the matter to the next available meeting of the executive for debate before exercising his/her decision making power and responding to the report in writing to the overview and scrutiny committee. The executive member to whom the decision-making power has been delegated will respond to the overview and scrutiny committee within 4 weeks of receiving it. A copy of his/her written response to it shall be sent to the proper officer and he/she will attend a future meeting to respond.

(e) Overview and scrutiny committees will in any event have access to the executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an overview and scrutiny committee following a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the executive's consultation process in relation to any key decision.

15. Rights of overview and scrutiny committee members to documents

(a) In addition to their rights as councillors, members of overview and scrutiny committees have the additional right to documents, and to notice of meetings

as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

(b) Nothing in this paragraph prevents more detailed liaison between the executive and overview and scrutiny committee as appropriate depending on the particular matter under consideration.

(c) The overview and scrutiny committee designated as the crime and disorder committee has rights of access to information relevant to the exercise of its functions from responsible authorities or the co-operating persons/bodies in accordance with the provisions of the agreed Councillor Call for Action protocol.

16. Members and officers giving account

(a) Any overview and scrutiny committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the executive, the head of paid service and/or any chief officer or senior manager to attend before it to explain in relation to matters within their remit:

(i) any particular decision or series of decisions;

(ii) the extent to which the actions taken implement Council policy; and/or

(iii) their performance

and it is the duty of those persons to attend if so required.

(b) Where any member or officer is required to attend an overview and scrutiny committee or sub-committee under this provision, the chair of that committee or sub-committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving reasonable notice (having regard to the protocol set out in Rule 18) 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 to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee or sub-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.

(c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee or sub-committee shall in consultation with the member or officer arrange an alternative date for attendance.

(d) Regard shall be had to Paragraph 50 of the Protocol on Member/Officer Relations and to the Protocol set out in Rule 18 below).

(e) An overview and scrutiny committee may require the attendance of any member to answer questions in regard to the exercise of powers granted under Section 236 of the Local Government and Public Involvement in Health Act 2007.

17. Attendance by others

An overview and scrutiny committee or sub-committee may invite people other than those people referred to in paragraph 16 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Regard shall be had to the Protocol set out in Rule 18 below.

The overview and scrutiny committee designated as the crime and disorder committee may require the attendance before it of an officer or employee of a responsible authority or co-operating person or body, in order to answer questions or otherwise provide information in accordance with the provisions of the agreed Councillor Call for Action protocol.

18. **Call-in**

(a) When a decision is made by the Leader of the Council, executive, an individual member of the executive or a committee of the executive, or a Councillor with delegated Executive authority, or a key decision is made by an officer with delegated authority from the executive, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made. The Chair of the overview and scrutiny committee (and all other members of the Council) will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

(b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented at 12.00 noon, on the fourth working day after the publication of the decision, unless it is called-in.

(c) By 10.00 am on the fourth working day after publication of the decision, the proper officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested in writing by the chairman or controlling group spokesperson of the Overview and Scrutiny Committee or, in their absence, the Vice-Chairman and Deputy Controlling Group Spokesperson, or by any three non-executive members of the Council, and shall then notify the decision-taker of the call-in. A meeting of the Overview and Scrutiny Committee shall then be held within 15 working days of the decision to call-in. Reasons for calling-in an executive decision should be given and recorded in the agenda.

(d) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 10 working days, amending the decision or not, before adopting a final decision.

(e) If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of that further 10 working day period, whichever is the earlier.

(f) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary, and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making body, together with Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the executive as a whole or a committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.

(g) If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

(h) Where an executive decision has been taken by an area committee, then the right of call-in shall extend to any 5 members of another area committee if they are of the opinion that the decision made but not implemented will have an adverse effect on the area to which their committee relates. In such cases, those 5 members may request the proper officer to call-in the decision. He/she shall call a meeting of the Overview and Scrutiny Committee on such a date as he/she may determine, where possible after consultation with the chairman of the committee, and in any case within 10 working days of the decision to call-in. All other provisions relating to call-in set out above shall apply.

GUIDELINES

(j) Call-in should only normally be exercised in exceptional circumstances; for example where the relevant chairman or controlling group spokesperson or non-executive members are satisfied that the executive decision maker failed to make the decision in accordance with the principles set out in Article 13 (Decision Making).

(k) To avoid the possibility of many emergency Council meetings, overview and scrutiny committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to or not wholly in accordance with the Budget or Policy Framework.

CALL-IN AND URGENCY

(l) The call-in procedure set out above shall not apply where the decision being taken by the executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the chairman, the vice-chair's consent shall be required. In the

absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

(m) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

19. The party whip

When considering any matter in respect of which a member of an overview and scrutiny committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

20. Procedure Framework

(a) Overview and scrutiny committees and sub-committees shall consider the following business:

(i) minutes of the last meeting;

(ii) declarations of interest (including whipping declarations);

(iii) consideration of any matter referred to the committee for a decision in relation to call-in of a decision;

(iv) responses of the executive to reports of the overview and scrutiny committee; and

(v) the business otherwise set out on the agenda for the meeting.

(b) Where the overview and scrutiny committee conducts investigations (eg with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following guidelines:

(i) Stages: There is a recommended four stage process for scrutiny investigations:

- Definition of the scope and methodology
- A research paper providing background information
- Documentation showing the extent of the investigation
- A final analysis

(ii) Determination of the date/time on which oral evidence is to be provided and the length of notice to be given to parties.

For those representing outside bodies a minimum of ten working days' notice shall be given and for internal reviews involving Members and

Officers a minimum of two clear working days' notice shall be given. For topic reviews every effort will be made to determine a time/date which is convenient for the majority of persons/parties due to attend.

(iii) Expectations regarding the investigation and the level of courtesy and respect to be shown to witnesses.

(a) The investigation shall be conducted so as to maximise the efficiency of the investigation or analysis;

(b) The investigation shall be conducted fairly and in a focused and respectful manner and all members of the committee shall be given the opportunity to ask questions of attendees, and to contribute and speak; and

(c) Those assisting the committee by giving evidence shall be treated with respect and courtesy.

(iv) Provision for written evidence to be submitted.

Written evidence in support, or in place of, oral evidence by witnesses, will only be included within the Committee's (or sub-committee's) report where the witnesses consent has been obtained.

(v) Requirement to give appropriate notice to witnesses regarding the questions they are to be asked and the issues they are expected to respond to before the Committee.

For all reviews a minimum of two clear working days' notice shall be given.

(vi) Procedures for the validation of evidence by witnesses prior to its inclusion within the Committee's final report.

The witness should give prior consent for inclusion of any information attributed to him/her.

(vii) Final Report: Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public; including the circulation of the final report to all parties that participated in the review.

(c) Officer Support

(i) Scrutiny Committees will receive Officer Support as follows:

- Democratic Services Officer.
- second tier officers designated by the Corporate Management Team according to a particular major subject called for Scrutiny.

(ii) Support services shall include:

- assistance with the compilation of and circulation of agendas.
- organisation of meetings – including procurement as necessary of
  - (i) members/officers/third parties invited to attend;
  - (ii) documents or other information required for the meeting.
- research/reports.
- advising on protocols/procedure.
- taking minutes/acting thereon.

(iii) It is agreed that:

- Officer Support must remain neutral and owe a duty at all times to the whole Council.
- Officer Support will assist scrutiny as necessary in the delivery of its role to the Council.
- Council resources will not be used for any party political purposes.

(d) The Chairman

(i) The Chairman of a Scrutiny Committee (or sub-committee) shall at all times use his/her own discretion and act in the interests of the Council and not of his/her political group.

(ii) The Chairman shall take a lead role in facilitating and co-ordinating scrutiny and in drawing up an annual programme of subjects for scrutiny.

(e) Training and Development

All Members of the Council shall be provided with relevant training and development in the scrutiny function.

22. Health Scrutiny

Scrutiny of health issues shall be conducted in accordance with a protocol developed by Kent County Council and Borough/District Councils through the County.

23. Councillor Call for Action

The Councillor Call for Action function shall be conducted in accordance with the agreed protocol (Appendix 2).

24. Public Speaking

The Council has adopted a protocol for public speaking at meetings of the Overview and Scrutiny Committee. This is set out in full in Appendix 3 of these procedure rules.

KEY QUESTIONS PROTOCOL

No	Issue	Key Questions
1	Major Changes to the Budget and Policy Framework.	A Key Questions Meeting will normally be held prior to the main meeting unless the relevant Chairman and Controlling Group Spokesperson agree that it is unnecessary.
2	Minor Changes to the Budget and Policy Framework.	A Key Question Meeting will not be held unless specifically requested by the relevant Chairman or Controlling Group Spokesperson.
3	Call-In of a Decision (made but not implemented) by the Cabinet.	A Key Question Meeting will not be held unless specifically requested by the relevant Chairman or Controlling Group Spokesperson.
4	Overview of a Topic within a Committee's Work Programme.	A Key Question Meeting will not be held unless specifically requested by the relevant Chairman or Controlling Group Spokesperson.
5	Referral of Item from Council to a Scrutiny Committee for Consideration and Report.	A Key Question Meeting will not be held unless specifically requested by the relevant Chairman or Controlling Group Spokesperson.
6	Report from an Officer to Committee.	A Key Question Meeting will not be held unless specifically requested by the relevant Chairman or Controlling Group Spokesperson.

Notes: (1) The purpose of this protocol is to assist the Chairman and ensure that decisions regarding Key Questions Meetings are taken in consultation with the Chairman and Controlling Group Spokesperson of the Overview and Scrutiny Committee. If either cannot be contacted, the decision may be taken in consultation with the Vice-Chairman or the Deputy Controlling Group Spokesperson as appropriate. If despite the best efforts of the Head of Corporate Services and Democracy, it is not possible to obtain a response from representatives of both of the main political groups, a decision shall be taken in accordance with the presumptions identified in the table above.

(2) If a Key Questions Meeting is not considered necessary, a briefing meeting may, as an alternative, be held immediately prior to the main meeting if this is agreed upon by the Chairman and the Controlling Group Spokesperson (or their deputies).

COUNCILLOR CALL FOR ACTION PROTOCOL

INTRODUCTION

1. This protocol has been drawn up based on the legislative requirements, government guidance and guidance issued by the Improvement and Development Agency and the Centre for Public Scrutiny.

2. This protocol applies in respect of Councillor Call for Action (CCfA) referrals from District Councillors exercised under Section 19 of the Police and Justice Act 2006 and Section 119 of the Local Government and Public Involvement in Health Act 2007, as incorporated into Section 21A of the Local Government Act 2000.

3. The Overview and Scrutiny Committee is the designated Overview and Scrutiny Committee for the purpose of CCfA referrals from Ward Councillors relating to 'crime and disorder' matters and for the purpose of CCfA referrals from ward councillors relating to 'local government' matters.

4. The Overview and Scrutiny Committee is designated as the Crime and Disorder Committee under Section 19 of the Police and Justice Act 2009.

5. The definition of the 'area represented by the member' is the Ward for which a District Councillor is elected. [1]

WHAT IS A COUNCILLOR CALL FOR ACTION?

6. The Councillor Call for Action provides a process by which a Ward Councillor can act on behalf of their constituents to resolve issues of local concern in respect of local government and crime and disorder matters that are beyond their capability to resolve and where all other methods of resolution have been exhausted.

7. A CCfA is not a guarantee that the designated Overview and Scrutiny Committee will resolve the issue referred to it. It is however, recognition that the issue is significant enough to merit the time and resources required to attempt to resolve the matter.

PRINCIPLES OF THE COUNCILLOR CALL FOR ACTION

8. The operation of CCfA at Dover District Council is based on the following key principles:

- Transparency in decision-making, and the involvement of scrutiny in the decision-making process at some level.
- A willingness to identify mistakes and shortcomings, and recognition of the need to resolve problems through discussion.
- An understanding of the role that scrutiny can play to help a Council to improve its services.
- An understanding and a wish to bolster and support the role that Ward Councillors play as champions and leaders of their communities.

WHAT MATTERS CONSTITUTE A COUNCILLOR CALL FOR ACTION?

[1] As per definition of electoral area under Section 203(1) of Representation of the People Act 1983

9. A CCfA for a local government matter must:

   (a) Relate to the discharge of any function of the Council; or

   (b) Relate to an issue that directly affects all or part of the electoral area for which the member is elected or any person who lives or works in that area; or

   (c) Relate to an allegation that the Council has failed to discharge a function for which it is responsible or that the discharge of the function has failed/is failing on a systematic basis;

10. A CCfA for a crime and disorder matter must:

   (a) Relate to Crime and Disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) which affects all or part of the area represented by the councillor; or

   (b) Relate to the misuse of drugs, alcohol and other substances in that area.

WHAT IS EXCLUDED FROM A COUNCILLOR CALL FOR ACTION?

11. The following matters are excluded from the scope of the CCfA[2]:

   (a) Any matter relating to a planning decision;

   (b) Any matter relating to a licensing decision;

   (c) Any matter relating to an individual or entity in respect of which there is a statutory right of recourse to an appeal;

   (d) Any matter which is vexatious, discriminatory, or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee or at a meeting of a Sub-Committee of that Committee;

   (e) Any matter relating to an individual complaint, for which the Council's corporate complaints procedure should be followed;

   (f) The scrutinising of matters of wider Council policy;

   (g) Any decision of the Cabinet which has been taken but not yet implemented, for which the Call-In procedure should be used;

   (h) The resolution of urgent matters in view of the time that may be needed for the Committee to assess the initial referral and then investigate the matter;

   (i) An individual Ward Councillor's own personal agenda issues. It is the purpose of the CCfA to champion issues of genuine local concern that have a direct impact on the community.

12. In that in the case of exclusions (b)-(d), these exclusions do not apply if the allegation relates to a systemic failure in respect of the Council's service.

[2] For the purposes of exclusions, items (a)–(d) are excluded by The Overview and Scrutiny (Reference By Councillors) (Excluded Matters) (England) Order 2008.

WHAT IS EXPECTED OF WARD COUNCILLORS?

13. The CCfA is essentially recognition of the role undertaken by Ward Councillors in taking up either local government matters or crime and disorder matters on behalf of the community they serve. Accordingly, the responsibility to champion a CCfA ultimately lies with the Ward Councillor, subject to the guidance set out in this protocol, to decide:

- Which issues to take forward as a CCfA;
- When an issue should be referred to Overview and Scrutiny;
- When they can resolve the issue without recourse to the crime and disorder committee; and
- When to reject an issue as a CCfA.

14. A Ward Councillor should only accept a CCfA request if they believe that it is an issue of genuine local community concern and, in the case of a crime and disorder CCfA, that it falls within the powers of the crime and disorder committee as set out in this protocol.

15. As part of this process a Ward Councillor in a multi-member ward should check to see if another Member has accepted or rejected this issue as a CCfA. However, even if a Member has rejected the issue as a CCfA, this does not prevent another Member in the same ward from taking a different view and referring the matter as a CCfA.

16. A Ward Councillor must in all cases respond the person who referred the CCfA matter to them and state what action, if any, they intend to take in respect of the matter.

17. Once a Ward Councillor accepts a potential CCfA they should contact the Democratic Services Team and seek guidance. At this point the Ward Member should continue to take steps themselves to try and resolve the issue through existing mechanisms.

CRIME AND DISORDER OVERVIEW AND SCRUTINY COMMITTEE

18. The designated crime and disorder committee has the power to:

- Review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
- Make reports or recommendations to the responsible authority with respect to the discharge of those functions.

19. A 'responsible authority'[3] is:

- Dover District Council;
- A Chief Officer of Police for whom any part of his/her police area falls within the area of Dover District Council.

20. The crime and disorder committee must meet no less than twice in every twelve-month period to consider crime and disorder matters.

[3] A ‘responsible body’ is any body or person defined as such in Section 5 of the Crime and Disorder Act 1998 in relation to Dover District Council's administrative area, which is for practical purposes those authorities responsible for crime and disorder strategies.

CO-OPTEES ON THE CRIME AND DISORDER OVERVIEW AND SCRUTINY COMMITTEE

21. The crime and disorder committee has the power to co-opt additional members from those persons or bodies who are responsible authorities to serve on the Committee where it considers this to be appropriate in the exercise of its functions. The co-opted person has the same entitlement to vote as any other member of the Committee unless a decision has been taken to limit the exercise of their powers in relation to a particular matter or type of matter. Further details on the rules for co-optees can be found under in the Council's Constitution under the Overview and Scrutiny Procedure Rules.

22. If the crime and disorder committee decides to co-opt someone from a responsible authority or co-operating person/body, they must be consulted as to the most suitable person. A co-opted member will not be entitled to claim any allowances provided under the Members Allowance Scheme.

THE REFERRAL PROCEDURE

23. In the event that a Ward Councillor has registered a potential CCfA with the Democratic Services Team and has made efforts to resolve the matter through existing mechanisms but still been unsuccessful in doing so, they may ask for the matter to be referred to Overview and Scrutiny as a CCfA.

24. All referrals by Ward Councillors in respect of a CCfA must be submitted on the appropriate form for the attention of the Democratic Services Manager, Dover District Council, White Cliffs Business Park, Dover, Kent CT16 3PJ or by e-mail to democraticservices@dover.gov.uk

25. As part of this form, the Councillor should supply supporting evidence/information indicating:

    (a) The degree of local concern or support for the CCfA (eg from local constituents, the Parish or Town Council or local community groups);

    (b) Why, in the case of crime and disorder matters, it might be appropriate for the committee to make recommendation or report to the Council in respect of the CCfA matter; and

    (c) The previous action the Councillor or local people have taken to try and resolve the matter. The evidence of possible alternative action could be:

        - Discussions with other Ward Members (if in multi-member ward);
        - Informal discussions with officers or other members (including the Cabinet);
        - Formal representations written on behalf of constituents;
        - Public meetings;
        - Petitions;
        - Questions or Motions on the agenda at Full Council;
        - Communication with local MPs;
        - Communication with Councillor's in other authorities (for example, if the matter concerns county level services);
        - Web or e-mail based campaigns.

26. It is important that at the start of the process the Ward Councillor is clear about what resolution s/he would wish to achieve and be realistic in their aspirations.

RIGHT OF APPEAL AGAINST A DECISION BY A WARD COUNCILLOR TO NOT REFER A CCfA

27. If a Ward Councillor decides not to refer a matter as a CCfA then there is no right of appeal and no further action will be taken under the CCfA protocol. However, anyone who lives, works or studies within the Dover District does have the option of submitting a topic to the Council's Overview and Scrutiny Committee for consideration for inclusion in its work programme.

ASSESSMENT BY THE OVERVIEW AND SCRUTINY COMMITTEE

28. The Democratic Services Manager will log the receipt of a CCfA referral and schedule the matter for consideration by the appropriate Overview and Scrutiny Committee. The item will be included on the agenda for the next available meeting of the committee within, where possible, 30 working days. The Ward Councillor referring the CCfA will be invited to attend the Committee meeting.

29. The Committee is required to consider the matter and decide what further action, if any, it wishes to take. As part of the assessment process, the Committee will provide challenge to the CCfA in order to validate its achievability and the robustness of the evidence submitted in support of it.

30. In considering the CCfA referred to the Committee, consideration should be given to the following criteria:

- Has the Ward Councillor has made a reasonable attempt at achieving a resolution?
- Have the circumstances or evidence changed in the event that the issue is the same as the subject of another CCfA?
- Has the relevant service or partner agency been given sufficient opportunity to resolve the matter?
- Is the issue currently been considered by an Overview and Scrutiny Committee or scheduled in a work programme for consideration during the municipal year?
- Is the matter within the scope of the CCfA to consider?

31. The CCfA referred to the Committee should be rejected if:

- It concerns one of the excluded matters listed in this procedure;
- The Ward Councillor has not in the view of the committee fully explored the issue or exhausted all alternative avenues;
- The issue referred by the CCfA cannot in the view of the Committee be resolved; or
- The issue is not within the scope of a local government matter or a crime and disorder matter.

ACCESS TO INFORMATION (CRIME AND DISORDER MATTERS)

32. In the case of a crime and disorder CCfA, where the committee makes a request for information relevant to the exercise of its functions to the responsible authorities or the co-operating persons/bodies, they must provide such information by no later than the date indicated or as soon as reasonably possible after that date unless:

- It would prejudice current or future operations of the responsible authorities or the co-operating persons or bodies; or
- If it would allow a living individual to be identified (unless such information is necessary or appropriate in order to enable the crime and disorder committee to exercise its powers).

RESOLUTION OF A COUNCILLOR CALL FOR ACTION REFERRAL

33. In the event that the Committee is satisfied that the Ward Councillor has explored all necessary avenues open to him/her in progressing the matter as far as she or he can, it will seek to achieve a resolution to the matter. This can include, but is not limited to, the following:

    - Request the attendance of an Officer or Member to provide further information (see below).
    - Refer the matter to the Council's Overview and Scrutiny Committee to action or incorporate into its work programme.
    - Request further information from a partner organisation.
    - Make recommendations to the Cabinet/Council concerning a District Council function as to how the matter might be resolved.
    - Facilitate dialogue between members of the community.
    - Decide to take no further action.

34. For the purposes of a local government CCfA, the Council's partners should be considered to be those in line with the focus of the Comprehensive Area Assessment and the partners involved in the Local Strategic Partnership.

ATTENDANCE AT COMMITTEE MEETINGS (CRIME AND DISORDER MATTERS)

35. In addition to the existing powers under the Local Government Act 2000 that allow an Overview and Scrutiny Committee to require members of the Cabinet and Officers of the Council to attend a meeting to answer questions, the crime and disorder committee has the right to require the attendance before it of an officer or employee of a responsible authority or co-operating person or body, in order to answer questions or otherwise provide information. The committee should consult with the responsible body or co-operating person or body to identify the most suitable representative to attend.

36. A minimum of two weeks notice must be provided to any officer or employee of a responsible crime and disorder authority or co-operating person or body, unless they consent to a shorter period of notice.

37. The required officer or employee must attend on the specified date unless the person has a reasonable excuse for not doing so.

RESPONSE TO A LOCAL GOVERNMENT COUNCILLOR CALL FOR ACTION

38. In the event that the Committee decides not to pursue the matter, it must notify the Ward Councillor who referred the CCfA of its decision and the reasons for it.

39. If the Committee decides to make a report or recommendation to the Cabinet or the Council concerning a Council function, the referring Ward Councillor must be provided with a copy of the report or recommendation.

RESPONSE TO A CRIME & DISORDER COUNCILLOR CALL FOR ACTION

40. In the event that the Committee decides not to pursue the matter, it must notify the Ward Councillor who referred the CCfA (or in the event that the CCfA that has been referred to the Committee by the Cabinet it should be the person who originally raised the CCfA) of its decision and the reasons for it.

41. If the Committee decides to make a report or recommendation (which must be in writing) to the Cabinet or Council, a copy of the report or recommendation must be provided to the responsible authorities within one month of the date of the report or recommendation. In addition, the crime and disorder committee may provide a copy of the report or recommendation to any co-operating persons/bodies that it believes to be appropriate.

42. The responsible authority, person or body to which the committee submits a report or recommendation shall:

    (a) Consider the report or recommendations;
    (b) Respond to the crime and disorder committee indicating what, if any, action it proposes to take;
    (c) Have regard to the report or recommendations in exercising its functions.

43. The response from the responsible authority, person or body to which a report or recommendation was made will be reported back to the next available meeting of the crime and disorder committee.

FOLLOW-UP OF RESPONSES AND ACTIONS

44. The crime and disorder committee shall review responses and monitor actions taken by the relevant authorities, co-operating persons, or bodies.

PROTOCOL FOR PUBLIC SPEAKING AT OVERVIEW AND SCRUTINY

APPLICATION OF PROTOCOLS

1. This protocol only applies to the scheduled meetings of the Overview and Scrutiny Committee. It does not apply to extraordinary meetings of either Committee or any Sub-Committees and Working Groups that may be formed from time to time.

2. This protocol will apply with effect from 1 April 2009 and does not affect any rights to speak that you may have at another Committee of the Council.

3. This protocol does not apply to petitions and the scrutiny work programme, which are covered by different procedures.

1. The Chairman may, in exceptional circumstances, alter or amend this procedure as he or she considers necessary.

WHO CAN SPEAK?

5. Anyone who lives or works in the Dover District Council administrative area, including Town/Parish Councillors and County Councillors, are entitled to register to speak at a scheduled meeting of the Council's Overview and Scrutiny Committee, subject to he or she being present at the meeting when the Chairman of the Committee calls upon them to speak.

6. This protocol does not apply in respect of Dover District Councillors, who should instead contact the Chairman of the Overview and Scrutiny Committee prior to the meeting and request to address the Committee. In the case of District Councillors who are dual hatted members, they will be treated as District Councillors for the purposes of this protocol.

7. In accordance with the provisions of the Code of Conduct adopted by Dover District Council, those Councillors with prejudicial interests in the item to be considered will still be able to make representations as if they were a member of the public in circumstances where the Code of Conduct permits them to do so.

8. In the event that several representatives from a single Parish Council register to speak in respect of the same agenda item, they will be grouped together and treated as one speaker for the purposes of this protocol. The Parish Councillor who first registered his or her wish to speak will be invited to speak first.

WHAT CAN I SPEAK ON AT THE MEETING?

9. The right of the public to speak, or indeed to attend, does not apply to business on the agenda in respect of which a resolution to exclude the press and public for the consideration of confidential or exempt business has been carried. For further information on confidential and exempt business please consult Part 4 (Access to Information Procedure Rules) of the Council's Constitution.

10. The Chairman of the Overview and Scrutiny Committee (or in their absence the Vice-Chairman) in consultation with the Controlling Group Spokesperson (or in their absence the Deputy Controlling Group Spokesperson) can in exceptional cases

withdraw the application of this protocol to any item prior to the publication of the agenda where in their view doing so will assist the conduct of business at the meeting. In all cases, the agenda will state where the right of public speaking has been withdrawn.

11. Each registered speaker will have three minutes speaking time per item they have registered to speak on and no public speaker or Parish Council may register to speak on any more than two items on the agenda.

12. The right of the public to speak does not apply to the following agenda items: Apologies; Appointment of Substitute Members; Minutes; the Forward Plan, the Scrutiny Work Programme or any agenda item that is not accompanied by a written report.

13. The right to speak does not include the right to ask any questions of any District Councillor, Officer of the Council, invited attendee, or any other public speaker.

14. Any public speaker should declare at the start of their allotted speaking time if they have a current or prospective financial interest in the subject under discussion.

WHAT WILL HAPPEN AT THE MEETING?

15. The Chairman of the Overview and Scrutiny Committee (or in their absence the Vice-Chairman) will, at the designated point on the agenda, invite people who have registered to speak to identify themselves. The speaker (or speakers where it is a group of Parish Councillors) will then be called upon to move to the designated place and speak for three minutes.

16. A maximum of 30 minutes will be allocated for public speaking at the meeting. In the event there are insufficient speakers registered to fill the allotted 30 minutes, the public speaking time will be ended after the final registered speaker.

17. The Chairman of the Overview and Scrutiny Committee (or in their absence the Vice-Chairman) will have discretion to vary the time allowed and the number of speakers in cases of exceptional interest.

18. The Chairman of the Overview and Scrutiny Committee (or in their absence the Vice-Chairman) will have the discretion to stop a speaker before their allotted time has concluded if in the Chairman's view the speaker is making any comments that are, or appear to be, defamatory, vexatious, discriminatory, contain offensive language, are contrary to the procedures laid out in this protocol, are unrelated to the agenda item under consideration, or behaviour otherwise not appropriate for an Overview and Scrutiny Committee meeting.

19. In the event that the Chairman of the Overview and Scrutiny Committee (or in their absence the Vice-Chairman) exercises his or her discretion to stop a speaker before their allotted time has concluded their decision is final.

20. The failure of any person to attend and exercise the right to speak will not by itself affect the right to speak of any other person.

21. Any Committee Member or Officer of the District Council may ask questions of any speaker after their allotted speaking time has elapsed but these should be confined to points of clarification or material consideration only.

22. While the Overview and Scrutiny Committee will consider the comments that have been made by public speakers in forming its recommendations it reserves the right to form its own conclusions as it sees appropriate.

HOW DO I REGISTER TO SPEAK?

23. Members of the public who wish to register to speak at meetings of the Council's Overview and Scrutiny Committee should apply in writing using the designated application form by 2.00 pm on the second working day before the meeting. Those members of the public who are successful in registering to speak will be advised on the working day before the meeting.

24. There is a maximum of four speakers permitted to register to speak in relation to any one agenda item, and applications will be accepted in the order in which they have been received.

25. Members of the public who wish to register to speak are not permitted to circulate documentary or photographic evidence at the meeting without the prior consent of the Chairman (or in his or her absence, the Vice-Chairman) of the Overview and Scrutiny Committee. In all cases, any written documentary evidence in excess of one side of A4 will not be accepted.

26. To register, the form should be returned for the attention of the Head of Corporate Services and Democracy Democratic Services, Dover District Council, White Cliffs Business Park, Dover, Kent CT16 3PJ or by e-mail to democraticservices@dover.gov.uk.

Protocol for Health Scrutiny

1. These protocols are agreed within a context that assumes organisationally:

   - the bringing into force of the Health and Social Care Act 2001
   - Compliance with the *Overview and Scrutiny of Health – Guidance* issued in May 2003 and further guidance issued in July 2003
   - the continued existence at District/Borough level of local overview and scrutiny committees concerned with NHS matters
   - recognition of those bodies established to provide the Patients' Voice (currently Patients Forums)
   - the Committee and Patients' Forums will need to set up clear lines of communication and information exchange
   - a constructive partnership approach, based on mutual understanding between the Committee, the local authority executive function and local NHS bodies.
   - the continued development of partnership working, especially between Social Services and NHS bodies.

2. The protocols are based on the principles that NHS Overview and Scrutiny should:

   - Add value to existing processes.
   - Focus on supporting the improvement of health and health services to Kent residents.
   - Consider a health issue, system or economy, not just services provided.
   - Promote social, environmental and economic well-being.
   - Address issues of health inequalities between different groups, and working with NHS and other partners develop a dialogue to achieve health improvement.
   - Include reviewing the local authorities' contribution to the health of local people.
   - Demonstrate the local authorities' role of community leadership.
   - Minimise the additional administrative burdens on local authorities or NHS bodies.
   - Develop jointly between the local authorities and the NHS bodies.
   - Operate at different levels within Kent.

3. Success factors for the protocols are:

- Positive outcomes of Scrutiny – for example, breaking logjams that prevent vulnerable people from accessing the services they need, co-ordinating public consultation on health issues across agencies, or attracting greater resources for public health and the prevention of ill health.

- Involvement of NHS bodies and other local stakeholders in discussions about the purpose and scope of each scrutiny in addition to finding solutions.

- Progress made on difficult issues, securing positive or sustainable improvement.

- Issues tackled jointly across local agencies.

STRUCTURES

4. Overview and Scrutiny structures will comprise:

Patients' Forums

- Dialogue focused on service providers (Acute, Primary Care, Mental Health and Ambulance Trusts).

District Council Overview and Scrutiny Committees

To look at local service issues:

- Local co-ordination (or joint committees) to ensure cross-district issues dealt with jointly and involve KCC for a strategic overview.

- KCC to propose a framework for delegation of issues to District/Borough level, where an issue is confined within a single Primary Care Trusts boundary.

- Local KCC Members and Patients' Forum representatives to have rights of participation.

- Focused on Primary Care Trusts.

KCC Health Service Overview and Scrutiny Committee

As a local authority with Social Services responsibilities, it will be important for KCC's Committee to look at broad and wide-ranging issues that affect people's health and wellbeing, with District Council and Patients' Forum representatives having rights of participation.

The Committee will:

- Undertake two or three major themed (topic) reviews each year, plus reviews of service reconfiguration proposals and cross-cutting themes (such as Drugs or Transport). Reviews will be conducted by Select Committees (ad hoc time limited Sub-Committees, including District Council and Patients' Forum Members), reporting to the KCC Health Service Overview and Scrutiny Committee.

- Consider reference of service reconfiguration proposals to the national Reconfiguration Panel.

- Receive reports and presentations from the NHS on topical health issues and initiatives.

- Focus on the Strategic Health Authority area.

Medway Overview and Scrutiny Committee

To combine both levels of operation within the Medway area but linked into the co-ordinated system.

CO-ORDINATION

5. Overview and Scrutiny activity at local and Kent level needs free exchange of information and protocols for co-ordination of work and resolution of conflicts. To facilitate this there will be:

   - a regular meeting of Committee Chairmen and NHS representatives to agree a programme of work across the county and Medway

   - a similar officer forum to support and advise the Chairmen on the work programme and co-ordinate requests for NHS officers to provide papers, information or attend committee meetings, supported by day-to-day dialogue.

6. The KCC Committee membership allows for District Council and Patients' Forum membership:

   - a permanent representation of four District/Borough Council Members one for each of the four Health Economies in Kent and six representatives of Patient For a

   - a right for the Chairmen of each District/Borough Council Overview and Scrutiny Committee (or another relevant Member) and a representative of each Patients' Forum to attend and speak at the KCC Committee on a matter particularly affecting that area

   - appointment of members of relevant District Overview and Scrutiny Committees and Patients' Forums to individual topic reviews (agreed through the Chairmen's meeting)

7. District Committees will allow local KCC Members and Patients' Forum representatives to attend and speak at the Committee.

8. KCC and Medway Council will establish joint Overview and Scrutiny Committee where issues cross boundaries and patient flows warrant it. This principle will also apply to neighbouring Strategic Health Authority areas and the Overview and Scrutiny Committees in those areas.

REVIEW PLANNING

9. Overview and Scrutiny will include briefings, seminars, reports, consultations and reviews, as well as matters referred to the Committee by Patients' Forums. Each review should be preceded by a Review Plan discussed within the officer forum and agreed with the relevant NHS bodies. To reach final agreement, issues may be considered in some detail at the meeting of Chairmen and should then be considered by the relevant Overview and Scrutiny Committee after the NHS representative has attended the Committee to express the NHS view and answer member questions.

   (NB: Draft Review Plans will involve the elected Members of the Local Authority concerned.)

10. The Review Plan should:

- be drawn up with the involvement of the NHS, beginning with a scoping meeting that includes lead NHS manager(s) and clinician(s) as appropriate to assist the committee in accessing the information it needs and to enable appropriate terms of reference to be set and to agree the general nature of the expected outcome
- set the terms of reference for the review
- set an approximate timetable of meetings and a reporting date
- state the officers supporting the review within the local authority, the NHS and Patients' Forums and estimate the time commitment required of them
- state the main witnesses and information sources expected to be involved.

REVIEW ADMINISTRATION

11. The arrangements for meetings of Overview and Scrutiny Committees shall ensure that:

- Dates for witnesses to attend Committee meetings are agreed with witnesses as far in advance as possible.
- Witnesses will be consulted about convenient dates for them to attend, within the review timeframe (NB Clinicians need at least six weeks' notice in order to avoid compromising patient care).
- NHS Chief Executives and other local authorities' Chief Executives arrange for appropriate officers chosen by them to attend to give evidence on the identified topics (subject to any provision to be made in statutory regulations).
- Advance notice of two weeks should generally be given of the areas to be covered in questioning in order for appropriate briefing to be to hand.
- Information is wherever possible distributed to the Committee in writing before the witness attends.

MEETING PROTOCOLS

12. All Overview and Scrutiny Committees should incorporate in their Procedure Rules or otherwise ensure that:

- Committee Members should endeavour not to request detailed information from officers of the NHS or another local authority at meetings of the Committee, unless they have given prior notice through the Clerk. If, in the course of question and answer at a meeting of Committee, it becomes apparent that further information would be useful, the officer being questioned may be required to submit it in writing to members of the Committee through the Clerk.

- In the course of questioning at meetings, officers of the NHS or another local authority may decline to give information or respond to questions on the ground that it is more appropriate that the question be directed to a more senior officer or Member.

- Officers of the NHS or another local authority may decline to answer questions in an open session of the Committee on the grounds that the answer might disclose information which would be exempt or confidential as defined in the Access to Information Act 1985 and the Freedom of Information Act once enacted. In that event, the Committee may resolve the exclude the media and public in order that the question may be answered in private session.

- Committees may not criticise or adversely comment on any individual officer of another local authority or of an NHS body by name

REPORTING

13. All local authorities should ensure that:

- A record is made of the main statements of witnesses appearing before the Committee and agreed with those witnesses prior to publication or use by the Committee. Committee meetings may be electronically recorded.

- Drafts of Committee reports and recommendations be made available for comment by the relevant NHS body (or local authority), allowing that body two weeks in which to respond, if their operations might be commented on, and any adverse comments or concerns reported to the Committee before the final report is published. Responsibility for the report lies with the Committee which produced the report.

- The Chief Executive of any NHS body and/or the Chief Officer of any other local authority involved with the review is given advance notice of the date of publication of the report and consulted on the text of any accompanying press release.

- Reports include an agreed timetable for any NHS body and/or other local authority involved to publish a response to the report's recommendations, once confirmed by the appropriate Overview and Scrutiny Committee.

SERVICE RECONFIGURATIONS

14. NHS bodies remain responsible for public and other consultation on service reconfiguration proposals.

15. The intention to carry out a consultation will be discussed in the officer forum.

16. The KCC Health Service Overview and Scrutiny Committee will consult District/Borough Councils and Patients' Forums for the areas affected by each proposal on whether to:

- consider the matter at a full meeting of the Committee
- set up a KCC Select Committee to consider the proposal
- request a District/Borough Overview and Scrutiny Committee to consider the proposal.

17. If a Select Committee is established or a District/Borough Overview and Scrutiny Committee requested to carry out a review:

- paragraphs 9-13 above shall apply to its work programme and proceedings
- the Review Plan shall as far as possible be integrated with the NHS body's consultation programme
- consideration shall be given to:
  - including one or more members of District/Borough Councils on the Select Committee or KCC members on the District/Borough Overview and Scrutiny Committee
  - including Patients' Forum members on the Committee
  - other arrangements for ensuring all local authorities and Patients' Forums may express their views and seek information on the proposal
- the review report shall be submitted to the KCC Health Service Overview and Scrutiny Committee who will consider the recommendations together with any response by the NHS body and decide whether to refer the proposal to the Reconfiguration Panel.

Petition Scheme

Petition Scheme

Introduction

1. Dover District Council welcomes petitions as they are one of several ways in which residents can communicate their concerns and priorities to the Council. Our residents are at the heart of everything that we do as a Council, and we recognise that petitions are one way that individuals can participate in the democratic process, by raising issues of public concern with the Council and allowing Councillors to consider the case for change.

Application of Petition Scheme

2. This petition scheme supersedes all previous schemes adopted by Dover District Council ('the Council'). It will come into effect from the date of its adoption by the Council on 1 March 2023.

Scope of the Petition Scheme

3. The Council will, subject to the exclusions at paragraph 4, accept petitions that relate to a matter over which the Council has responsibility or any matter affecting the area or its inhabitants.

4. The Council will not accept Petitions that contain:

   (a) Complaints about the conduct of councillors. The Localism Act 2011 created a statutory framework for considering councillor complaints and details of this can be found on the Council's website (dover.gov.uk).

   (b) A complaint relating to a failure or degradation of service provision by the Council, except where the allegation is that there has been a systemic failure (partial or total) in the delivery of a Council function. Petitions relating to such matters where there is no allegation of systemic failure will be dealt with through the Council's Complaints Procedure which gives the option of appealing to the relevant Local Government Ombudsmen at the end of the process.

   (c) Any matter relating to a planning decision (including about a development plan document or the community infrastructure levy).

   Petitions in respect of planning applications can be accepted by the Council outside of the provisions of this Petition Scheme as comments on an application. A petition is counted as one representation for this purpose. For more information please see the section 'How to Comment on Applications' on the Council's website.

   (d) Material which is commercially sensitive, confidential or which may cause personal distress or loss.

   (e) Any matter relating to court or legal proceedings.

(f) Any matter relating to a licensing decision.

(g) Any other matter relating to an individual or entity in respect of which that individual or entity has the right of recourse to a review or right of appeal conferred by or under any other enactment. This includes:

- Statutory petitions (such as requesting a referendum on having an elected mayor); or
- Matters where there is already an existing right of appeal (such as council tax banding and non-domestic rates or enforcement actions).

If a statutory petition fails to meet the requirements of the enactment in question it can be addressed through the Council's petition scheme in exactly the same manner as any other non-statutory petition.

(h) Matters that are considered to be in the view of the Council to be potentially libellous, false, defamatory, vexatious, abusive or otherwise inappropriate. The Council will make a judgement on this when considering the circumstances of the individual case.

The type of petition that may be considered inappropriate includes those relating to matters which target individual members of a community or officers of the Council.

5. Additionally, Petitions relating to highways are a function of Kent County Council and outside the scope of the scheme. A separate arrangement for petitions relating to these matters in place and you will be advised what you need to do for the petition to be received and considered by the relevant body.
6. If a petition is deemed inadmissible, the petition organiser will be informed of the reasons for that decision.

Alternatives to a Petition

7. As a Council, Dover District Council tries to identify and solve problems at an early stage. The Council is committed to receiving feedback as this helps us to develop and review services. We recognise that there are a number of ways in which you can have your say including:

- Contacting your local district councillor.
- Asking a question on notice at a meeting of the full Council.
- Making a complaint through the Council's corporate complaints system.

Who can raise a petition?

8. Anyone who is resident in the Dover District can raise a petition. For these purposes a person will be treated as being resident in Dover District if they have a home in the district. The person who raises the petition is known as the 'Petition Organiser' and is the point of contact for the Council in respect of the petition.

Who can sign a petition?

9. Anyone who is resident in the Dover District can sign a petition.

What should a petition contain?

10. A petition should include a brief title and a short, clear and concise statement covering the objective of the petition. It should clearly state what action the petitioner wishes the Council to take. The Council will seek further explanation from the Petition Organiser if it is unclear.

11. In order for the petition to be considered, it must clearly display:
    - The title and objective of the petition.
    - The name, address and contact details (telephone number and/or email address) of the 'Petition Organiser'.
    - The name, address and signature of anyone supporting the petition.
12. As a general principle, we would expect petitions to start "We the undersigned…" or words to that effect.
13. For paper petitions, each page of signatures must be headed with this clear and concise statement to demonstrate that those that have signed the petition are supporting the submitted petition.
14. Petitions that do not follow these guidelines will not be accepted. In these cases, you will be informed in writing of the reasons why a petition cannot be accepted.

How many signatures does a petition need?

15. There must be a minimum of 20 signatures on a petition.
16. A petition with less than 20 signatures will not be accepted under the Petition Scheme and will be referred to an officer of the council to respond to the issues raised.

How Can You Submit a Petition to the Council?

17. The Council will accept petitions through one of the following methods:

(a) <u>Paper Petition</u>

A paper petition **MUST** include:

- A clear and concise statement covering the subject matter of the petition and what action the petitioners wish the council to take.
- The name, address and contact details (telephone number and/or email address) of the 'Petition Organiser'.
- Each page of signatures must be headed with this clear and concise statement to demonstrate that those that have signed the petition are supporting the submitted petition.
- The name, postal address in the Dover District and signature of any person supporting the petition.

Paper petitions should be sent to:

Head of Corporate Services and Democracy
Dover District Council
White Cliffs Business Park
Whitfield
Kent CT16 3PJ

(b) <u>Electronic Petition via the Council's Website (www.dover.gov.uk)</u>

An electronic petition (known as an 'e-petition') submitted via the Council's website MUST include:

- A clear and concise statement covering the subject matter of the petition and what action the petitioners wish the council to take.
- The name, address and contact details (telephone number and email address) of the 'Petition Organiser'.
- The Council's e-petition system will require the name, postal address and e-mail address (which acts as the signature of any person supporting the e-petition) when someone signs the e-petition.

(c) <u>Electronic Petition via a Third-Party Petition Website</u>

The Council will recognise e-petitions from the following providers:

- Change.org
- 38Degrees.org.uk

Petitions from these providers will only be accepted if the petition organiser provides the Council with the same information required for an e-petition on the Council's website.

The Council will not accept an electronic petition from any other e-petition provider.

What will the Council do with a valid petition?

18. A valid petition will be referred to a scheduled meeting of the Overview and Scrutiny Committee for consideration. A member of the Democratic Services team will advise the Petition Organiser of the date of the meeting at which the petition will be considered.
19. The Petition Organiser, or their nominated representative, will be invited to address the Overview and Scrutiny Committee for 10 minutes to speak in support of the petition.
20. After presentation of the petition, the Overview and Scrutiny Committee may select one or more of the following options:
    - Consider the petition and forward it to the Cabinet, Council or a Committee of the Council or an officer within the Council for consideration;
    - Consider the petition and forward it to another body or organisation outside the Council for consideration and response;
    - Consider the petition and invite the petition organiser to provide additional information to assist it in reaching a decision on the action to be taken in relation to the petition;
    - Consider the petition and request additional information from officers to assist it in reaching a decision on the action to be taken in relation to the petition; or
    - Consider the petition and agree to take no further action.
21. Any valid petition with 1,600 or more signatures will automatically be referred to full Council.
22. If a petition is referred by the Overview and Scrutiny Committee to the full Council for consideration, the Petition Organiser will be given the opportunity to speak for up to 10 minutes in support of their petition at the Council meeting.
23. The Committee shall then provide a formal response to the petition, which shall be recorded in the Minutes of the Overview and Scrutiny Committee meeting.

What happens if I feel the response to be inadequate?

24. The decision of the Cabinet, Council, Council Committee or Overview and Scrutiny Committee is final.

25. However, if you feel that the procedure set out in the Petition Scheme has not been correctly applied you can make a complaint under the Council's Corporate Complaints Policy.

Data Protection

Data Protection (Petition Organiser)

26. As the Petition Organiser, you must act in accordance with the provisions of the UK General Data Protection Regulation (UK GDPR). In practical terms, this means that you must have the consent of those who complete the petition to share their data.

Data Protection (The Council)

27. The Council requires the name and address of everyone who signs a petition to validate that they are a resident of the Dover District. For electronic petitions an email address is also required.

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Financial Procedure Rules

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1. Introduction

Background

1.1 Financial Procedure Rules are designed to maintain a high standard of financial administration. They must be available to, and be followed by, all Officers, Members and agents acting for the Council. Together with Standing Orders they regulate the conduct of the Council's business.

1.2 To help you understand the terminology used in the Financial Procedure Rules a Glossary of Terms is attached at Appendix A.

1.3 The contents are set out in alphabetical order for ease of reference.

Legislation

1.4 Section 151 of the Local Government Act 1972 requires every local authority "to make arrangement for the proper administration of their financial affairs and secure that one of their Officers has responsibility for the administration of those affairs" The Council has appointed the Head of Finance and Investment as the Section 151 Officer. The Section 151 Officer has nominated the Finance and Accountancy Manager as their deputy.

1.5 Section 114 of the Local Government Finance Act 1988 requires the Officer appointed under Section 151 to report to the Authority and provide a copy of the report to the external auditor if it appears to him / her that:

(i) The Authority, the Cabinet, Portfolio Holder, Committee, or Officers of the Authority or Joint Committee on which the Authority is represented:

- Has made or is about to make a decision which involved or would involve the Authority incurring expenditure which is unlawful.
- Has taken, or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the authority.
- Is about to enter an item of account, the entry of which is unlawful.

(ii) The expenditure of the Authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure.

1.5 The Accounts and Audit Regulations 2015 reiterate the responsibilities of the 'Section 151 Officer' with regard to accounting records and maintenance of proper accounting practices. These regulations place the responsibility for the maintenance of an adequate and effective system of internal audit on the Authority as a whole.

1.6 Section 76 of the Local Government and Housing Act 1989 requires the Council to take corrective action if there is likely to be a deficit on the Housing Revenue Account.

Scope and Review

1.7 It is the responsibility of Heads of Service to ensure that all staff in their departments are aware of their responsibilities according to the Financial Procedure Rules and other regulatory documents (e.g. the Anti-Fraud and Corruption Policy, the Money Laundering Policy, Whistleblowing Policy) and comply with them.

1.8 Failure to follow the Financial Procedure Rules and Standing Orders will be reported to the Head of Finance and Investment immediately and, if serious, to the Cabinet and may be treated as a disciplinary offence.

1.9 Financial Procedure Rules also apply to agents and consultants acting for the Council and services carried out under agency arrangements or partnerships, unless specifically exempted by the relevant Head of Service and the Head of Finance and Investment.

1.10 All Members and Officers have a general responsibility for taking reasonable action to provide for the security of assets under their control and ensuring that the use of these resources is legal, is properly authorised and provides value for money.

1.11 The Head of Finance and Investment is responsible for maintaining a continuous review of these regulations and submitting any changes necessary to Full Council for approval.

Interpretation

1.12 On a day-to-day basis, queries should be directed to the Head of Finance & Investment and Housing.

1.13 All references to Heads of Service relate to the Chief Executive, Directors, and all other Heads of Service.

2. Accounting Records and Procedures

2.1 The Section 151 Officer is responsible for keeping the Council's accounts in accordance with statutory requirements.

2.2 Heads of Services shall consult the Head of Finance and Investment before changing any accounting procedures, financial records or the implementation or development of computer systems that involve a financial operation or produce output that may influence the allocation of resources.

2.3 The following principles will apply in accounting procedures:

(iii) Calculating, checking and recording of sums due to or from the Council will be separated as completely as possible from their collection or payment.

(iv) Officers responsible for examining and checking cash transaction accounts will not process any of these transactions.

2.4 The Head of Finance & Investment is responsible for ensuring financial and management accounting information is available for all services administered by the Council through the budget monitoring system.

2.5 The Council's statutory accounts will be prepared in accordance with the Accounts and Audit Regulations 2015 and the current Code of Practice on Local Authority Accounting in the United Kingdom.

2.6 The Head of Finance & Investment shall have overall control of the closing of the Council's accounts and preparation of the Council's Statement of Accounts. Heads of Service and budget managers shall comply with the closing of accounts timetable and guidance issued by the Head of Finance & Investment.

3. Financial Management of the Council's Assets

3.1 The Head of Finance and Investment will maintain a register of all land and property owned or leased by the Council.

3.2 The Head of Finance and Housing is responsible for maintaining the Council's Asset Register to reflect acquisitions, capital expenditure and disposals as appropriate.

4. Audit

Internal Audit

4.1 In accordance with the Accounts and Audit Regulations 2015, the Council shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control, and any Officer or Member shall:

(i) Make available to Internal Audit such documents that relate to the Council's accounting and other records that appear to be necessary for the purpose of the audit; and

(ii) Supply Internal Audit with such information and explanation as is considered necessary to Internal Audit for the purpose.

4.2 Internal Audit operates in accordance with the Public Sector Internal Audit Standards and with Terms of Reference and the Audit Charter, which are approved by the Governance Committee. Internal Audit shall have authority to:

(i) Enter at all reasonable times any Council premises or land;

(ii) Have access to all records, documents, contracts and correspondence, including computerised hardware and software, relating to any financial and/or other transaction of the Council;

(iii) Require and receive such explanations as are necessary concerning any matter under examination; and

(iv) Require any employee of the Council to produce cash, stores or any other Council property under his control.

4.3 Internal Audit is provided through the East Kent Audit Partnership. The Head of Audit Partnership has the right of access directly to the Section 151 Officer, the Chief Executive, the Monitoring Officer, the Director of Corporate Resources (Deputy Chief Executive), the Chair of the Governance Committee, and the Leader of the Council.

4.4 The scope for Internal Audit is the 'entire control environment'. This means that the scope for Internal Audit includes all the Council's own operations, resources, services and also its responsibilities in relation to other bodies. In order to turn this generic description into actual subjects for audit, the Head of Audit Partnership uses a Risk Assessment Method which allows all high-risk subjects to be identified. Although this process inevitably identifies the Council's fundamental financial systems as being 'high risk', other non-financial systems and functions are also identified as important areas for review by Internal Audit.

4.5 A four-year Strategic Plan will be prepared by the Head of Audit Partnership, which will be approved by the Governance Committee. A one-year Operational Plan will be prepared each year from the Strategic Plan. The Head of Audit Partnership will report the work performed against the Plan to the Governance Committee on a quarterly basis.

Preventing Fraud and Corruption

4.6 The Head of Finance and Investment shall maintain the Council's Strategy for the Prevention of Fraud and Corruption and the Protocol for Dealing with Allegations of Fraud and Corruption. These documents are available on the Council's Intranet.

4.7 It is the duty of all Officers and Members who are aware of any financial irregularity to follow the strategy and protocol.

Whistleblowing

4.8 The Council has a Whistleblowing Policy to enable employees to raise their concerns at an early stage and in the right way.

4.9 This Policy is available on the Council's Intranet.

Money Laundering

4.10 It is the Council's policy to do all it reasonably can to prevent, wherever possible, the organisation and its staff being exposed to money laundering, to identify the potential areas where it may occur, and to comply with all legal and regulatory requirements, especially with regard to the reporting of actual or suspected cases.

4.11 The Council has nominated the Head of Finance and Investment as the Money Laundering Reporting Officer and the Finance and Accountancy Manager to be the deputy.

4.12 The Anti-Money Laundering Policy is available on the Council's Intranet.

5. Banking Arrangements

5.1 The Head of Finance and Investment, as the appointed S151 Officer, has overall responsibility for the sound operation of the Council's bank accounts. This is delegated for day-to-day operations to the Head of Finance and Housing.

5.2 The Head of Finance and Investment will review the Council's banking arrangement at least every 5 years.

5.3 The Head of Finance and Investment and other Officers approved in writing by the Head of Finance and Investment each have authority, in accordance with the mandate given to the bank, to sign and be accepted as satisfactory signatures for any other purpose in connection with the Council's bank accounts.

5.4 All payment instructions for amounts of £30,000 and above require two authorising signatures.

5.5 All bank accounts are to be reconciled to the cash book by the end of the following quarter to which they relate.

6. Budget Process

Introduction

6.1 The Head of Finance and Investment shall have overall responsibility for the co-ordination and preparation of the Council's Budget (i.e. Capital & Revenue Projects, General Fund Revenue and Housing Revenue Account Budgets), taking into account the priorities established in the Corporate Plan or otherwise set by Members.

6.2 Each year the Head of Finance & Investment will prepare timetables for the preparation, submission and approval of the Medium-Term Financial Plan, including the Capital Programme, Treasury Management Strategy and detailed Revenue Budgets.

6.3 All budgets will be prepared in accordance with the Budget and Policy Framework Procedure Rules.

Capital & Special Projects Programme

6.4 "Capital Expenditure" shall be interpreted in accordance with section 16 Local Government Act 2003. In summary capital expenditure relates to:

- Purchase or construction of an asset;
- Enhancement of an asset;
- Grants for capital purposes.

6.5 The Head of Finance and Housing will prepare a draft capital programme, which includes all funded and unfunded capital schemes proposed to be undertaken by the Council. The programme will be submitted to Corporate Management Team for consideration and comment. This will subsequently be submitted to the Cabinet as part of the budget report together with the estimate of resources available.

6.6 All one-off expenditure over £10,000 shall be treated as either a capital or special revenue project and requires a project appraisal and approval prior to commencement. The Project Flowchart is detailed on the Intranet.

Prudential Indicators

6.6 The Head of Finance & Investment will submit a set of Prudential Indicators for approval as part of the Medium-Term Financial Plan.

Medium Term Financial Plan

6.7 In consultation with the Corporate Management Team the Head of Finance and Investment shall prepare recommendations for the Council's budget to be considered by the Cabinet.

6.8 Heads of Service will prepare information needed to produce the Medium-Term Financial Plan for each of their services.

6.9 A Draft Budget and Medium-Term Financial Plan shall be presented to the Cabinet in January/February of each year.

Detailed Revenue Budget

6.10 Heads of Service will prepare budget estimates of income, expenditure and recharge apportionments for the next financial year in accordance with the timetable and guidance as specified by the Head of Finance & Investment.

6.11 The Head of Finance and Investment will report the detailed draft Revenue Budget to Corporate Management Team for consideration and comment. This will subsequently be submitted to the Cabinet as part of the budget report.

Budget Scrutiny Process

6.12 The Cabinet's draft budget proposals will be referred to the Overview and Scrutiny Committee in January/February each year for examination and consideration.

6.13 The Overview and Scrutiny Committee shall report to the Cabinet on the outcome of its deliberations before the final budget report is submitted to the Cabinet in March.

Approval of Annual Revenue Budget

6.14 The budget will be proposed by the Executive on the advice of the Head of Finance and Investment and approved by the Council. The draft budget should integrate capital and revenue planning and should include allocation to different services and projects, proposed taxation levels, calculated mandatory prudential indicators; contingencies, and use of reserves.

6.15 By the 9th March each year the Council shall determine the revenue and capital budgets, prudential indicators and council tax levels for the year beginning on the following 1st April.

6.16 Housing rents are determined by the Head of Finance and Investment.

7. Budgetary Control

Introduction

7.1 The whole of the organisation is required to operate within the budget (which includes any supplemental expenditure) approved by the Council.

7.2 The Cabinet shall recommend to the Council any amendments to budgetary control procedures as part of its budget proposals.

Authority for Incurring Expenditure

Normal Revenue Expenditure

7.3 The Chief Executive, Directors, Heads of Service, and their duly Authorised Officers may incur expenditure on items already approved specifically or generally within the Council's budget or capital programme, provided no overspending or under-recovery will occur.

7.4 Heads of Service have operational responsibility for the budget and shall manage the budgets at their disposal and be accountable to the Cabinet for performance. Budget resources are to be deployed to deliver agreed service objectives and priorities.

Capital & Special Projects Programme

7.5 The inclusion of items in an approved capital programme shall not, in itself, constitute authority to incur such expenditure. Prior to incurring expenditure approval of a project appraisal should be undertaken for each scheme by the appropriate budget manager in a form approved by the Head of Finance and Investment.

7.6 Completed projects shall be reported in the quarterly budget monitoring report and post implementation reviews undertaken where considered appropriate by the Head of Finance and Investment.

The Authority to Use Reserves

7.7 All applications of and contributions to reserves to fund expenditure will be made in accordance with the approvals of the Budget and Medium-Term Financial Plan.

Budget Monitoring

7.8 The Head of Finance and Investment is responsible for providing appropriate financial information to enable the budget to be monitored effectively. Heads of Service shall

monitor their budgets on a regular and appropriate basis and report any forecast changes through the budget monitoring system or to Accountancy. Significant budget changes will be reported to Corporate Management Team and Members through the Quarterly Budget Monitoring Report and Performance Report.

7.9 It is the responsibility of Heads of Service to control income and expenditure within their budgets and to monitor performance. They will take any action necessary to avoid exceeding their budget allocation and report any problems through the budget monitoring process.

7.10 Corrective action must be taken to deal with either a forecast or known overspend or to accommodate a new demand that is considered important or unavoidable. Corrective actions may take the form of a re-allocation of budgets (virement), the suspension or deletion of other planned expenditure or the application of reserves.

7.11 Where overspendings arise which are not corrected in year the Head of Finance and Investment shall be entitled to recommend to the Cabinet that the overspending be addressed as part of the following year's budget.

7.12 An outturn report shall be submitted to the Cabinet by no later than the 30th September each year to include material variances incurred.

Virements

7.13 A virement is defined as the reallocation of approved spending authority between heads within the approved budget.

7.14 A supplementary estimate is defined as a request for additional financial resource where no provision exists within the current approved budget.

7.15 Controls need to be exercised to ensure that expenditure remains within the agreed limits and in accordance with the Council's stated policy objectives. Consequently, virements and any request for supplementary estimates are subject to the authorisation procedures stated below.

Revenue Budget Virements

7.16 Revenue budget virements will be subject to the following procedures; and will apply to all revenue budgets including the use of contingency provision and vacancy allowance:

(i) No virement shall be authorised, where it has significant policy implications by virtue of the amount involved and / or the nature of the virement, without also being agreed with the appropriate Portfolio holder(s).

(ii) Other virements may be authorised by:

- Heads of Service subject to the agreement of the Head of Finance & Investment; or
- Cabinet.

(iii) Significant virements will be reported through the quarterly budget monitoring report.

7.17 The above regulations shall apply equally to all revenue cost centres. The exception is special revenue schemes, where the capital and special revenue programme virement procedures below apply.

Capital and Special Revenue Programme Virements

7.18 Virement between specific elements of an approved project may be made without limit by the Head of Service responsible for the project in consultation with the Head of Finance, provided that the total cost of the project remains unaffected.

7.19 Between projects, virements of up to a maximum of £50,000 may be approved by the Head of Finance and Investment. Virements of more than £50,000 must be approved by Cabinet

Capital Receipts

7.20 The Head of Finance and Investment will calculate the amount of capital receipts from the sale of HRA assets due to Central Government, under the pooling of capital receipt regulations. The Head of Finance and Investment will ensure that the due amount is paid over to Central Government, within regulatory set deadlines, to avoid penalties.

7.21 A capital receipt from the sale of an asset totalling less than £10,000 will be placed in the appropriate revenue account.

Supplementary Estimates

7.22 At any time when the totality of additional expenditure, reduced income, or a combination of the two are such that there is projected to be an increase in the net General Fund revenue requirement, a reduction in HRA projected reserves, or an increase in the overall outturn costs of approved projects within the current programme this shall be reported to CMT and Cabinet for consideration of the additional resources or the corrective action required.

Emergency Planning and Business Continuity

7.23 The duty director may incur expenditure, whether or not contained within an approved budget, which is essential to meet any needs created by a sudden emergency empowered under section 138 of the Local Government Act 1972. The duty director is required to keep an appropriate record of such expenditure including the amount, the date, the suppliers name, VAT incurred, any payments made and the purpose or reason for the expenditure. Any expenditure that cannot be contained within the revenue budget must be reported to the next Cabinet meeting and onto the next Council meeting for supplementary approval.

Carry Forward of Resources at Year End

7.24 Carry over of underspent revenue budgets to the next financial year will be subject to the approval of:

(i) The Head of Finance and Investment; or

(ii) Cabinet.

7.25 The budget provision remaining at the end of a financial year for any capital or special revenue project will be automatically carried forward to the following financial year except where the capital or special revenue project is completed and any unspent balance is not required.

Prudential Indicators

7.26 The Head of Finance & Investment will monitor the Prudential Indicators and report to Governance Committee on a quarterly basis. Any changes will be agreed by Cabinet and Council.

8. Corporate Credit Cards

8.1 The Procurement Manager has responsibility for the issue of Corporate Credit Cards. This will only be done on the written request of the appropriate Head of Service. The credit limit will be set by the Procurement Manager.

8.2 Corporate Credit Cards may only be used for Council business and in no circumstances used for personal purposes.

8.3 Corporate Credit Cards must only be used in accordance with the guidance notes for the use of Credit Cards, issued by the Procurement Manager, available on the Intranet.

8.4 All payments made must be supported by the appropriate documentation and properly certified by an Authorised Officer.

8.5 Any misuse of a Corporate Credit Card will result in the card being withdrawn and could lead to disciplinary action.

8.6 Summary details will be covered by the Council's disclosures on transparency.

9. External Funding

9.1 External funding is potentially a very important source of income, but funding conditions need to be carefully monitored to ensure they are compatible with the aims and objectives of the Council.

9.2 Heads of Service shall be responsible for preparation of bids for grants, other assistance and subsidies, and the Head of Finance and Investment shall be responsible for their authorisation.

9.3 Heads of Service shall ensure that:

(i) Conditions of funding and any statutory requirements are complied with.

(ii) The responsibilities are clearly understood.

(iii) The project progresses in accordance with the agreed project plan and conditions.

(iv) All expenditure is properly incurred and accounted for.

(v) All claims for funds are made by the due date.

(vi) Future revenue implications are included within the Medium-Term Financial Plan.

(vii) Appropriate exit strategies exist.

(viii) That all the necessary records are kept to substantiate claims for audit purposes.

9.4 The Head of Finance and Investment shall ensure that all funding awarded by external bodies is received and properly recorded in the Council's accounts and that all audit requirements are complied with.

10. Income

Setting Fees and Charges

10.1 The Head of Finance and Investment, in consultation with Heads of Service, will be responsible for advising the Cabinet on the fixing of fees and charges for services, except for Parking fees and charges, which will be reported by the Director of Corporate Resources (Deputy Chief Executive).

10.2 Fees and charges will be reviewed and approved by Cabinet at least annually. Fees and Charges will be adjusted by Heads of Service, in consultation with the relevant Portfolio Holder to comply with any subsequently received government guidelines (when they are received) or other minor changes without being the subject of a further Cabinet approval unless they are materially different from current charges, or have a material impact on the level of income.

Collection of Income Due

10.3 The Head of Finance & Investment is responsible for paying all monies received into the Council's bank.

10.4 Individual Officers shall be responsible for any monies received by them on behalf of the Council. They must follow the procedures for paying in, receipting and accounting which have been agreed between their Head of Service and the Head of Finance & Investment.

10.5 All receipts, tickets and similar documents or stationery dealing with receipt of monies will be subject to the approval of the Head of Finance & Investment.

10.6 Every sum received by a Council Officer will be immediately acknowledged by the issue of an official receipt, except for cheques and bank transfers where the Head of Finance & Investment may agree other arrangements.

10.7 Heads of Service will inform the Head of Finance & Investment of all contracts, agreements, grant claims etc. that will result in the Council receiving money. This ensures that the income can be identified when it is received.

10.8 All monies received by the Council on behalf of a third party, will be accounted for and paid to that third party without delay, or in accordance with any agreement or instruction

by the Head of Finance & Investment, after deduction of any amounts due in respect of commission or other allowance due to the Council.

10.9 All systems that record income will be reconciled regularly to the Council's financial management system by the end of the following quarter to which they relate.

Invoicing of Income Due

10.10 Heads of Service shall be responsible for ensuring that sales ledger invoices are raised promptly for credit income due to the Council in respect of their services.

10.11 The Head of Shared Services will maintain the Council's Corporate Debt Recovery Policy and all debt recovery will be carried out in accordance with that policy and related procedures. A copy of the Council's Corporate Debt Recovery Policy is available on the Council's Intranet.

10.12 Credit terms for all sundry debts due to the Council shall be 14 days, unless agreed otherwise with the Head of Shared Services.

10.13 Details of Officers authorised to cancel and amend sundry debts will be sent to the Procurement Manager, together with specimen signature and authority limits. The Procurement Manager will maintain a register of all such authorised officers and ensure it is available to income staff to authenticate all credit notes and cancellations requested.

10.14 Enforcement action for the recovery of debts will only be taken following consultation with the relevant Head of Service.

10.15 At the end of each financial year Heads of Service will notify the Head of Finance & Investment of all income due before the end of the financial year but not yet invoiced, in accordance with the closure timetable issued.

11. Insurance

11.1 The Chief Executive will effect all insurance cover and negotiate all claims in consultation with other officers where necessary.

11.2 Heads of Service shall promptly notify the Chief Executive or his designated officer in writing of all new risks, properties or vehicles needing to be insured, and of any disposals or alterations affecting existing insurances.

11.3 Heads of Service shall notify the Chief Executive or his designated officer in writing of any loss, liability or damage or any event likely to lead to a claim on any Council policy and shall where appropriate notify the police of the relevant circumstances.

12. Procurement of Work, Goods and Services

Official Orders

12.1 A purchase order must be raised for all expenditure, except where directed by the Head of Finance & Investment.

Goods Receipts

12.2 Purchase orders will be goods receipted by the Officer responsible for the services, works or receiving the goods. When an Officer receipts goods, services or works he/she is confirming that the order is correct in all respects and may be paid.

13. Payment of Invoices

13.1 The Head of Finance & Investment is responsible for examining and verifying invoices when they are input into the financial management system. Where an order has been raised and the goods or services receipted by the appropriate authorised officer and the invoice matches the order, payment will be made. Any exceptions will be returned to originating Officers for certification.

13.2 Details of Officers authorised to sign such certifications will be sent to the Procurement Manager, together with specimen signatures and authority limits. The Procurement Manager will maintain a register of all Authorised Officers and make it available on the Intranet for checking by appropriate officers.

13.3 When certifying an invoice for payment the officer is confirming that the payment is correct in all respects including:

(i) The work, goods or services, to which the account relates have been received, carried out, examined and approved.

(ii) The prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct and agree with the official order or contract.

(iii) The relevant expenditure has been properly incurred and is within the approved budget.

(iv) Appropriate entries have been made in inventories, stores records or other records as required,

(v) The account has not been previously passed for payment and is a proper liability of the Council.

(vi) The correct expenditure code has been inserted in respect of each item.

13.4 It is the individual Officer's responsibility to make any investigations they deem necessary before giving that certification.

13.5 Invoices for payment shall be passed to the Head of Finance & Investment without delay. All payments will be processed for immediate payment unless alternative terms are required and explicitly stated. Payment made outside the agreed payment terms may incur statutory interest.

13.6 Where an invoice is found to be incorrect, e.g. because of an addition error, the VAT is incorrectly calculated or the invoice is not addressed to the Authority, it should be returned to the supplier with an explanatory note. Handwritten amendments should not be made to an invoice as this may invalidate the recovery of VAT.

13.7 Heads of Service will notify the Head of Finance & Investment of all outstanding expenditure relating to the previous financial year in regard to goods and services received in that financial year, in accordance with the agreed closure timetable.

14. Cash Floats

14.1 The issue and use of cash floats will be under the overall control of the Head of Finance and Investment.

14.2 Officers responsible for cash floats will give the Head of Finance and Investment an annual certificate for each account balance in accordance with agreed Closure Timetable.

15. Cabinet and Council Reports

15.1 Report authors will consult with the Finance and Legal teams prior to the production of Cabinet and Council reports in accordance with the report preparation timetables.

15.2 All reports will be circulated via the DDC Cabinet Reports mailbox.

15.3 The Head of Finance and Investment shall be responsible for advising the Cabinet and Council Committees on the resource implications of reports presented to them.

16. Retention of Financial Records

16.1 The Head of Finance and Investment will retain records in accordance with the retention schedules.

16.2 The Council has received dispensation from HM Revenues and Customs to hold scanned images in lieu of hard copy documents.

16.3 Heads of Service will retain records which substantiate grant claims made by them and any evidence required in connection with likely future claims which may be made by or against the Council.

17. Salaries, Wages and Members' Allowances

17.1 The Head of Collaborative Services shall be responsible for paying salaries, wages, expenses and other emoluments to Council employees; for making deductions for income tax, national insurance and superannuation and paying these to the relevant authorities and for maintaining the necessary records.

17.2 The process for submitting timesheets and expenses claims is detailed in the Employee Handbook.

17.3 Heads of Service will notify the Head of Collaborative Services immediately of all appointments, resignations, or other events affecting terms of employment or pay, including all sick absences, honorariums, accidents on or off duty, or special leave without pay.

17.4 Heads of Service will follow the Job Evaluation process detailed on the Intranet for new or changed posts.

17.5 The Head of Collaborative Services will make payments to any Member entitled to claim allowances in accordance with the Council's scheme for allowances.

18. Stock Accounting arrangements

18.1 Heads of Service shall be responsible for the secure custody of any stocks held within their services and for the recording, issuing and accounting arrangements.

18.2 Stocktaking should take place at the end of each financial year and at other times if the Head of Service or Internal Audit deems it appropriate. A signed stock certificate as at the 31st March each year will be provided to the Head of Finance & Investment in accordance with the agreed closure timetable issued.

18.3 Volumes of stock held will not exceed reasonable requirements and will be reviewed periodically by each Head of Service or duly Authorised Officer concerned.

19. Taxation

19.1 Tax issues are very complex and the penalties for incorrectly accounting for tax are severe. It is important for all Officers to be aware of their roles and responsibilities so if in doubt, Heads of Service should consult the Head of Finance and Investment or Head of HR, Payroll and Corporate Communications for advice.

19.2 The council has access to external advisory services that should be used, in consultation with the Head of Finance and Investment, to advise on the tax implications of council activities.

Construction Industry Taxation Scheme

19.3 The Head of Finance and Investment is responsible for maintaining all records, making all deductions and returns as required by HM Revenues and Customs under the Construction Industry Taxation Scheme.

19.4 Heads of Service are responsible for ensuring that tax liabilities and returns can be correctly completed by:

(i) Ensuring that orders/contracts for works of a building maintenance or construction nature (as defined under the Construction Industry Scheme) are only placed with contractors who hold and have supplied a current and valid card or certificate entitling them to be paid for works of this type under this scheme; and

(ii) Correctly identifying the value of labour subject to tax on any invoice where a tax deduction is necessary.

Value Added Tax (VAT)

19.5 The Head of Finance and Investment is responsible for maintaining all records, accounts and claims as directed by the Value Added Tax Act 1983 (as amended).

19.6 The Head of Finance and Investment will take responsible steps to ensure that the payment documentation provided by all suppliers of goods, works or services conforms to the requirements of a proper VAT invoice.

19.7 Each Officer responsible for raising invoices on behalf of the Council will ensure within reason that the Council has complied with the relevant VAT legislation regarding the supply of its services.

19.8 For services where VAT supplies are classified as Exempt under VAT regulations, Officers will ensure that all activities are fully evaluated for VAT purposes and any tax implications are identified before any expenditure is committed or contractual arrangements made.

19.9 The Head of Finance and Investment will prepare monthly VAT returns and the annual VAT partial exemption.

Income Tax and National Insurance

19.10 The Head of Collaborative Services is responsible for ensuring that liabilities to account for Income Tax and National Insurance can be correctly and accurately accounted for within the Council's Accounts in accordance with HM Revenues and Customs and Contributions Agency Regulations. This will include:

(i) Ensuring that all payments to staff are made via the Council's payroll system;

(ii) Ensuring that any taxable benefits arising from payments made/ benefits in kind supplied to and on behalf of staff is notified to the Head of Collaborative Services for inclusion on P11D and similar returns;

(iii) Ensuring that all persons employed by the Authority are added to the Council's payroll;

(iv) Confirming that suppliers of labour other than employees (e.g. consultants) are not liable to deduction of Income Tax and National Insurance as if they were an employee, i.e. by obtaining evidence of Schedule D employment or CIS status and checking their employment status using the HMRC tool.

20. Treasury Management

20.1 This Council has adopted CIPFA's Code for Treasury Management in Local Authorities.

20.2 The code requires that the Council shall determine a Treasury Management Strategy setting out its strategy and procedures for Treasury Management and set the Council's Prudential Indicators. The policy shall be reviewed once a year and adopted by full Council as part of the Medium-Term Financial Plan.

20.3 All money in the Council's possession shall be aggregated for Treasury Management purposes under the overall control of the Head of Finance and Investment.

20.4 Day to day decisions on borrowing, investment (including the review of the list of the Council's current short and long term investment counterparties, with particular reference to their credit rating) and financing, including use of Capital Receipts, Reserves and Leasing are delegated from the Council to the Head of Finance and Investment (or through him to his Officers) within the agreed Treasury Management Strategy and Medium Term Financial Plan.

20.5 The Head of Finance and Investment will make all investment of Council's funds in the name of the Council, unless otherwise approved in the Treasury Management Strategy. All investments will be in accordance with the statutory framework and the approved Treasury Management Strategy.

20.6 All loans to the Council will be negotiated the by the Head of Finance and Investment and paid direct by the lender or his agent into the Council's bank account.

20.7 The Head of Finance and Investment is authorised to borrow temporarily pending receipts of money from Business Rates, Loans, Council Tax, Government Grants and other income properly due to the Council, within the limit agreed by the Council each year.

20.8 The Head of Finance and Investment will report to the Cabinet not less than once each financial year and quarterly to the Governance Committee on the activities of the Treasury Management operation, and on the exercise of Treasury Management powers delegated to them.

21. Write-Offs of Income, Stocks, Furniture and Equipment

Debts

21.1 The Head of Finance and Investment shall approve the procedures for the write-off of debts or other sum owing to the Council which is deemed irrecoverable or uneconomic to pursue.

21.2 Debt reports, including levels of write off, shall be presented to the Governance Committee on an annual basis after the financial year end.

21.3 The Head of Finance and Investment shall make the appropriate entries in the accounting records in respect of write-offs in accordance with proper accounting practice.

Goods, Materials, Vehicles and Stocks

21.4 The Head of Finance and Investment may write off the following:

(i) Damaged or stolen goods;
(ii) Surplus goods and materials;
(iii) Goods, vehicles or materials that are considered to have no material value due to deterioration or obsolescence.

21.5 Heads of Service shall forward details of any item under above that they consider should be written off within their Division to the Director of Finance Housing and Community for approval together with:

(i) Details of the item to be written off;
(ii) The circumstances necessitating the write-off.

21.6 The Head of Finance and Investment will make the appropriate entries for write-offs in the accounting records in accordance with proper accounting practice.

CONTRACT STANDING ORDERS

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Contract Standing Orders

1. Introduction – Purpose of the Contract Standing Orders

1.1 Purchasing decisions and processes are important because the money involved is public money. The purpose of these Contract Standing Orders is to provide a structure within which procurement decisions are made and implemented (including the grant of service concessions) and which ensure that the Council:

1.1.1 Furthers its corporate objectives

1.1.2 Uses its resources efficiently

1.1.3 Purchases quality goods, services and works

1.1.4 Safeguards its reputation from any implication of dishonesty or corruption.

1.1.5 Improves the economic, social and environmental well being of the district

1.2 Procurement by the Council, from planning to delivery, shall incorporate (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings.

1.3 These Contract Standing Orders are made in accordance with the requirements of Section 135 of the Local Government Act 1972.

1.4 These Contract Standing Orders do not provide guidelines on what is the best way to purchase works, supplies (goods) and services and grant service concessions. They set out minimum requirements to be followed. Further information and guidelines are set out in the Council's Procurement Guide and the guidance documents available on the Intranet.

2. General Principles – Application and Compliance with Contract Standing Orders

2.1 These Contract Standing Orders apply to the purchase by or on behalf of the Council of works, supplies (goods) and services and the granting of service concessions.

2.2 These Contract Standing Orders apply to all contracts including all purchase orders, service concessions and contractual arrangements entered into by or on behalf of the Council, except for the specific types of contracts and purchasing methods which are listed in 2.3.

2.3 These Contract Standing Orders do not apply to:

2.3.1 Employment contracts

2.3.2 Contracts relating solely to the purchase or sale of interests in land

2.3.3 Contracts for retention of legal counsel and the appointment of expert witnesses in legal proceedings

2.3.4. Service level agreements setting out the conditions which the Council applies to its funding of particular voluntary sector bodies.

3. General Principles Applying to All Contracts

3.1 All purchases however small shall be in writing.

3.2 All contracts of a value of £15,000 or more shall be made using either:

3.2.1 the Councils *Standard Terms & Conditions of Contract* or

3.2.2 a standard form of contract (e.g. New Engineering Contract (NEC), Joint Contracts Tribunal (JCT), etc) or

3.2.3 the Suppliers Terms & Conditions

Advice and agreement must be sought from Legal Services prior to award.

3.3 As a minimum, all contracts of a value of £15,000 or more shall include clauses which set out:

3.3.1 The works, supplies (goods), services, service concessions, material, matters or things to be carried out or supplied

3.3.2 Specify the price to be paid, the estimated price or the basis on which the price is to be calculated

3.3.3 The time within which the contract is to be performed

3.3.4 Quality requirements and/or standards which must be met

3.3.5 Requirements on the contractor to hold and maintain appropriate insurance

3.3.6 What happens in the event that the contractor fails to comply with its contractual obligations (in whole or in part)

3.3.7 Requirements on the contractor to comply with all relevant equalities and health and safety legislation

3.3.8 That the Council shall be entitled to cancel the contract and recover losses in the event that the contractor does anything improper to influence the Council to give the contractor any contract or commits an offence under the Bribery Act 2010 or s117(2) Local Government Act 1972.

3.4 Written contracts shall not include non-commercial terms unless these are necessary to achieve best value for the Council and necessary to enable or facilitate the Council's compliance with the public sector equality duty[1] imposed on it by the Equality Act 2010. In this context, "non commercial" means requirements unrelated to the actual performance of the contract.

[1] Section 149 Equality Act 2010

3.5 All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as appropriate) and the information set out in the Council's Procurement Guide.

4. Regulatory Context

4.1 All purchasing shall be conducted in accordance with Regulatory Provisions which are:

4.1.1 All relevant statutory provisions

4.1.2 The Public Contract Regulations 2015 (PCR2015)

4.1.3 The Council's Constitution including these Contract Standing Orders, the Council's Financial Procedure Rules and Scheme of Delegation

4.1.4 The Council's Procurement Guide and other policies and procedures of the Council as appropriate.

4.2 In the event of conflict between the above, the Public Contract Regulations 2015 will take precedence, followed by the Council's Constitution, then the Council's Procurement Guide and guidelines, policies and procedures.

5. Responsibilities of Directors, Heads of Service and Responsible Officers

5.1 Each Director shall have overall responsibility for the purchasing undertaken by his/her Directorate.

5.2 Each Head of Service shall be responsible for the purchasing undertaken by his or her service and shall

5.2.1 be accountable to the Executive for the performance of his/her duties in relation to purchasing

5.2.2 comply with the Council's decision making processes including, where appropriate, implementing and operating a Scheme of Delegation

5.2.3 appoint a Responsible Officer in writing who shall be an authorised signatory

5.2.4 take immediate action in the event of breach of these Contract Standing Orders which will include as a minimum promptly informing the Councils Monitoring Officer of such breach.

5.2.5 consider any procurement risk(s) as part of any overall risk assessment

5.3 A Responsible Officer is an officer with responsibility for conducting purchasing processes for the purchase of works, supplies (goods) or services on behalf of the Council.

5.4 A Responsible Officer's duties in respect of purchasing are to ensure:

5.4.1 compliance with all Regulatory Provisions (see 4.1) and integrity of the tender process

5.4.2 that all relevant officers are reminded of the statutory provisions and the Council's requirements relating to declarations of interest affecting any purchasing process in order for them to comply with these requirements

5.4.3 that there is an appropriate analysis of the requirement, timescales, procedure and documentation to be used

5.4.4 the purchasing process, from planning to delivery incorporates (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings

5.4.5 compliance with the Council's decision making processes, in particular in relation to Key Decisions

5.4.6 that all quotations or tenders sought of a value of £15,000 or more are undertaken in partnership with the Procurement Manager to ensure a corporate approach and delivery of the works, supplies (goods) or services

5.4.7 that all contracts of a value of £5,000 or more are included on the Councils Contract Register (This includes purchase orders that meet the £5,000 threshold).

5.4.8 that proper records of all contract award procedures, waivers, exemptions and extensions are maintained, with separate files for each purchase of a value of £15,000 or more

5.4.9 that value for money is achieved

5.4.10 that adequate and appropriate security (such as a bond or guarantee) is taken to protect the Council in the event of non-performance.

5.5 In considering how best to procure works, supplies and services, Directors, Heads of Service and/or Responsible Officers (as appropriate in the context), shall consult with the Procurement Manager to take into account wider contractual delivery opportunities and purchasing methods including the use of Purchasing Schemes and e-procurement/purchasing methods, and the availability of local authority charging and trading powers under the Local Government Act 2003.

5.6 It is a disciplinary offence to fail to comply with these Contract Standing Orders and the Council's Procurement Guide. All employees have a duty to report breaches of Contract Standing Orders to the Monitoring Officer.

5.7 Any officer or Member who suspects any misconduct or corruption in relation to the purchase by or on behalf of the Council of works, supplies (goods) and services must immediately report that suspicion to the Council's Monitoring Officer.

6. Scheme of Delegation

6.1 Council procurement may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Council's Scheme of Delegation. Officers with delegated authority may only delegate to other officers who have the appropriate skills and knowledge for the task and such delegation shall be recorded in writing by the officer delegating the task and notified to the relevant Director/Head of Service.

6.2 Officers shall, where appropriate, be informed by their Director/Head of Service of the extent of any delegated authority and applicable financial thresholds.

7. Financial Thresholds and Procedures

7.1 The table below sets out the general rules applying to the choice of purchasing procedure for contracts at the stated threshold values.

7.2 There is a general presumption in favour of competition. Wherever possible contract opportunities should be advertised by way of a public notice. The Council should consider the potential effect of a contract on interstate trade (at a European level). If a contract may be of interest to contractors from EU member states then this may result in a need to advertise in a manner which ensures that potential contractors from EU member states are aware of the opportunity, even for small value contracts or contracts under the PCR2015 Threshold levels outlined below.

7.3 The public notice referred to at 7.2 may take the form of a notice or advertisement in an electronic or paper format, on an easily accessible website or other electronic media and/or in the press, trade journals, Contracts Finder or Find a Tender Service ("FTS") (as appropriate). The Responsible Officer may choose to place one or more public notices in different media.

7.4 In accordance with Part 4 of the Public Contracts Regulations 2015 and guidance issued by the Cabinet Office:

7.4.1 All contract opportunities with a value of £30,000 inclusive of VAT and above must be published on 'Contracts Finder' where the Council has advertised such opportunity in the form of a notice or advertisement as set out in 7.3 above.

7.4.2 All contract opportunities for which a Contract Notice was sent to FTS for publication must also be published on 'Contracts Finder'.

Table setting out financial thresholds and procedures

Total Value £	Type of contract	Procedure to be used
0 to £15,000	Works, Supplies and Services	At least one written quote in advance (there is a general presumption in favour of competition and as such Officers may seek additional quotations where possible)
£15,000 to £100,000	Works, Supplies and Services	At least three written quotes obtained by Procurement in advance using the Councils *Invitation to Quote* document
£100,000 to £177,898* **	Supplies and Services	At least three written tenders obtained by Procurement in

		advance, using the Councils *Invitation to Tender* document
£177,898* ** plus ** *PCR2015 Threshold for supplies and services ex VAT Note: £552,950 threshold applies for social and some specific services listed within the Public Contracts Regulations 2015	Supplies and Services	PCR2015 Rules apply – full competitive process following advertisement in the FTSfor supplies and some services. For social and some specific services reduced requirements apply under the PCR2015 Rules but there is a presumption in favour of advertising and a competitive process*
£100,000 to £4,447,448**	Works	At least three written tenders obtained by Procurement in advance, using the Councils *Invitation to Tender* document
£4,447,448** plus **PCR2015 Threshold for works ex VAT	Works	PCR2015 Rules apply – full competitive process with tenders following FTS advertisement

* The PCR2015 Rules apply to service contracts to differing degrees depending on the service. Responsible Officers should act cautiously and seek advice when considering the procedure to be used and application of the PCR2015 Rules to services contracts
** or relevant threshold in force at the time under the PCR2015 Rules

Note: Whilst the new PCR2015 thresholds now include VAT (due to the UK's obligations under the WTO), thresholds above are shown excluding VAT for ease and alignment with the Councils sub thresholds

7.5 Where contracts are of a type and value which means that they are subject to the PCR2015 Rules then there are five main types of PCR2015 procedures available. These are the open, restricted, competitive dialogue, competitive procedure with negotiation and innovation partnership procedures. Care must be taken to ensure that the correct and most appropriate procedure is used and assistance on the choice and use of PCR2015 procedure should be sought from the Procurement Manager and Legal Services.

8. Financial Thresholds and Processes Applying to Approval and Execution of Contracts

8.1 For contracts over the relevant PCR2015 threshold (in force at the time), the choice of purchasing procedure to be used and the decision to proceed to advertisement must be authorised in writing by the relevant Director/Head of Service in advance acting in consultation with the Procurement Manager and/or Solicitor to the Council where appropriate.

8.2 When a decision is made to award a contract then the Responsible Officer must, in addition to complying with his/her general obligations under these Contract Standing Orders ensure, in particular, that:

8.2.1 the appropriate approvals have been obtained to authorise that decision; and

8.2.2 where appropriate, a standstill period complying with the PCR2015 Rules is incorporated into the final award process.

8.3 Any contracts valued at £100,000 or above shall be executed as a deed or be signed by at least two officers of the council with appropriate delegated authority or made under seal of the Council and attested by at least one officer. All other contracts may be signed by officers with appropriate delegated authority. £100,000 shall be the threshold for the purposes of Regulation 8 of the Local Authority (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001.

8.4 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Senior ICT Manager.

9. Calculating the Contract Value

9.1 The starting point for calculating the contract value for the purposes of these Contract Standing Orders is that the contract value shall be the genuine pre-estimate of the value of the entire contract excluding Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions and options).

9.2 There shall be no artificial splitting of a contract to avoid the application of the provisions of the PCR2015 Rules and/or these Contract Standing Orders.

9.3 The PCR2015 Rules can cover contracts, which are below the stated PCR2015 threshold, where they constitute repeat purchases and/or purchases of a similar type in a specified period. Responsible Officers should therefore seek advice from the Procurement Manager on the application of the PCR2015 Rules where they envisage that they may require repeat purchases and/or purchases of a similar type.

10. Principles Underlying Tendering Processes and Tender Evaluation

10.1 All tendering procedures (including obtaining quotes), from planning to contract award and signature, shall be undertaken in a manner so as to ensure:

10.1.1 Sufficient time is given to plan and run the process

10.1.2 Equal opportunity and equal treatment

10.1.3 Openness and transparency

10.1.4 Probity

10.1.5 Outcomes which deliver sustainability, efficiency and cost savings (where appropriate).

11. Submission and Opening of Tenders

11.1 An Invitation to Tender shall be issued by the Council for all contracts over £100,000 via the Councils e-tendering system and tenders shall be submitted in accordance with the requirements of the Invitation to Tender Document.

11.2 Any tenders received shall be kept secure electronically and unopened until the time and date specified for the opening

11.3 No tender received after the time and date specified for its opening shall be accepted or considered by the Council unless agreed by the Monitoring Officer in exceptional circumstances.

11.4 Tenders shall be opened, certified and recorded electronically by an Officer appointed by the Monitoring Officer via the Councils e-tendering system.

12. Evaluation of Quotes and Tenders

12.1 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenderers.

12.2 Tenders subject to the PCR2015 Rules shall be evaluated in accordance with the PCR2015 Rules.

12.3 Save in exceptional circumstances approved in advance by the Monitoring Officer all contracts shall be awarded on the basis of the quote or tender which represents best value for money to the Council and not on the basis of lowest price.

13. Waivers

13.1 The requirement for the Council to conduct a competitive purchasing process for contracts in excess of £15,000 may be waived in the following circumstances.

13.1.1 For contracts which are not subject to the PCR2015 Rules, the work, supply or service or grant of service concession is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or

13.1.2 the circumstances set out in the Public Contract Regulations 2015 Regulation 32 apply or

13.1.3 if the goods or materials to be purchased are available from only one manufacturer; or

13.1.4 where the supply is for parts for existing machinery, or where the terms of supply of equipment require that maintenance be undertaken by a specified provider; or

13.1.5 where the Work is of a specialist nature, the skill of the contractor is of primary importance, and the supply market has been tested and found to be limited; or

13.1.6 where the supply is for maintenance to existing IT equipment or software, including enhancements to current software, which can only be performed by the licensed developer or owner of the system; or

13.1.7 at the discretion of the relevant Head of Service who may proceed in a manner most expedient to the efficient management of the service/Council with reasons recorded in writing.

13.2 A Responsible Officer who seeks a waiver of Contract Standing Orders, shall do so only in advance and only in exceptional circumstances. Further guidance on what may constitute exceptional circumstances permitting waiver of these Contract Standing Orders is set out in the Council's Procurement Guide.

13.3 All waivers from these Contract Standing Orders must be:

13.3.1 Fully documented

13.3.2 Subject to a written report in an approved format to be submitted in advance to the Monitoring Officer (or his nominee) or Section 151 Officer (or his nominee), which shall include reasons for the waiver which demonstrate that the waiver is genuinely required

13.3.3 Subject to approval in advance by the Monitoring Officer (or his nominee) or Section 151 Officer (or his nominee) who shall record that they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional.

13.4 All decisions on waivers must take into account:

13.4.1 Probity

13.4.2 Best value/value for money principles.

13.5 For contracts subject to the PCR2015 Rules, any waiver from the requirement for competition must meet the conditions set out in the PCR2015 Rules in addition to the general requirements above.

13.6 A waiver shall not be applied for reasons of poor contract planning.

14. Extensions and Other Variations to Existing Contracts

14.1 Where extensions or other variations to existing contracts are made the extensions must be determined in accordance with the contract terms, for a specified period and made in accordance with the principles set out in the Council's Procurement Guide.

14.2 Any extension or other significant variation must be:

14.2.1 Fully documented

14.2.2 Subject to a written report in an approved format to be submitted to the Monitoring Officer (or his nominee) and Section 151 Officer (or his nominee); which shall include reasons for the extension or other variation which demonstrate that the need for the extension or other significant variation is genuinely exceptional or provisions are made for extension in the existing contract.

14.2.3 Subject to approval by the Monitoring Officer (or his nominee) and Section 151 Officer (or his nominee), who shall record that they have considered the reasons for the extension or other significant variation and that they are satisfied that the circumstances justifying the extension are genuinely exceptional or provisions are made for extension in the existing contract.

14.3 Any extension or other variation must take into account:

14.3.1 Probity

14.3.2 Best value/value for money principles.

14.4 For contracts subject to PCR2015 Rules, any extension must meet the conditions set out in the PCR2015 Rules in addition to the more general requirements set out above.

15. **Purchasing Schemes**

15.1 A Responsible Officer may use Purchasing Schemes subject to the following conditions and the Council's Procurement Guide.

15.2 Responsible Officers must check in advance with the Procurement Manager to ensure that

15.2.1 The Council is legally entitled to use the Purchasing Scheme

15.2.2 The purchases to be made do properly fall within the coverage of the Purchasing Scheme

15.2.3 The establishment and operation of each Purchasing Scheme is in compliance with the PCR2015 Rules (where they apply) and meets the Council's own requirements.

15.3 A "Purchasing Scheme" may include:

15.3.1 Contractor prequalification lists/select lists

15.3.2 Framework arrangements (including those set up by The Crown Commercial Service

15.3.3 Purchasing arrangements set up by central purchasing bodies and commercial organisations

15.3.4 Consortium purchasing

15.3.5 Collaborative working arrangements

15.3.6 Formal agency arrangements

15.3.7 E-procurement/purchasing schemes and methods

15.3.8 Other similar arrangements such as the Government eMarketplace

15.4 Where a Purchasing Scheme is used then there shall be a whole or partial exemption from the obligations under these Contract Standing Orders in respect of the choice and conduct of procedures to the extent permitted and indicated in the Council's Procurement Guide.

16. Review and Changes to these Contract Standing Orders

16.1 These Contract Standing Orders shall be reviewed and updated on a regular basis. Save in the case of revisions to the PCR2015 Thresholds in Contract Standing Order 7, amended Contract Standing Orders shall be recommended by the Monitoring Officer and shall be agreed and adopted by the Council after consideration by the Governance Committee. The Solicitor to the Council will make revisions to the PCR2015 Thresholds as and when they occur.

17. Suspension of these Contract Standing Orders

17.1 These Contract Standing Orders may be suspended in accordance with Article 16 of the Constitution.

Officer Employment Procedure Rules

1. **Recruitment and appointment**

(a) Declarations

(i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.

(ii) No candidate so related to a councillor of an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking support for appointment

(i) Subject to paragraph 3, the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

(ii) Subject to paragraph 3, no councillor will seek support for any person for any appointment with the Council.

2. **Recruitment of head of paid service and chief officers**

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

(a) draw up a statement specifying:

(i) the duties of the officer concerned; and

(ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

3. **Appointment of head of paid service**

This process will be subject to any mandatory standing orders.

(a) The full Council will approve the appointment of the head of paid service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the executive.

(b) The full Council may only make or approve the appointment of the head of paid service where no well-founded objection has been made by any member of the executive.

4. **Appointment of chief officers**

This process will be subject to any mandatory standing orders.

(a) A committee or sub-committee of the Council will appoint chief officers. That committee or sub-committee must include at least one member of the executive.

(b) An offer of employment as a chief officer shall only be made where no well-founded objection from any member of the executive has been received.

NB Chief Officer posts shall be:

- Chief Executive
- Director of Corporate Resources (Deputy Chief Executive)
- Director of Housing and Place

5. **Other appointments**

(a) **Officers below chief officer.** Appointments of officers below chief officer (other than assistants to political groups and an assistant to the mayor) is the responsibility of the head of paid service or his/her nominee, and may not be made by councillors.

(b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. **Disciplinary action**

(a) **Suspension.** The Head of Paid Service, Monitoring Officer and Section 151 Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

(b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.

(c) Councillors will not be involved in the disciplinary action against any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

7. **Dismissal**

Councillors will not be involved in the dismissal of any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as

adopted from time to time may allow a right of appeal to members in respect of dismissals.

Reference:
Chapters 8 and 9, DETR Guidance

Prescribed Standing Orders

The following Standing Orders shall be known as 'Prescribed Standing Orders' and shall form part of the Council's Standing Orders.

Part I - Standing Orders relating to Staff

1. **Appointment of Chief Officers**

Where the Council proposes to appoint a Chief Officer, and it is not proposed that the appointment be made exclusively from among its existing officers, it shall:

(1) draw up a statement specifying:

(a) the duties of the Officer concerned, and

(b) any qualifications or qualities to be sought in the person to be appointed;

(2) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(3) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

(4) Where a post has been advertised as provided in paragraph (2) the Council shall:

(a) interview all qualified applicants for the post, or

(b) select a short list of such qualified applicants and interview those included on the short list.

(5) Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with paragraph (2).

(6) The steps under paragraphs (1) to (5) above may be taken by a Committee, Sub-Committee or Chief Officer of the Council if duly authorised in that behalf.

(7) Every appointment of a Chief Officer shall be made by the Council, unless made by any duly authorised Committee or Sub-Committee of the Council, or a relevant joint Committee.

(8) Where the duties of a Chief Officer include the discharge of functions of two or more local authorities in pursuance of Section 101(5) of the Local Government Act 1972:

(a) the steps under paragraphs (1) to (5) above may be taken by any duly authorised joint committee of those authorities, a sub-committee of that committee or a chief officer of any of the authorities concerned, and

(b) any chief officer may be appointed by such a duly authorised joint committee, a sub-committee of that committee or a committee or sub-committee of any of those authorities

(9) Excluded from the application of paragraphs (1) to (5) shall be any appointment in pursuance of Section 9 (assistants for political groups) of the Act.

(Note: Any word or phrase contained within this standing order shall, if such word or phrase is given a meaning by the Local Authorities (Standing Orders) Regulations 1993, have that same meaning for the purposes of this standing order.)

2. **Disciplinary Action**

(1) A relevant officer may not be dismissed by the Council unless the procedure set out in Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 is complied with.

(Note: In this standing order “relevant officer” means the chief finance officer, head of the Council’s paid service or monitoring officer as the case may be).

3. **Executive Arrangements**

(1) In this Standing Order:

"the 1989 Act" means the Local Government and Housing Act 1989;

"the 2000 Act" means the Local Government Act 2000;

"disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

"executive" and "executive leader" have the same meaning as in Part 1A of the 2000 Act;

"member of staff" means a person appointed to or holding a paid office or employment under the authority; and

"proper officer" means the Director of Environment and Place or their nominee.

(2) Subject to paragraphs (3) and (7), the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by him or her.

(3) Paragraph (2) shall not apply to the appointment or dismissal of, or disciplinary action against:

(a) the officer designated as the head of the authority's paid service;

(b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);

(c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;

(d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act, or

(e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

(4) (1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to that person.

(2) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice is given to that person.

(3) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph (3), at least one member of the executive must be a member of that committee or sub-committee.

(5) (1) In this paragraph, "appointor" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.

(2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph (3) must not be made by the appointor until:

(a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

(b) the proper officer has notified every member of the executive of the authority of:

(i) the name of the person to whom the appointor wishes to make the offer;

(ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and

(iii) the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either:

(i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he or she nor any other member of the executive has any objection to the making of the offer;

(ii) the proper officer has notified the appointor that no objection was received by him or her within that period from the executive leader; or

(iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well founded.

(6) (1) in this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.

(2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph (3) must not be given by the dismissor until:

(a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

(b) the proper officer has notified every member of the executive of the authority of –

(i) the name of the person who the dismissor wishes to dismiss;

(ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and

(iii) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either:

(i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he or she nor any other member of the executive has any objection to the dismissal;

(ii) the proper officer has notified the dismissor that no objection was received by him or her within that period from the executive leader; or

(iii) the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well founded.

(7) Nothing in paragraph (2) shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:

(a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or

(b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

Part II - Standing Orders relating to Meetings and Proceedings

4. **Recording of Votes**

(a) Where immediately after a vote is taken at a meeting of a relevant body any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his vote for the question or against the question or whether he or she abstained from voting.

(b) In this paragraph "relevant body" means the authority, a committee or sub-committee of the authority or a relevant joint committee or sub-committee of such a committee.

5. **Signing Minutes – Extraordinary Meetings**

Where in relation to any meeting of the authority the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 4(1) and (2) (signing of minutes) of that Schedule.

Part III - Standing Orders relating to Assistants for Political Groups

6. (a) No appointment shall be made to any post allocated to a political group (in accordance with Section 9 of the Local Government and Housing Act 1989) until the authority has allocated a post to each of the groups which qualify for one;

(b) No allocation of such a post to a political group shall be made if the political group does not qualify for one;

(c) No more than one post shall be allocated to any one political group.

Part IV - Standing Orders relating to Executive Plans, Strategies and Estimates

7. In this part:

"executive" and "executive leader" have the same meaning as in Part II of the Local Government Act 2000; and

"plan or strategy" and "working day" have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

8. Where the executive of the authority has submitted a draft plan or strategy to the authority for its consideration and, following consideration of that draft plan or strategy, the authority has any objections to it, the authority must take the action set out in paragraph 3.

9. Before the authority:

(a) amends the draft plan or strategy;

(b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

(c) adopts (with or without modification) the plan or strategy,

it must inform the executive leader of any objections which it has to the draft plan or strategy and must give to him or her instructions requiring the executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

10. Where the authority gives instructions in accordance with paragraph 3, it must specify a period of at least five working days beginning on the day after the date on which the executive leader receives the instructions on behalf of the executive within which the executive leader may:

(a) submit a revision of the draft plan or strategy as amended by the executive (the "revised draft plan or strategy"), with the executive's reasons for any amendments made to the draft plan or strategy, to the authority for the authority's consideration; or

(b) inform the authority of any disagreement that the executive has with any of the authority's objections and the executive's reasons for any such disagreement.

11. When the period specified by the authority, referred to in paragraph 4, has expired, the authority must, when:

(a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

(b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

(c) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the executive's reasons for those amendments, any disagreement that the executive has with any of the authority's objections and the executive's reasons for that disagreement, which the executive leader submitted to the authority, or informed the authority of, within the period specified.

12. Subject to paragraph 10, where, before 8 February in any financial year, the authority's executive submits to the authority for its consideration in relation to the following financial year:

(a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 or 37 or 43 to 49, of the Local Government Finance Act 1992;

(b) estimates of other amounts to be used for the purposes of such a calculation;

(c) estimates of such a calculation; or

(d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the authority has any objections to them, it must take the action set out in paragraph 7.

13. Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance act 1992, it must inform the executive leader of any objections which it has to the executive's estimates or amounts and must give to him or her instructions requiring the executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.

14. Where the authority gives instructions in accordance with paragraph 7, it must specify a period of at least five working days beginning on the day after the date on which the executive leader receives the instructions on behalf of the executive within which the executive leader may:

(a) submit a revision of the estimates or amounts as amended by the executive ("revised estimates or amounts"), which have been reconsidered in accordance with the authority's requirements, with the executive's reasons for any amendments made to the estimates or amounts, to the authority for the authority's consideration; or

(b) inform the authority of any disagreement that the executive has with any of the authority's objections and the executive's reasons for any such disagreement.

15. When the period specified by the authority, referred to in paragraph 8, has expired, the authority must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:

(a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;

(b) the executive's reasons for those amendments;

(c) any disagreement that the executive has with any of the authority's objections; and

(d) the executive's reasons for that disagreement,

which the executive leader submitted to the authority, or informed the authority of, within the period specified.

16. Paragraphs 6 to 9 shall not apply in relation to:

(a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and

(b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

Part V - Variation and Revocation

17. Otherwise than to incorporate options allowed by the Regulations these Prescribed Standing Orders shall not be revoked or amended.

PART 5 CODES AND PROTOCOLS

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Part 5 Codes and Protocols

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Dover District Council

Kent Code of Conduct for Members

Preamble

(A) The Code of Conduct that follows is adopted under section 27(2) of the Localism Act 2011.

(B) The Code is based on the Seven Principles of Public Life under section 28(1) of the Localism Act 2011, which are set out in Annex 1.

(C) This Preamble and Annex 1 do not form part of the Code, but you should have regard to them as they will help you to comply with the Code.

(D) If you need guidance on any matter under the Code, you should seek it from the Monitoring Officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.

(E) In accordance with section 34 of the Localism Act 2011, where you have a Disclosable Pecuniary Interest it is a criminal offence if, without reasonable excuse, you:

(a) Fail to notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the day on which you became a member

(b) Fail to disclose the interest at meetings where the interest is not entered in the authority's register

(c) Fail to notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of disclosure at a meeting, if the interest is not entered in the authority's register and is not the subject of a pending notification

(d) Take part in discussion or votes, or further discussions or votes, at meetings on matters in which you have the interest which are being considered at the meeting.

(e) Fail to notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that you have such an interest in a matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the authority.

(f) Take any step in relation to a matter being dealt with by you acting alone in the course of discharging a function of the Authority, except a step for the purpose of enabling the matter to be dealt with otherwise than by you.

(g) knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.

(F) Any written allegation received by the Authority that you have failed to comply with the Code will be dealt with under the arrangements adopted by the Authority for such purposes. If it is found that you have failed to comply with the Code, the Authority may have regard to this failure in deciding whether to take action and, if so, what action to take in relation to you.

THE CODE

1. Interpretation

In this Code:

"Associated Person" means (either in the singular or in the plural):

(a) a family member or any other person [or body] with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
(b) any person or body who employs or has appointed you or such persons, any firm in which you or they are a partner, or any company of which you or they are directors; or
(c) any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
(d) any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
(e) any body in respect of which you are in a position of general control or management:

(i) exercising functions of a public nature; or

(ii) directed to charitable purposes; or

(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

"Authority" means Dover District Council.

"Authority Function" means any one or more of the following interests that relate to the functions of the Authority:

(a) housing - where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease; or
(b) school meals or school transport and travelling expenses - where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which your child attends;
(c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - where you are in receipt of, or are entitled to the receipt of, such pay;
(d) an allowance, payment or indemnity given to members of the Authority;
(e) any ceremonial honour given to members of the Authority;
(f) setting council tax or a precept under the Local Government Finance Act 1992.

"Code" means this Code of Conduct.

"Co-opted Member" means a person who is not an elected member of the Authority but who is a member of:

(a) any committee or sub-committee of the Authority, or
(b) and represents the Authority on, any joint committee or joint sub-committee of the Authority; and
(c) who is entitled to vote on any question that falls to be decided at any Meeting.

"Disclosable Pecuniary Interest" means those interests of a description specified in regulations made by the Secretary of State (as amended from time to time) as set out in Annex 2 and where either it is:

(a) your interest or
(b) an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners and provided you are aware that the other person has the interest.

"Interests" means Disclosable Pecuniary Interests and Other Significant Interests.

"Meeting" means any meeting of:

(a) the Authority;
(b) the executive of the Authority;
(c) any of the Authority's or its executive's committees, sub-committees, joint committees and/or joint sub-committees.

"Member" means a person who is a member of the Authority and includes a Co-opted Member.

"Other Significant Interest" means an interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) in any business of the Authority which:

(a) may reasonably be regarded as affecting the financial position of yourself and/or an Associated Person to a greater extent than the majority of:

    (i) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
    (ii) (in other cases) other council tax payers, ratepayers or inhabitants of the Authority's area; or

(b) relates to the determination of your application (whether made by you alone or jointly or on your behalf) for any approval, consent, licence, permission or registration or that of an Associated Person;

and where, in either case, a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice your judgment of the public interest.

"Register of Members' Interests" means the Authority's register of Disclosable Pecuniary Interests established and maintained by the Monitoring Officer under section 29 of the Localism Act 2011.

"Sensitive Interest" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Scope

2. You must comply with this Code whenever you act in your capacity as a Member or Co-opted Member of the Authority.

General obligations

3. (1) You must, when using or authorising the use by others of the resources of the Authority:

(a) act in accordance with the Authority's reasonable requirements; and
(b) ensure that such resources are not used improperly for political purposes (including party political purposes).

(2) You must not:

(a) bully any person;
(b) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this Code;
(c) do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority;
(d) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  (i) you have the written consent of a person authorised to give it; or
  (ii) you are required by law to do so; or
  (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  (iv) the disclosure is:
    - reasonable and in the public interest; and
    - made in good faith and in compliance with the reasonable requirements of the Authority;
(e) prevent another person from gaining access to information to which that person is entitled by law;
(f) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;
(g) use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

Registering Disclosable Pecuniary Interests

4. (1) You must, before the end of 28 days beginning with the day you become a Member or Co-opted Member of the Authority, or before the end of 28 days beginning with the day on which this Code takes effect (whichever is the later), notify the Monitoring Officer of any Disclosable Pecuniary Interest.

(2) In addition, you must, before the end of 28 days beginning with the day you become aware of any new Disclosable Pecuniary Interest or change to any interest already registered, register details of that new interest or change, by providing written notification to the Monitoring Officer.

(3) Where you have a Disclosable Pecuniary Interest in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter), then if the interest is not registered in the Register of Members' Interests and is not the subject of a pending notification, you must notify the Monitoring Officer

before the end of 28 days beginning with the day you become aware of the existence of the interest.

Declaring Interests

5. (1) Whether or not a Disclosable Pecuniary Interest has been entered onto the Register of Members' Interests or is the subject of a pending notification, you must comply with the disclosure procedures set out below.

(2) Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must:

(a) disclose the Interest; and
(b) explain the nature of that Interest at the commencement of that consideration or when the Interest becomes apparent (subject to paragraph 6, below); and unless you have been granted a dispensation or are acting under paragraph 5(4):
(c) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
(d) withdraw from the Meeting room in accordance with the Authority's Procedure Rules whenever it becomes apparent that the business is being considered; and
(e) not seek improperly to influence a decision about that business.

(3) Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority (including making an executive decision), you must:

(a) notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent; and
(b) not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you; and
(c) not seek improperly to influence a decision about the matter.

(4) Where you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made your representations, given evidence or answered questions you must:

(a) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
(b) withdraw from the Meeting room in accordance with the Authority's Procedure Rules.

Sensitive Interests

6. (1) Where you consider that the information relating to any of your Disclosable Pecuniary Interests is a Sensitive Interest, and the Monitoring Officer agrees, the Monitoring Officer will not include details of the Sensitive Interest on any copies of the Register of Members' Interests which are made available for inspection or any published version of the Register, but may include a

statement that you have an interest, the details of which are withheld under this paragraph.

(2) You must, before the end of 28 days beginning with the day you become aware of any change of circumstances which means that information excluded under paragraph 6(1) is no longer a Sensitive Interest, notify the Monitoring Officer asking that the information be included in the Register of Members' Interests.

(3) The rules relating to disclosure of Interests in paragraphs 5(2) and (3) will apply, save that you will not be required to disclose the nature of the Sensitive Interest, but merely the fact that you hold an interest in the matter under discussion.

Gifts and Hospitality

7. (1) You must, before the end of 28 days beginning with the day of receipt/acceptance, notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £100 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £100 or more, which are received and accepted by you (in any one calendar year) in the conduct of the business of the Authority, the business of the office to which you have been elected or appointed or when you are acting as representative of the Authority. You must also register the source of the gift, benefit or hospitality.

(2) Where any gift, benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a Meeting, you must disclose at the commencement of the Meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or hospitality, the person or body who gave it to you and how the business under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure in paragraph 5 above will apply.

(3) You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant Meeting, for 3 years from the date you first registered the gift, benefit or hospitality.

(4) The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

Dispensations

8. (1) The [Standards] Committee, or any sub-committee of the [Standards] Committee, or the Monitoring Officer (where authorised) may, on a written request made to the Monitoring Officer (as appointed Proper Officer for the receipt of applications for dispensation) by a Member with an Interest, grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions and in voting (referred to in paragraph 5 above).

(2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the [Standards] Committee, its sub-committee, or the Monitoring Officer (where authorised) considers that:

(a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or

(b) 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; or

(c) granting the dispensation is in the interests of persons living in the Authority's area; or

(d) without the dispensation each member of the Authority's executive would be prohibited from participating in any particular business to be transacted by the Authority's executive; or

(e) it is otherwise appropriate to grant a dispensation.

(3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

(4) Paragraph 5 above does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph 8.

ANNEX 1

THE SEVEN PRINCIPLES OF PUBLIC LIFE

In accordance with the Localism Act 2011, and in order to help maintain public confidence in this Authority, you are committed to behaving in a manner that is consistent with the following principles. However, it should be noted that these Principles do not create statutory obligations for Members and do not form part of the Code. It follows from this that the Authority cannot accept allegations that they have been breached.

SELFLESSNESS: You should act solely in terms of the public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

INTEGRITY: You should exercise independent judgment and not compromise your position by placing yourself under obligations to outside individuals or organisations who might seek to influence you in the performance of your official duties. You should behave in accordance with all legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources. You should value your colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government. You should treat people with respect, including the organisations and public you engage with and those you work alongside.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit. You should deal with representations or enquiries from residents, members of the communities and visitors fairly, appropriately and impartially. You should champion the needs of the whole community and especially your constituents, including those who did not vote for you.

ACCOUNTABILITY: You are accountable to the public for your decisions and actions and should fully co-operate with whatever scrutiny is appropriate to your office.

OPENNESS: You should be as open and as transparent as possible about all the decisions and actions that you take to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other Members to account. You should give reasons for your decisions and restrict information only when the wider public interest or the law clearly demands it. You should listen to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

HONESTY: You have a duty to declare interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. You should not allow other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the Authority's area or the good governance of the Authority in a proper manner.

LEADERSHIP: Through leadership and example you should promote and support high standards of conduct when serving in your public post. You should provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority.

ANNEX 2

Disclosable Pecuniary Interests, as prescribed by regulations, are as follows:

The descriptions on Disclosable Pecuniary Interests are subject to the following definitions:

"the Act" means the Localism Act 2011

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest

"director" includes a member of the committee of management of an industrial and provident society

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income

"M" means a member of the relevant authority

"member" includes a co-opted member

"relevant authority" means the authority of which M is a member

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1), or section 31(7), as the case may be, of the Act

"relevant person" means M or any other person referred to in section 30(3)(b) of the Act (the Member's spouse, civil partner, or somebody with whom they are living as a husband or wife, or as if they were civil partners).

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

Interest	**Description**
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Interest	Description
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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DOVER DISTRICT COUNCIL

SOCIAL MEDIA POLICY FOR MEMBERS

Contents

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3. Personal Use of Social Media
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6. Compliance with related policies and agreements
7. Prohibited use
8. Personal responsibility for complying with this policy
9. Monitoring
10. Breach of this policy
11. Maintenance of this policy

1. ABOUT THIS POLICY

1.1 This policy has been adopted by Dover District Council to:

(a) minimise the risks to the Council through use of social media.

(b) minimise the risk of members being the subject of complaint under the Code of Conduct for Members

1.2 This policy deals with the use of all forms of social media, including Facebook, LinkedIn, Twitter, Google+, Wikipedia, Whisper, Instagram, Vine, Tumblr and all other social networking sites, internet postings and blogs. It applies to use of social media for Council purposes as well as personal use that may affect the Council in any way.

1.3 This policy does not form part of the Code of Conduct for Members and the Council may amend it at any time.

2. GENERAL OBLIGATIONS

2.1 Members must comply with this policy:

(a) whenever they act in their capacity as a member or co-opted member of the Council or,
(b) at all times when using the Council's IT resources and communications systems.

3. PERSONAL USE OF SOCIAL MEDIA

3.1 This policy does not purport to regulate a member's personal use of social media. Members should, when using social media in a personal capacity make it clear in their social media postings, or in their personal profile, that they are speaking on their own behalf, use a separate personal e-mail account and address, avoid reference to being a councillor and reference to issues concerning the council.

4. COUNCILLOR USE OF SOCIAL MEDIA

4.1 If members are using their social media profile in their capacity as councillor, they must disclose their affiliation to the Council on their profile or in any social media postings, they must state that their views do not represent those of the Council (unless they are authorised to speak on the Council's behalf. Members should also ensure that their profile and any content they post are consistent with the image they present to the Council and the public.

5. GUIDELINES FOR RESPONSIBLE USE OF SOCIAL MEDIA

5.1 Members must be respectful to others when making any statement on social media and be aware that they are personally responsible for all communications which will be published on the internet for anyone to see.

5.2 If members are uncertain or concerned about the appropriateness of any statement or posting, they should refrain from posting it until they have discussed with the Monitoring Officer.

6. COMPLIANCE WITH RELATED POLICIES AND AGREEMENTS

6.1 Members must never use social media in a way that breaches any of the Council's other policies or the Council's Code of Conduct for Members. If an internet post would

breach any of the Council's policies in another forum, it will also breach them in an online forum. For example, members must not use social media to:

(a) breach the Council's ICT Policy;
(b) breach the Council's obligations with respect to the rules of relevant regulatory bodies;
(c) breach any obligations contained in those policies or the Code of Conduct for Members relating to confidentiality;
(d) harass or bully any person;
(e) unlawfully discriminate against any person OR breach the Council's Equal Opportunities Policy;
(f) breach the Council's Data Protection Policy (for example, never disclose personal information about any person online); or
(g) breach any other laws or regulatory requirements

6.2 Members should never provide references for other individuals on social or professional networking sites, as such references, positive and negative, can be attributed to the Council and create legal liability for both the member and the Council.

6.3 The Council is mindful that members of the public and the staff of the council and it contractors have not sought election to public office and public life and have rights to private and family life under the European Convention on Human Rights. Accordingly, in their use of social media members must respect these rights and not record or publish visual or audio recordings of members of the public and the staff of the council and contractors or publish comments about them unless to do so is both reasonable and legally justifiable in terms of their convention protections.

7. PROHIBITED USE

7.1 Members must avoid making any social media communications that could reasonably be regarded as bringing their office of the Council into disrepute.

7.2 Members must not use social media to

(a) defame or disparage any person;

(b) nor to harass, bully or unlawfully discriminate against any person:

(c) to make false or misleading statements; or to impersonate any person.

7.3 Members must not express opinions on behalf of the Council via social media, unless expressly authorised to do so.

7.4 Members must not post comments or do anything to jeopardise the Council's confidential information and intellectual property. Members must not include the Council's logos or other trademarks in any social media posting or in their profile on any social media.

7.5 Any misuse of social media should be reported to the Monitoring Officer.

8. PERSONAL RESPONSIBILITY FOR COMPLYING WITH THIS POLICY

8.1 Members are personally responsible for operating within the boundaries of this policy and should ensure that they take the time to read and understand it.

9. MONITORING

9.1 The Council reserves the right to monitor, intercept and review social media activity, without further notice. This is to ensure that this policy and other relevant Council's ICT policies are being complied with.

10. BREACH OF THIS POLICY

10.1 Although a breach or non-compliance with this policy would not of itself be a breach of the Code of Conduct for Members any breach of this policy may be relied upon as evidence that a member has failed to comply with a specific requirement of the Code of Conduct for Members, for example, that a member has bullied someone or intimidated them under paragraph 3(2)(a) of the Code of Conduct for Members.

10.2 At least annually, the Monitoring Officer will report to the Governance Committee in anonymized form any breaches of this policy that don't result in a breach of the Code of Conduct.

11. MAINTENANCE OF THIS POLICY

11.1 The Governance Committee has overall responsibility for the effective operation of this policy but has delegated day-to-day responsibility for its operation to the Monitoring Officer.

11.2 Responsibility for monitoring and reviewing this policy and making recommendations for change to minimise risks lies with the Governance Committee who will review this policy on the advice of the Monitoring Officer and/or as and when necessary to ensure that it meets legal requirements and reflects best practice.

DOVER DISTRICT COUNCIL
PARENTAL LEAVE POLICY FOR COUNCILLORS

Introduction

1.1 The Council at its meeting held on 20 July 2021 agreed a Motion to make provision for a Parental Leave Policy for Dover District Councillors. The intention of this policy is to encourage a broad range of candidates to stand for election, regardless of background, and particularly from groups that might be reluctant to do so – such as candidates who are younger, female or have family and/or caring responsibilities - and to ensure that councillors that are new or adoptive parents, as well as councillors with older children and other caring commitments are supported as appropriate.

1.2 This policy document sets out the process by which Members, of any gender, can seek a leave of absence which reflects not only the formal legislative permission required for absences of six months or more, but also the Council's own process to support new and adoptive parents seeking a period of parental leave of shorter duration.

Legislative Context

2.1 Section 85(1) of the Local Government Act 1972 makes provision for a meeting of the full Council to approve the non-attendance at meetings of the Council by a councillor for a period of six months or more, thereby avoiding the vacation of their office occurring once six consecutive months have elapsed during which they have not attended any meeting of the Council. The Council must approve this prior to the expiry of the six-month period.

2.2 All councillors receive a Basic Allowance in accordance with the provisions of The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended). In accordance with regulation 4(1), the Basic Allowance shall be the same for each Member and, unless voluntarily surrendered by a Member, there is no provision for the Council to withhold or alter the Basic Allowance paid to a particular member.

Leave Period

3.1 A Member may request parental leave with effect from the notified start date for a period of up to 1 year.

3.2 A Member intending to take parental leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

3.3 A Member taking parental leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and other councillors informed and updated in relation to intended dates of return and requests for extension of leave.

3.4 It is the responsibility of any Member taking parental leave to make arrangements for the cover of their ward work during their period of absence.

Procedure for Notification

4.1 Any Member wishing to take parental leave should notify the Head of Corporate Services and Democracy in writing of the date that the leave will start and the date that it will conclude and as to their preferences regarding any contacts from the Council during their period of absence.

4.2 For any absence of six months or more, it is the responsibility of the Member concerned to make a written request to the full Council, via the Head of Corporate Services and Democracy, that this absence be approved. Notification of this should be given as soon as the Member is aware that they will be absent for six months or more. If insufficient notice is given it may not be possible to organise a meeting of the full Council in time to consider the request for an absence of six months or more.

4.3 The Head of Corporate Services and Democracy shall ensure that the Council's website is updated to show when a member is taking a period of absence, alongside details of any arrangements they have made to allow for constituency work in their ward to be covered.

Basic Allowance

5.1 All Members shall continue to receive their Basic Allowance in full whilst on parental leave.

Special Responsibility Allowances

6.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of parental leave but only for so long as they retain their position by virtue of which the Special Responsibility Allowance is payable.

6.2 Where a replacement is appointed by the Leader of the Council (for executive positions) or the full Council (for non-executive positions) to cover the period of absence that person shall receive the Special Responsibility Allowance on a pro-rata basis for the period of the temporary appointment and the entitlement of the original member to the Special Responsibility Allowance shall cease.

6.3 Should a Member appointed to replace the member on parental leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

6.4 Unless the Member taking parental leave is removed from their post at an Annual General Meeting of the Council, by the Leader of the Council, or by their Political Group whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, there is a presumption that they shall, at the end of their parental leave period, resume their duties.

Resigning from Office and Elections

7.1 If a Member decides not to return at the end of their parental leave, they should contact the Head of Corporate Services and Democracy for advice on how to proceed. The processes to be followed will be dependent upon whether the member is not wishing to return to a particular office or is wishing not to return as a councillor. In the case of the latter, the member would be advised to resign their office as a councillor in accordance with section 84 Local Government Act 1972.

7.2 If an election is held during the Member's parental leave period and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

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Officers' Code of Conduct

The Secretary of State may by order issue a code as regards the conduct which is expected of qualifying employees of relevant authorities in England (Section 82 Local Government Act 2000). A draft code has not yet been published for consultation in accordance with the Act. A copy of the officers' code of conduct will be included in the Constitution once it is published and adopted. It is already a condition of employment of all employees of the Council to adhere to the non-statutory code of conduct recommended by the Local Government Management Board.

Protocol for Relationships between Members and Officers

Preamble

1. Mutual trust and respect between members and officers is at the heart of a council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.

2. This may seem obvious. But what happens when relationships go awry? Where can members and officers turn for guidance? What mechanisms exist for addressing concerns? How can matters be improved?

3. Such questions point to the need for a written guide to the basic elements of the relationship between members and officers – a protocol:

   - to promote trust, openness, fairness and honesty by establishing some ground rules;
   - to define roles so as:
     – to clarify responsibilities (ie who does what),
     – to avoid conflict, and
     – to prevent duplication or omission;
   - to secure compliance with the law, codes of conduct and a council's own practices; and
   - to lay down procedures for dealing with concerns by members or officers.

4. A protocol should be recognised both as a central element of a council's corporate governance, and as a commitment to upholding standards of conduct in public life. It Is one way of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation.

Definitions

5. Unless the context indicates otherwise, references to the term *Council* include the Executive, overview and scrutiny committees, and other committees and sub-committees.

6. For the purposes of this protocol, the term *Executive* refers to the Leader and Cabinet.

7. Unless the context indicates otherwise, the terms *member* and *members* include non-elected (ie co-opted) members as well as elected councillors.

8. *Officers* and *staff* mean all persons employed by the Council.

9. *Senior officer* means all chief officers (including statutory officers) and service heads and managers.

10. *Chief Finance Officer* means the officer exercising the duties prescribed by law for the financial administration of the Council.

Principles

11. Members and officers must at all times observe this protocol.

12. The protocol was approved by the Council's Standards Committee whose functions have subsequently been incorporated into the Governance Committee. The Governance Committee will monitor its operation.

13. The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.

14. Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.

15. Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.

16. The Council has adopted codes of conduct for both members and officers. Both represent best practice. The members' code follows the national code which in turn is based on the general principles governing members' conduct enshrined in law, viz:

- Selflessness – serving only the public interest.
- Honesty and integrity – not allowing these to be questioned; not behaving improperly.
- Objectivity – taking decisions on merit.
- Accountability – to the public; being open to scrutiny.
- Openness – giving reasons for decisions.
- Personal judgement – reaching one's own conclusions and acting accordingly.
- Respect for others – promoting equality; avoiding discrimination; respecting others (member/member, as well as member/officer).
- Duty to uphold the law – not acting unlawfully.
- Stewardship – ensuring the prudent use of a council's resources.
- Leadership – acting in a way which has public confidence.

17. These principles underpin this protocol. They will also be reflected in a new national code of conduct for employees due in the near future and on which the Office of the Deputy Prime Minister began a three months' consultation period in August 2004.

18. Until such time as a new national code appears, officers are bound by the Council's own code of conduct for staff and, in some cases, by the codes of their professional associations.

19. Breaches of this protocol by a member may result in a complaint to the Standards for England if it appears the members' code has also been breached. Breaches by an officer may lead to disciplinary action.

The role of members

20. Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.

21. Collectively, members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.

22. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.

23. Every elected-member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.

24. Some members have roles relating to their position as members of the Executive, overview and scrutiny committees or other committees and sub-committees of the Council.

25. Members of the Executive can have individual delegated powers. They may determine matters within their portfolios but implementation of their decisions is the responsibility of officers.

26. Members serving on overview and scrutiny and governance committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision.

27. Members who serve on other committees and sub-committees collectively have delegated responsibilities, eg deciding quasi-judicial matters which by law are excluded from the remit of the Executive.

28. Some members may be appointed to represent the Council on local, regional or national bodies.

29. As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.

30. Members are not authorised to instruct officers other than:

- through the formal decision-making process;
- to request the provision of consumable resources provided by the Council for members' use; and
- where staff have been specifically allocated to give support to a member or group of members.

31. Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council.

32. Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Chief Finance Officer.

33. Members must respect the impartiality of officers and do nothing to compromise it, eg by insisting that an officer change his/her professional advice.

34. Members have a duty under their code of conduct:

- to promote equality by not discriminating unlawfully against any person, and
- to treat others with respect.

35. Under the code, a member must not when acting as a member or in any other capacity:

- bring the Council or his/her position as a member into disrepute, or
- use his/her position as a member improperly to gain an advantage or disadvantage for his/herself or any other person.

The role of officers

36. Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.

37. Under the direction and control of the Council (including, as appropriate, the Executive, committees and sub-committees), officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.

38. Officers have a duty to implement decisions of the Council, the Executive, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly minuted.

39. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.

40. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.

41. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.

42. Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

The relationship between members and officers: general

43. The conduct of members and officers should be such as to instil mutual confidence and trust.

44. The key elements are a recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

45. Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.

46. Members and officers should inform the Chief Executive or the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.

47. It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

48. Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.

49. With the exception of political assistants (if any), officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to a senior officer, at least in the first instance.

50. Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by imposing their own priorities.

51. Members will endeavour to give timely responses to enquiries from officers.

52. An officer shall not discuss with a member personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward member.

53. Members and officers should respect each other's free (ie non-Council) time.

The Council as employer

54. Officers are employed by the Council as a whole.

55. Members' roles are limited to:

- the appointment of specified senior posts,
- determining human resources policies and conditions of employment,
- the appointment of any political assistants, and
- hearing and determining appeals.

56. Members shall not act outside these roles.

57. If participating in the appointment of officers, members should:

- remember that the sole criterion is merit (other than in the case of political assistants where political considerations may apply),
- never canvass support for a particular candidate,
- not take part where one of the candidates is a close friend or relative,
- not be influenced by personal preferences, and

- not favour a candidate by giving him/her information not available to the other candidates.

58. A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a working relationship.

Chairman and officers

59. Officers will respect the position of Chairman and provide appropriate support.

Executive members and officers

60. Executive members will take decisions in accordance with the constitution and will not otherwise direct staff. Senior officers will be responsible for instructing staff to implement the Executive's decisions.

61. In addition to individual members of the Executive, senior officers (including the Monitoring Officer and the Chief Finance Officer) have the right to submit papers to the Executive as a whole or to individual Executive members for consideration.

62. Senior officers and Executive members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the Executive will seek appropriate professional advice including, without exception, the Monitoring Officer and Chief Finance Officer, and will not direct officers in the framing of recommendations.

63. Before any formal decisions with a financial implication are taken by the Executive, the Chief Finance Officer and the senior officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:

- are aware of the proposed decision,
- have the opportunity to offer advice, and
- are subsequently able properly to authorise the financial transactions needed to implement decisions.

64. An individual Executive member who is minded to write or commission a report or to make a decision about a matter within his/her portfolio must ensure that those other members and officers who need to know of the matter are so informed. There is a particular requirement to involve other Executive members on cross-cutting issues.

65. Executive members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons.

66. Officers taking decisions under their delegated powers must consider the advisability of informing the relevant Executive member(s) of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or has wider policy implications.

Overview and scrutiny members and officers

67. Chairmen and other leading overview and scrutiny members shall maintain regular contact with the officer(s) providing the principal support to the overview and scrutiny function. In consultation with chairmen, it shall be the responsibility of the latter to

ensure that those who need to know of matters being considered or for possible future consideration are so informed.

68. An overview and scrutiny committee or its chairman acting on its behalf may require officers to attend overview and scrutiny meetings. Members should not normally expect junior officers to give evidence. All requests should be made to senior officers in the first instance.

69. When making requests for officer attendance, overview and scrutiny members shall have regard to the workload of officers.

70. It is recognised that officers required to appear before an overview and scrutiny committee may often be those who have advised the Executive or another part of the Council on the matter under investigation. In these circumstances, an officer may have a conflict of interest. Both members and officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere – from the Council's dedicated overview and scrutiny support unit or externally.

71. Subject to 70 above, officers should be prepared to justify advice given to the Council, the Executive, or other committees and sub-committees even when the advice was not accepted.

72. Officers must also be prepared to justify decisions they have taken under delegated powers.

73. In giving evidence, officers must not be asked to give political views.

74. Officers should respect members in the way they respond to members' questions.

75. Members should not question officers in a way which could be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.

76. Overview and scrutiny proceedings must not be used to question the capability or competence of officers. Chairmen and members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff. The latter is not an overview and scrutiny function.

77. In exercising the right to call-in a decision of the Executive, overview and scrutiny members must seek officer advice if they consider the decision is contrary to the Council's approved plans, policies or frameworks, or is unlawful.

Members of other committees or sub-committees and officers

78. The appropriate senior officers will offer to arrange regular informal meetings with chairmen, vice-chairmen, and spokesmen of committees and sub-committees.

79. Senior officers (including the Monitoring Officer and the Chief Finance Officer) have the right to present reports and give advice to committees and sub-committees.

80. Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.

81. At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chairman. In these circumstances it is the officer, not the chairman, who takes the

action and is responsible for it. A chairman has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

Party groups and officers

82. Senior officers may properly be asked to contribute to deliberations of matters concerning Council business by party groups.

83. Officers have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending are not members of the Council.

84. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.

85. Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.

86. Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.

87. It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.

88. Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.

89. In their dealings with party groups, officers must treat each group in a fair and even-handed manner.

90. Members must not do anything which compromises or is likely to compromise officers' impartiality.

91. The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.

92. An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.

93. An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.

94. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.

95. No member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.

96. At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by Dover District Council's Code of Conduct for Members. They do not have the same rights to Council information as members.

97. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive or Monitoring Officer and the relevant party group leader.

Local members and officers

98. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision making process and develop their representative role.

99. This requirement is particularly important:

- during the formative stages of policy development, where practicable,
- in relation to significant or sensitive operational matters,
- whenever any form of public consultation exercise is undertaken, and
- during an overview and scrutiny investigation.

100. Generally, officers should copy ward members into communications with Town and Parish Councils so that ward members receive this information in a timely fashion and have the opportunity to talk to the originating officer if they so wish to ensure that they are appropriately briefed.

101. Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.

102. Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.

103. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer. Provided the meeting has not been arranged on a party political basis:

- an officer may attend but is not obliged to do so, and
- the meeting may be held in Council-owned premises.

104. Care must be taken in arranging such public meetings in the immediate run-up to Council elections. Regard should always be had to any guidance issued by the Monitoring Officer from time to time.

105. Whilst support for members' ward work is legitimate, care should be taken if staff are asked to accompany members to ward surgeries. In such circumstances:

- the surgeries must be open to the general public, and
- officers should not be requested to accompany members to surgeries held in the offices or premises of political parties.

106. Officers must never be asked to attend ward or constituency political party meetings.

107. It is acknowledged that some Council staff (eg those providing dedicated support to Executive members) may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.

108. In seeking to deal with constituents' queries or concerns, members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.

Members' access to documents and information

109. This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's constitution.

110. Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:

- it is in the public domain, and
- it is not barred by the Data Protection Act from being given.

111. Every member of the Executive, an overview and scrutiny committee, and/or any other committee or sub-committee has a right to inspect documents about the business of that overview and scrutiny committee, other committee or sub-committee or the Executive.

112. A member who is not a member of a specific overview and scrutiny committee, other committee or sub-committee, or the Executive may have access to any document of that specific part of the Council provided:

- he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the "need to know" principle), and
- the documents do not contain "confidential" or "exempt" information as defined by the law.

113. Disputes as to the validity of a member's request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a member's request.

114. A member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:

- where to do so is likely to be in breach of the Data Protection Act, or
- where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the members' code of conduct.

115. Information given to a member must only be used for the purpose for which it was requested.

116. It is an accepted convention that a member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.

117. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.

118. When requested to do so, officers will keep confidential from other members advice requested by a member.

119. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

Media relations

120. All formal relations with the media must be conducted in accordance with the Council's Media Policy and the law on local authority publicity.

121. Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.

122. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.

123. Before responding to enquiries from the media, officers shall ensure they are authorised to do so.

124. Likewise, officers will inform the Council's Press Office of issues likely to be of media interest, since that unit is often the media's first point of contact.

125. If a member is contacted by, or contacts, the media on an issue, he/she should:

- indicate in what capacity he/she is speaking (eg as ward member, in a personal capacity, as an Executive member, on behalf of the Council, or on behalf of a party group);
- be sure of what he/she wants to say or not to say;
- if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's Press Office and/or relevant senior officer, except in relation to a statement which is party political in nature;
- consider the likely consequences for the Council of his/her statement (eg commitment to a particular course of action, image, allegations of jumping to conclusions);
- never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
- consider whether to consult other relevant members; and

- take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

Correspondence

126. Correspondence between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, ie there should be no "blind" copies.

127. Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (eg representations to a Government Minister) for letters to appear in the name of an Executive member or the chairman of an overview and scrutiny committee.

128. The Chairman may initiate correspondence in his/her own name.

129. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.

130. When writing in an individual capacity as a ward member, a member must make clear that fact.

Access to premises

131. Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.

132. Members have a right of access to Council land and premises to fulfil their duties.

133. When making visits as individual members, members should:

- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
- comply with health and safety, security and other workplace rules;
- not interfere with the services or activities being provided at the time of the visit;
- if outside his/her own ward, notify the ward member(s) beforehand; and
- take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

Use of Council resources

134. The Council provides all members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.

135. Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:

- where facilities are provided in members' homes at the Council's expense;

- in relation to any locally-agreed arrangements eg payment for private photocopying; and
- regarding ICT security.

136. Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:

- business which is solely to do with a political party;
- work in connection with a ward or constituency party political meeting;
- electioneering;
- work associated with an event attended by a member in a capacity other than as a member of the Council;
- private personal correspondence;
- work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
- support to a member in his/her capacity as a councillor of another local authority.

Interpretation, complaints and allegations of breaches

137. This part of the protocol should be read in conjunction with any "whistleblowing" policy the Council may have.

138. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.

139. A member who is unhappy about the actions taken by, or conduct of, an officer should:

- avoid personal attacks on, or abuse of, the officer at all times,
- ensure that any criticism is well founded and constructive,
- never make a criticism in public, and
- take up the concern with the officer privately.

140. If direct discussion with the officer is inappropriate (eg because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the officer's manager or the relevant senior officer.

141. A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary procedure.

142. An officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the Leader of the relevant party group. More serious complaints may involve alleged breaches of Dover District Council's Kent Code of Conduct for Members.

Members' Planning Code of Good Practice

Foreword

Purpose and Status

This planning Code of Good Practice has been adopted by the Council as a public guide to the conduct of all the District's Councillors and as a guide to some procedures of the Planning Committee. It has been approved by the Council's Governance Committee and it was adopted by the Council on 22 October 2008. The Monitoring Officer has been given delegated authority to make minor changes to the Members' Planning Code of Good Practice following its adoption by Council.

This Planning Code of Good Practice comprises:

- This Foreword
- The Dover District Council Members' Planning Code of Good Practice
- Appendix A: Representations and Submissions of Information to the Planning Committee
- Appendix B: Protocol for Public Speaking at Planning Committee
- Appendix C: Guidelines for Committee Deferral for a Site Visit
- Appendix D: Site Visit Procedure
- Appendix E: Positive Engagement – A Guide for Planning Councillors

This Planning Code of Good Practice will be made available to the public free of charge and will continue to be kept under regular review.

This Planning Code of Good Practice provides a measure against which the Council's operation of the planning system is to be judged. Adherence to this Code should reduce cause for complaint by the public. However, when complaints are made they will be assessed for a breach of the Codes of Conduct and a breach of this Planning Code of Good Practice. Complaints that involve an alleged breach of the Members' Code of Conduct will be referred to the Governance Committee. Similarly, The Council's Governance Committee will deal with complaints that involve only an alleged breach of this Planning Code of Good Practice. Failure to abide by the Planning Code of Good Practice is likely to result in a complaint being upheld. Similarly, breaches of the Protocol may provide grounds for a finding of maladministration by the Ombudsmen.

The Human Rights Act

The Human Rights Act 1998, and in particular Article 6, is concerned with guaranteeing procedural fairness in the determination of civil rights and obligations, especially the entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal. These principles are at the heart of the planning system. Full regard has been paid to the Human Rights Act 1998 in drawing up this Members' Planning Code of Good Practice and adherence to this Planning Code of Good Practice should help to ensure that these principles are translated into the day-to-day operation of the system and that there are no breaches of the Act.

Should any Councillors, members of staff, or of the public, have any queries about the operation of the Members' Planning Code of Good Practice they should contact the Head of Regeneration and Development, or the Monitoring Officer.

MEMBERS' PLANNING CODE

Background

*This Code is **substantially** as per the 2013 model issued by Lawyers in Local Government (LLG) but amended to reflect local circumstances.*

The Members' Planning Code of Good Practice was originally prepared in response to a series of successful court challenges concerning themselves with local planning authorities and the Members' conduct or conflicts of interests. It replaced what was a number of individual and sometimes haphazard approaches in individual councils at the time.

The drafting of the model code was subject to consultation and comment from a number of local authorities through the machinery of the Association of Council Secretaries and Solicitors (now LLG), the Local Government Association, the Local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf.

This 2013 update takes into account the update to the the Seven Principles of Public Life (the 'Nolan principles') and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also to predetermination introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government 2013.

For further reading please refer to 'Probity in Planning' issued by the Local Government Association.

Introduction

The aim of this Code: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

One of the key purposes of the planning system is to regulate the development and use of land in the public interest**. Your role as a Member of the Planning Authority is** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

When the Code applies: this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his staff, and preferably well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with. This is both the rules on interest, Disclosable Pecuniary Interests (DPIs) and any other interests identified by your Authority, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- **Do** then apply the rules in this Members' Planning Code, which seek to explain and supplement the Members' Code of Conduct and the law on decision making for the purposes of planning control. If you do not abide by this Members' Planning Code, you may put:
  - the Council at risk of proceedings on the legality of the related decision or maladministration; and
  - yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

2. Development Proposals and Personal Interests

- **Do** disclose the existence and nature of your interest as required by your Authority's Member Code of Conduct.
- **Do take into account when approaching a decision** that the Principle of Integrity is defined in terms that:

  "*Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends.* ***They must declare and resolve any interests and relationships***".

It is therefore advisable that you:

- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.
- **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that your role as a councillor may place additional limitations on you in representing the proposal in which you have a personal interest.

- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest or other personal conflict of interest and note that:
  - you should send the notification no later than submission of that application where you can;
  - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
  - you must not get involved in the processing of the application; and
  - it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

3. Fettering Discretion in the Planning Process
(natural justice, predisposition and predetermination)

- **Don't** fetter your discretion by approaching the decision with a closed mind.
- **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.
- **Do** keep at the front of your mind that, when you come to make the decision, you
  - are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;
  - must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice as well as the arguments from all sides;
  - are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
  - are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and
  - are to come to a decision after giving what you feel is the right weight to those material considerations.
- **Do** be aware that you can be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district/borough and county councillor), provided:
  - the proposal does not substantially affect the wellbeing or financial standing of the consultee body;
  - you make it clear to the consultee body that:
    - your views are expressed on the limited information before you only;

- you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and

- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.

- **Do** explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests.)*

- **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member **(*where this is granted by the authority's standing orders or by the consent from the Chair and Committee*)** where you have represented your views or those of local electors and fettered your discretion, but do not have a disclosable or other personal conflict of interest. Where you do:
  - advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;
  - remove yourself from the seating area for members of the Committee for the duration of that item; and
  - ensure that your actions are recorded.

4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.

- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the Head of Regeneration and Development to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

- **Do** otherwise:
  - follow the Authority's rules on lobbying;
  - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - report to the Head of Regeneration and Development any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition in respect of presentations by applicants/developers:

- **Don't** attend a planning presentation without requesting an officer to be present.

- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.

- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.

5. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.
- **Do** copy or pass on any lobbying correspondence you receive to the Head of Regeneration and Development at the earliest opportunity.
- **Do** promptly refer to the Head of Regeneration and Development any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality).
- **Do** note that, unless you have a disclosable or overiding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code through:
  - listening or receiving viewpoints from residents or other interested parties;
  - making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion of others in your role as a Ward Member.

6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make its decision.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRE, Ramblers Association or a local civic society), but you

should normally seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.

- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Don't** decide or discuss how to vote on any application at any political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits/Inspections

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
  - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
  - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party otherwise in accordance with the Site Visit Procedure (Appendix D). Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit**,** even in response to an invitation, as this may give the impression of bias unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit,
  - you have first discussed with the Head of Regeneration and Development your intention to do so and why (which will be recorded on the file) and
  - you can ensure you will comply with these good practice rules on site visits.

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chairman, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Head of Regeneration and Development, which may be incorporated into any committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

11. Training

- The Council's Constitution does not allow you to participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum

referred to above and thus assist you in carrying out your role properly and effectively.

- **Do** participate in any review of a sample of planning decisions to ensure that Members` judgements have been based on proper planning considerations.

APPENDIX A

Representations and Submissions of Information to the Planning Committee

1. This Appendix only relates to applications for planning and related approvals.

2. Letters from third parties, which are received otherwise than as a response to formal public consultation, will be taken into account but will not be considered as public representations for the purposes of the Committee report or determining whether the decision may be made under the scheme of delegation.

3. Only those points which are material planning considerations will be reported to Committee and taken into account in decision making.

4. Only representations which are material planning considerations will be taken into account in the operation of the scheme of delegation of powers to the Head of Regeneration and Development,

5. Applications to regularise development received as a result of a complaint, will be determined in accordance with the scheme of delegation.

6. Plans and correspondence received within 48 hours of the scheduled start of a meeting of the Planning Committee will not be considered at that meeting unless, in the opinion of the Head of Regeneration and Development, It would be expedient to do so, for example, because the representation raises a new material consideration.

7. Representations received subsequent to a Committee resolution on an application but prior to the despatch of the decision will be dealt with in the following way:

   (a) no action will be taken if the Head of Regeneration and Development, is satisfied that they do not raise any material issues additional to those already considered; and

   (b) if the Head of Regeneration and Development, is satisfied that they do raise new material issues, the application will be reported back to the next available meeting of the Committee.

APPENDIX B

Protocol for Public Speaking at Planning Committee

1. The scheme for public speaking at Planning Committee only concerns matters relating to the determination of individual applications for planning permission contained in the Planning Committee agenda and not to other matters including Tree Preservation Orders or Enforcement matters.

2. The scheme for public speaking will apply at each meeting where an individual application for planning permission is considered by the Planning Committee.

3. Any person wishing to speak at the Planning Committee should submit a written request using a form provided by the Council and indicating whether the speaker is in favour of, or opposed to, the planning application.

3. The period of notice shall be not later than two working days prior to the meeting of the Planning Committee.

4. Speaking opportunities shall be allocated on a first come, first served basis but with the applicant being given first chance of supporting the scheme. Applicants or agents will be notified of requests to speak. Third Parties who have applied to speak will be notified of other requests only when these directly affect their application to speak. The identified speaker may defer to another at the discretion of the Chairman of the Committee.

5. One person shall be allowed to speak in favour of, and one person shall be allowed to speak against, each application. The maximum time limit will be three minutes per speaker. This does not affect a person's right to speak at a site visit if the Committee decides one should be held.

6. The procedure to be followed when members of the public address the Committee shall be as follows:

   (a) Chairman introduces item

   (b) Planning Officer updates as appropriate

   (c) Chairman invites members of the public and Ward Councillor(s) to speak, with the applicant or supporter last

   (d) Planning officer clarifies as appropriate

   (e) Committee debates the application

   (f) The vote is taken

7. In addition to the arrangements outlined in 5 above, District Councillors, who are not Members of the Committee may be permitted to address the Planning Committee for three minutes in relation to planning applications in their Ward. This is subject to giving formal written notice of not less than two working days and of advising whether they are for, or against, the proposals. In the interests of balance, a further three minutes' representation on the contrary point of view will be allowed from the identified speaker,

or an additional speaker. If other District Councillors wish to speak, having given similar notice and with the agreement of the Chairman, this opportunity will be further extended as appropriate.

8. Agenda items will be taken in the order listed.

9. The Chairman may, in exceptional circumstances, alter or amend this procedure as he or she considers necessary.

APPENDIX C

Guidelines for Committee Deferral for a Site Visit

1. All requests for site visits will be considered on their merits having regard to the likely usefulness to the Committee in reaching a decision.

2. The following criteria will be used to determine usefulness;

   (a) the matter can only be safely determined after information has been acquired directly from inspecting the site;

   (b) there is a need to further involve the public in the decision making process as a result of substantial local interest, based on material planning considerations, in the proposals; and

   (c) the comments of the applicant or an objector cannot be adequately expressed in writing because of age, infirmity or illiteracy.

3. The reasons for holding a Committee site visit must be recorded in the minutes.

4. The Committee will appoint a Site Visit Panel and a Chairman, also to be recorded in the minutes.

5. The purpose of the Panel is to gather information and opinion, and report its findings to the Committee.

APPENDIX D

Site Visit Procedure

1. The Committee will invite the Applicant and/or his representatives, those who made representations for or against the proposal, Ward Councillors, and Town/Parish Council representatives to attend.

2. Parish/Town Councils will be sent a copy of a notice with a request that it be displayed on their noticeboards to give other interested parties the opportunity to attend.

3. The Chairman (appointed by the Committee) will introduce Members and Officers of the Council, outline the procedures, and invite the Applicants, Parish Councils and interested parties to introduce themselves.

4. The Planning Officer will explain the planning policies and material considerations relating to the application and the reason for the site visit followed, if appropriate, by comments from any other relevant Council Officer.

5. The Parish/Town Council representatives will then be invited to state their Council's views.

6. Those making representations will be invited to state their grounds of objection/support. Each person will be given the opportunity to speak once and asked to keep to the matter under consideration and to not repeat views expressed by other speakers.

7. The Ward Councillor will be invited to raise any points.

8. Members of the Panel will be invited to seek any further information or clarification but should not express a view on the merits of the case.

9. The Applicant or Agent will be invited to put forward points and answer any questions raised. The Chairman may permit any person or officer to speak again in order to clarify points raised.

10. Members of the Panel will be given a final opportunity to seek information.

11. If all relevant aspects of the plans, the site and its surroundings have not already been seen, the Panel will inspect them.

12. Members of the Panel will then retire to consider their views on the application in the light of the additional information obtained and to agree their report to the next meeting of the Planning Committee.

13. The Chairman may, in exceptional circumstances, alter or amend this procedure as deemed appropriate.

14. At the next meeting of the Planning Committee the Planning Officer will make an oral report on the site visit having regard to any additional information received and including both the majority and any minority views of the Panel; the matter will then be open to Committee to debate.

positive engagement

a guide for planning councillors updated version



'The engagement of local councillors as leaders and representatives of the community is vital in the delivery of positive outcomes from the planning process.'

positive engagement
a guide for planning councillors

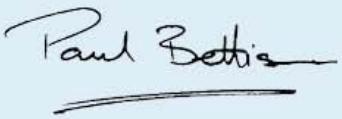
A message from **Iain Wright MP Parliamentary Under Secretary of State, DCLG** and **Paul Bettison, Environment Board Chairman, LGA.**

There have been some considerable changes over the last few years in how the planning process is delivered within England with a move away from an often adversarial, reactive and conflict based system towards a more pro-active, inclusive and creative approach.

As a local councillor involved in planning matters, whether as a ward councillor representing your area's constituents as a councillor responsible for drawing up the spatial plan for your area, or as a councillor responsible for deciding upon application you have a crucial role to play in both making the planning system work and ensuring the best possible outcomes for your community for both now and in the future. The engagement of local councillors as leaders and representatives of the community is vital in the delivery of positive outcomes from the planning process.

However, concerns are sometimes expressed about the compatibility of councillors meeting developers and interest groups and then taking decisions on an impartial basis.

This leaflet is an updated version of the positive engagement for elected members launched in 2005. It is intended to summarise the principles that should be observed to enable you to both participate in and lead the system.'



Paul Bettison



Iain Wright

In broad terms, the success of the planning system will depend on:

- establishing and taking forward a clear spatial vision for the area based on the sustainable community strategy
- effective dialogue between applicants, local authority, local people and other interests to help define and realise the vision
- ensuring that the spatial plan for an area embodies the aspirations of the community
- effective communication and ownership of policy between executive and planning committee
- the planning service being focused on outcomes
- early and effective community engagement in discussions on plans and development proposals, in accordance with the authority's Statement of Community Involvement.
- upholding the ACSeS Model Members Planning Code

As a community leader and local representative you will want to be involved in relevant public meetings, pre-application discussions and policy production. However, this may create some risks for councillors, particularly those who are members of the planning committee, and for the integrity of the decision making process. You should familiarise yourself with guidance found in the LGA guide Probity in Planning (update) – the role of councillors and officers, guidance from the Standards Board for England which provides an overview of the Model Code of Conduct which applies to all members and co-opted members of local authorities and the ACSeS Model Members Planning Code. (see the weblinks at the end of this leaflet).

Councillors can involve themselves in discussions with developers, their constituents and others about planning matters. However, difficulties can be avoided if you follow these useful general hints:

do

- ✓ always involve officers and structure discussions with developers
- ✓ inform officers about any approaches made to you and seek advice
- ✓ familiarise yourself with your authority's Code of Conduct and follow it when you are representing your authority
- ✓ keep your register of interests up to date
- ✓ follow your local authority's planning code
- ✓ be aware of what predisposition, predetermination and bias mean in your role – ask your monitoring or planning officer and refer to the Standards Board Occasional Paper on Predetermination, Predisposition and Bias if unsure
- ✓ be prepared to hold discussions with an applicant and your officers before a planning application is made, not just after it has been submitted to your authority
- ✓ preface any discussion with disclaimers; keep a note of meetings and calls; and make clear at the outset that discussions are not binding
- ✓ be aware of what personal and prejudicial interests are – refer to your monitoring officer and the Standards Board's website if you are unsure
- ✓ recognise the distinction between giving advice and engaging in negotiation and when this is appropriate in your role
- ✓ stick to policies included in adopted plans, but also pay heed to any other considerations relevant to planning
- ✓ use meetings to show leadership and vision
- ✓ encourage positive outcomes
- ✓ ask for training from your authority in probity matters
- ✓ recognise that you can lobby and campaign but that this may remove you from the decision making process
- ✓ feed in both your own and your local community's concerns and issues
- ✓ be aware that you can engage in discussions but you must have and be seen to have an open mind at the point of decision making

Communities and Local Government

PAS planning advisory service

Local Government Association

weblinks

The Association of Council Secretaries and Solicitors
Model Members Planning Code
www.acses.org.uk/documents/category/4

Department of Communities and Local Government
www.communities.gov.uk

Local Government Association
Probity in planning (update): the role of councillors and officers
www.lga.gov.uk/planning
A LGA update to the highly successful original guidance (published in 1997) on preparing a local code of good practice for those dealing with planning matters will be available shortly

National Planning Forum
Pre-application advice for town and country planning:
National Planning Forum good practice note 2 one of a series of 'inspiring planning' good practice notes
www.natplanforum.org.uk/good%20practice.html

Planning Advisory Service
Member development modules
www.pas.gov.uk/membertraining

Planning Officers Society
Members and Planning
www.planningofficers.org.uk/article.cp/articleid/176

The Standards Board for England
Guidance on the Model Code of Conduct, including personal and prejudicial interests
www.standardsboard.gov.uk/TheCodeofConduct/Guidance/

Fact sheets and Frequently Asked Questions
www.standardsboard.gov.uk/TheCodeofConduct/Factsheetsandfrequentlyaskedquestions/

Paper on predisposition, predetermination or bias, and the Code
www.standardsboard.gov.uk/Publications/OccasionalPaper/

IDT 2517

Planning Officers Society

ACSeS Association of Council Secretaries and Solicitors

the Standards Board for England

Protocol for Officers and Members for Dealing with Conflicts of Interest of Councillors in Professional Practice

(a) In circumstances where a Councillor is instructed to act as a professional representative or adviser for a client on any matter involving the Council, the Councillor should declare his interest in writing to the Chief Executive as soon as possible and the Chief Executive shall then inform the relevant department(s) which is dealing with the matter.

(b) On any approach to an Officer (whether oral or in writing) which is made in connection with any matter in which the Councillor is instructed to act as a professional representative for a client, the Councillor should declare to the Officer that he or she is acting in the matter as a professional representative for a client. In all cases the Officer should clearly establish with the Councillor, at the outset and before the matter is discussed, whether the Councillor is acting in his capacity as a professional representative for a client.

(c) In all cases where a Councillor is acting as a professional representative for a client the Councillor should endeavour to conduct all professional dealings on that matter through the appropriate professional Officer of the Council in the relevant department. In all circumstances where an Officer receives an inappropriate approach from the Councillor having regard to this protocol that Officer should refer the Councillor to the appropriate professional Officer in the relevant department and should decline to discuss the matter with the Councillor.

In particular, in all matters where the Councillor is acting for a client and the matter is the subject of instructions to the Solicitor to the Council, the Councillor shall ensure that he or she conducts all of his dealings with the Solicitor to the Council (or the appropriate officer having the care and conduct of the matter in Legal Services).

(d) Councillors acting as a professional representative or adviser for a client will almost certainly have a personal and prejudicial interest and must declare their interest and act in accordance with the Code of Conduct for Members if the matter comes before the Council (Councillors should also be reminded that they should apply the principles of disclosure of interests in their unofficial relations with other Councillors (e.g. party group meetings, or other informal occasions) no less scrupulously than at formal meetings of the Council – paragraphs 4 & 5 of the Code of Conduct for Members.

(e) Where a Councillor has declared a conflict of interest under this protocol in respect of any matter, the Councillor shall not receive any confidential report or papers relating to that matter and the Chief Executive and all other Chief Officers shall exclude from the Councillor's rights of access or inspection any confidential report or other document relating to the matter. The declaration of a conflict of interest under this protocol shall be reported to the relevant decision making body of the Council and to the Monitoring Officer and/or a note thereof shall be included on every confidential report or other paper. No other Member of the Council shall disclose any such confidential report or paper to a Councillor who has declared a conflict of interest under this protocol.

(f) Councillors who are members of a large professional practice need to check whether other parts of their firm have an involvement with clients whose business is coming before the Council. If so, an interest will need to be declared even if the matter is not being personally handled by the Councillor.

(g) Councillors in professional practice in addition to complying with this protocol shall comply with any practice or conduct rules which have been issued by their own professional body in relation to their dealings with the Council.

(h) Councillors in professional practice should be especially aware of the possible conflict of interest that may arise between their role as Councillor and their role as professional adviser to private clients. Careful regard must always be had to the Members' Code of Conduct and whenever such a conflict of interest may arise the Councillor is advised to consider whether he or she should declare a personal interest and whether it is also a prejudicial interest.

(i) For the purposes of this protocol any references to

(i) "the Council" shall be taken to include the Council, the Executive, and any of the Council's or the Executive's committees, sub-committees, joint committees, joint sub-committees, area committees and any policy advisory groups or working groups.

(ii) "the relevant decision making body of the Council" shall include any of the Council's or the Executive's committees, sub-committees, joint committees, joint sub-committees, area committees and any policy advisory groups or working groups notwithstanding that the functions of any such body may be limited to the giving of advice or the making of recommendations or to undertaking an overview or scrutiny function.

Part 6 Members' Allowances Scheme

Version: September 2026

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Members' Allowances Scheme

1. Introduction

1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) requires local authorities to prepare schemes for the payment of allowances to their members.

1.2 The 2003 Regulations (as amended) stated that authorities must establish a scheme of allowances under those Regulations by 31 December 2003. Authorities making schemes are required to make provision for the payment of basic allowances and may also provide for the payment of special responsibility allowances, dependants' carers allowances, travelling and subsistence allowance and co-optees' allowances.

1.3 The Council has established an Independent Remuneration Panel in conjunction with Canterbury City Council and Thanet District Council. Authorities must have regard to the recommendations made by an independent remuneration panel before making or amending a scheme in accordance with the Local Authorities (Members Allowances) (England) Regulations 2003.

1.4 At the meeting of the Council held on 4 March 2026 the Council duly made its Members' Allowance Scheme as set out below.

2. Commencement and Period of Scheme

2.1 This Scheme is made by Dover District Council pursuant to Section 18 of the Local Government and Housing Act 1989 (as amended by Section 99 of the Local Government Act 2000) and the Local Authorities (Members' Allowances) Regulations 2003.

2.2 This Scheme has effect from 1 October 2026 and applies to the payment of members' allowances from 1 October 2026 until 31 March 2027 and subsequent years thereafter (subject to any revocation or amendment).

2.3 The Scheme shall remain in force unless and until revoked by the Council with effect from the beginning of a year.

2.4 The Scheme may be amended at any time provided that regard is had to the recommendations of the independent remuneration panel.

3. Revocation of Previous Schemes

3.1 All previous schemes made by the Council for the payment of members' allowances were revoked with effect from 1 October 2026.

4. Basic Allowances

4.1 A Basic Allowance shall be paid to each Member of the authority who is a councillor in the amount set out in Schedule 1.

4.2 The Basic Allowance is intended to cover the full range of work expected of a ward councillor together with incidental expenditure on matters such as stationery, postage, telephone and broadband costs.

4.3 Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year, their entitlement shall be to payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which their term of office as Member and councillor subsists bears to the number of days in that year.

5. Special Responsibility Allowances

5.1 Special Responsibility Allowances shall be payable to those Members of the authority who are councillors as hold those offices (which have special responsibilities in relation to the authority) as are specified in Schedule 2.

5.2 The amount of each Special Responsibility Allowance shall be as specified in Schedule 2.

5.3 Where a Member does not have throughout the whole of a year any such special responsibilities as entitle him/her to a Special Responsibility Allowance, their entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.

5.5 No Member shall be entitled to more than one Special Responsibility Allowance. Where a Member holds more than one office, then the higher of the Special Responsibility Allowances shall apply.

6. Appropriate Adjustments

6.1 The Section 151 Officer shall be authorised to make provision for any appropriate adjustment if necessary in respect of any Basic Allowance or Special Responsibility Allowance which:

(a) has already been paid under the previous scheme in respect of the remainder of the year from which this Scheme has effect; or
(b) is to be paid in respect of any part of the year during which the previous scheme had effect.

7. Travelling and Subsistence Allowance

Travelling Allowance

7.1 Travelling Allowance shall be available to Members of the Council (including Co-opted members) in such amount or amounts as may be specified in Schedule 5 and subject to such conditions as are set out therein and below.

7.2 Travelling Allowance shall only be payable to Members in respect of actual expenditure incurred in connection with or relating to the approved duties shown below. The scheme does not allow for travelling expenses to be paid to Members arranging meetings with officers or attending to Ward work as this is deemed to be part of the Member's role and the Members' Basic allowance paid is calculated to reflect these extra duties.

7.3 For the purposes of the payment of travel expenses, all travel will be deemed to have commenced from the Member's current address or, if this is not within the administrative area of the Council, from the address through which the Member qualified to stand for election.

7.5 For journeys outside Kent the second-class rail fare is paid (irrespective of whether the Member chooses to use a car), although any taxi fares, parking charges and underground fares incurred as part of the journey may still be claimed for separately. Where it is impracticable for a Member to travel by train because the venue is difficult to get to within the time allowed, or to avoid an overnight stay, or extra passengers/luggage has to be taken, car mileage may be allowed at the appropriate rate provided that a written self-certification explaining why it is impractical has been completed and submitted to Democratic Services prior to the journey.

7.6 Attendance at meetings of the Council or of any of its committees, sub-committees, working or liaison groups, appeal panels and ad hoc meetings recorded in official minutes to which a Member has been appointed or at which she or he is acting as a Substitute for another Member including representatives appointed to Neighbourhood Forums and their substitutes.

7.7 Attendance at meetings of the Cabinet or of any Committee of the Cabinet or policy or project advisory groups. Members of the Shadow Cabinet, Chairmen of Overview and Scrutiny Committees and recognised Group Spokespersons shall also be eligible to claim for attendance at meetings of the Cabinet.

7.8 Requested attendance at meetings of Overview and Scrutiny Committees and attendance at meetings of the Planning Committee when registered to speak as a ward councillor.

7.9 Meetings pursuant to any Joint Arrangements with another or other local authorities whether appointed or established under the Local Government Act 2000 or any other enactment.

7.10 Official briefing meetings which relate to an approved meeting as set out in 1.1 and 1.2 above where officers have specifically invited the Member. This scheme does not allow for travelling expenses to be paid to individual Members arranging meetings with officers as this is deemed to be part of the Member's role and Members' allowances paid are calculated to reflect these extra duties. For example: visiting the Council offices to discuss with an officer a matter raised by a member of the public in the Member's Ward.

7.11 The Chairman of the Council, Vice-Chairman of the Council, Leader of the Council, Cabinet Members, Shadow Cabinet Members and Committee Chairmen may claim travel expenses for attending briefing meetings initiated at their request with officers as long as the meeting is related to their role.

7.11 Site meetings approved in advance by the Council, a committee or sub-committee, and limited to members of the committee or sub-committee in question.

7.12 Attending the approved duties as set out in Table 1 of Schedule 5. (Travelling arrangements should be co-ordinated to avoid duplicate claims wherever possible, particularly in instances where a Council Officer is also attending).

7.13 There is also a general duty permitting the Leader or nominated deputy to represent the Council at formal meetings not specified elsewhere with other authorities, official bodies or agencies for the purposes of any function of the Council.

7.14 Training, induction courses and seminars arranged for Members.

7.15 Attending the Council offices in relation to ICT equipment issued by the Council to Members.

7.16 The performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises.

7.17 The performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 (approval of non-maintained special schools) of the Education Act 1996.

7.18 The carrying out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Council or any of its committees or sub-committees. Provided always that the approved duties for which Members are eligible to claim travel and subsistence allowance shall not include cases where the Member is acting solely in their community role or carrying out their ward business.

7.19 Co-opted and independent members of Committees, Boards and Panels receive travel allowances in the same way as elected members of the Council.

7.20 All claims for travel allowances must be submitted to Democratic Services within 90 days from the date on which the entitlement arises. Any claims made outside of this will not be accepted unless reasonable extenuating circumstances can be provided to the Head of Corporate Services and Democracy as to why the claim could not be submitted within 90 days.

Subsistence Allowance

7.21 Subsistence Allowance shall be available to Members of the Council (including Co-opted members) in such amount or amounts as may be specified in Schedule 5 and subject to such conditions as are set out therein and below.

7.22 Subsistence Allowance shall only be payable to Members in respect of actual expenditure incurred in connection with or relating to the approved duties shown below.

7.23 The carrying out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Council or any of its committees or sub-committees. Provided always that the approved duties for which Members are eligible to claim subsistence allowance shall not include cases where the Member is acting solely in their community role or carrying out their ward business.

7.24 Co-opted and independent members of Committees, Boards and Panels receive subsistence allowances in the same way as elected members of the Council.

7.25 For the purposes of subsistence allowance, a meal is defined as a combination of food and non-alcoholic drink. The allowance is for actual expenditure, and Members should provide appropriate evidence of their expenditure.

7.26 The Member should be absent from home or the council offices for a continuous period as per schedule 5.

7.27 Subsistence claims will only be paid where the Member is required to travel outside of the East Kent districts of Dover, Thanet, Canterbury and Folkestone and Hythe.

7.28 All claims for subsistence allowances must be submitted to Democratic Services within 90 days from the date on which the entitlement arises. Any claims made outside of this time limit will not be accepted unless reasonable extenuating circumstances can be provided to the Head of Corporate Services and Democracy as to why the claim could not be submitted within 90 days.

8. Dependants' Carers' Allowance

8.1 A Dependants' Carers' Allowance shall be available to Members of the Council (a) in such amount or amounts as may be specified in Schedule 7 and (b) subject to such conditions as are set out in Schedule 7 and below.

8.2 A Dependant's Carer's Allowance shall only be payable to Members in respect of actual expenditure incurred in connection with or relating to the approved duties set out. The payable cost is for the duration of the specified approved duty plus reasonable travelling time associated with it.

8.3 A Dependant's Carer's Allowance shall only be payable to Members in respect of the expense of arranging for the care of a spouse, partner, child, parent, or a person who lives in the same household as the Member otherwise than by reason of being their employee, tenant, lodger or boarder.

8.4 The carer must not be a member of the claimant's immediate family i.e. spouse or partner, other children of the Member or Member's spouse, or any member of the Member's family who lives at the same address as the Member; nor should it be an employee, tenant, lodger or boarder who lives at that address.

8.5 Payment of the allowance shall only be made on satisfactory production of an invoice.

8.6 Such allowances paid to a Member shall be unlimited.

8.7 All claims for such allowances must be submitted within 90 days to the Head of Corporate Services and Democracy. Any claims made outside of this time limit will not be accepted unless reasonable extenuating circumstances can be provided to the Head of Corporate Services and Democracy as to why the claim could not be submitted within 90 days.

9. Index Linking

9.1 NOT USED

10. Back Dating

10.1 Where an amendment of this Scheme is made which affects an allowance payable for the year in which the amendment is made, the Member's entitlement to such allowance

as amended shall apply with effect from the beginning of the year in which the amendment is made.

11. Repayment

11.1 Where payment of any allowance has already been made in respect of any period during which the Member concerned is:

(a) ceases to be a Member of the authority; or

(b) is in any way not entitled to receive the allowance in respect of that period,

the Council may require that such part of the allowance as relates to any such period shall be repaid to the Council.

12. Membership of More Than One Authority

12.1 Where a Member of the Council is also a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties.

13. Electing To Forgo Allowances

13.1 A Member may, by notice in writing given to the Section 151 Officer, elect to forego any part of their entitlement to an allowance under this Scheme.

14. Claims and Payments

14.1 No claim is required for basic allowances and special responsibility allowances. Basic allowances will be paid equally to all Members whilst special responsibility allowances will be paid to those Members who are entitled to them.

14.2 Basic allowances and special responsibility allowances will be paid as follows:

(i) To enable Members to meet one-off expenses at the start of the year following the ordinary elections of the full Council, the basic allowance will be paid as follows:

(a) a payment of £500 at the commencement of the year

(b) the balance to be paid by equal monthly payments on or about the 19th day of each month.

(ii) Special responsibility allowances will be paid by equal monthly instalments on or about the 19th day of each month.

For all subsequent years until the next ordinary elections of the full Council, the Basic Allowance and special responsibility allowances will be paid by equal monthly instalments on or about the 19th day of each month.

14.3 In the case of Travelling and Subsistence Allowance and Dependants' Carers' Allowance claims must be submitted on the appropriate form and will be paid through the Council's payroll system. In order to facilitate payment, claim forms should be completed in full detail and any appropriate receipts or vouchers must be attached. If the expenses are vatable, a VAT receipt should be enclosed, if possible, to enable the Council to recover the VAT element. The declaration on the form must be completed and signed in every instance.

14.4 Members are requested to submit claims by not later than the 25th of each month for payment by direct credit to bank accounts on or about the 19th of the following month. A payment advice slip will be sent directly to Members and further claim forms are available from Democratic Services on request.

14.5 The following data must be provided to the Section 151 Officer in order to facilitate the payment:

(i) Bank address and bank account number.

(ii) National Insurance number and, in the case of certain married women, a Certificate of Reduced Liability and, in the case of pensioners, a Certificate of Age Exemption, these certificates being provided by the Department of Work and Pensions.

14.5 In the case of a claim for Travelling and Subsistence Allowance or Dependants' Carers' Allowance such claim must be made to the Democratic Services Section within 90 days from the date on which an entitlement to the allowance arises. Any claims made outside of this time limit will not be accepted unless reasonable extenuating circumstances can be provided to the Head of Corporate Services and Democracy as to why the claim could not be submitted within 90 days

SCHEDULE 1: Basic Allowance

Column 1 (Description)	Column 2 (Amount) Per annum
Basic Allowance	£5,000

SCHEDULE 2: Special Responsibility Allowances

Column 1 (Description)	Column 2 (Amount) Per annum
Special Responsibility Allowances Special responsibility allowances of the amounts shown in Column 2 (where indicated) shall be payable in respect of the following office holders:	
Leader of the Council	£18,000
Deputy Leader of the Council	£9,000
Other Cabinet Members	£6,750
Chairman of the Overview and Scrutiny Committee	£4,500
Chairman of the Planning Committee	£4,500
Chairman of the Governance Committee	£4,500
Chairman of the Regulatory Committee	£1,125
Chairman of the Licensing Committee	£1,125
Chairman of the Dover Joint Transportation Advisory Board*	£1,125
Chairman of the General Purposes Committee	£1,125
Vice-Chairman of the Overview and Scrutiny Committee	£1,125
Vice-Chairman of the Planning Committee	£1,125
Vice-Chairman of the Governance Committee	£1,125
Vice-Chairman of the Regulatory Committee	£281
Vice-Chairman of the Licensing Committee	£281
Vice-Chairman of the Dover Joint Transportation Advisory Board*	£281
Vice-Chairman of the General Purposes Committee	£281

Column 1 (Description)	Column 2 (Amount) Per annum
Leader of the Main Opposition Group where the group has 10 or more members	£5,061
Leader of an Opposition Group with a membership of between 5 and 9 members	£232
Leader of an Opposition Group with less than 5 members	None
Deputy Leader of the Main Opposition Group where the group has 10 or more members	£2,250
Deputy Leader of an Opposition Group with less than 10 members	None
Members of the Shadow Cabinet	£2,250
Members of the Licensing Committee	£315

(*) The Chairmanship and Vice-Chairmanship alternate between Kent County Council and Dover District Council.

SCHEDULE 3: Civic Allowances

Column 1 (Description)	Column 2 (Amount) Per annum
Chairman of the Council	£5,300
Vice-Chairman of the Council	£1,400

SCHEDULE 4: Independent Person(s)

Column 1 (Description)	Column 2 (Amount) Per annum
Independent Person(s)	£927

SCHEDULE 5: Travelling and Subsistence Allowance

List of approved duties attendance at which travelling and subsistence allowance may be claimed for:

Body	Number of representatives
Deal Fairtrade Steering Group	1
Dover Fairtrade Steering Group	1
Dover Fastrack Board	1
East Kent Spatial Development Company	1
Industrial Communities Alliance	1
JAC Kent Downs AONB Partnership	1
Kent Resource Partnership Members' Board	1
Kent & Medway Economic Partnership Board	1
Local Government Association – General Assembly	1
Local Government Association - Coastal Special Interest Group	1
Manston Skills and Employment Board	1
Manston Sustainability Advisory Board	1
Patrol (formerly National Parking Adjudication Service)	1
Kent & Medway Police and Crime Panel	1
River Dour Partnership	1
River Stour (Kent) Internal Drainage Board	2
Sandwich & Pegwell Bay National Nature Reserve Management Committee	1
South East Councils	1

Travel expense claims in respect of attendance at meetings of other bodies to which the Member has been appointed or any outside body to which the Member are appointed as a trustee would need to be submitted to relevant Charity/Trust not Dover District Council.

Conferences attended by Members:

Conference	Number of representatives
Local Government Association Annual Conference	3

Subsistence Allowances

Subsistence allowance shall only be paid for actual expenses incurred and should provide appropriate evidence of the expenditure. Claims shall not exceed:

(a) In the case of absence, not involving an absence overnight, from the Member's usual place of residence:

Minimum Journey Time	Maximum amount of meal allowance
5 hours absence	£5
10 hours absence	£10
15 hours (and ongoing at 8pm)	£25

(b) Members who are required to make overnight stays in the performance of their official duties should, wherever possible, pre-book accommodation of an appropriate standard and obtain approval from the Leader of the Council. Arrangements should be made for an invoice to be submitted directly to the Council. If this is not possible a detailed VAT receipt MUST be obtained to substantiate the claim. Alcoholic drinks may not be included in any claim.

(c) All claims for subsistence allowances must be submitted to Democratic Services within 90 days from the date on which the entitlement arises. Any claims made outside of this will not be accepted unless reasonable extenuating circumstances can be provided to the Head of Corporate Services and Democracy as to why the claim could not be submitted within 90 days

Travelling Allowances

(a) The rate for travel by a Member's own car, van, motorcycle or bicycle shall be as follows:

Mode of Transport	**Mileage rate**
Cars and vans	55 pence per mile
Motorcycles (all cylinder capacities)	24 pence per mile
Bicycles	20 pence per mile

(b) Where a Member takes as a passenger another Member or person to whom a travelling allowance would otherwise be paid, the Member may claim an extra 1p per passenger (not exceeding 4) per mile.

(c) For journeys outside Kent the second-class rail fare is paid (irrespective of whether the Member chooses to use a car), although any taxi fares, parking charges and underground fares incurred as part of the journey may still be claimed for separately. Where it is impracticable for a Member to travel by train because the venue is difficult to get to within the time allowed, or to avoid an overnight stay, or extra passengers/luggage has to be taken, car mileage may be allowed at the appropriate rate provided that a self-certification form explaining why it is impractical has been completed and submitted to Democratic Services prior to the journey.

(d) Second-class rail fares, bus fares, essential taxi fares and gratuities, car parking fees, tolls etc necessarily incurred may be claimed subject to the provision of receipts. Rail fares should be pre-booked wherever possible to achieve reduced fares.

(e) All claims for travelling allowances must be submitted to Democratic Services within 90 days from the date on which the entitlement arises. Any claims made outside of this will not be accepted unless reasonable extenuating circumstances can be provided to

the Head of Corporate Services and Democracy as to why the claim could not be submitted within 90 days

SCHEDULE 6: Index Linking Arrangements

Allowance	Index
Index Linking	
Basic and Special Responsibility Allowances and Co-optees Allowance	NOT USED
Travel and Subsistence Allowances	NOT USED
Dependants' Carers' Allowance	NOT USED

SCHEDULE 7: Dependent Carers Allowance

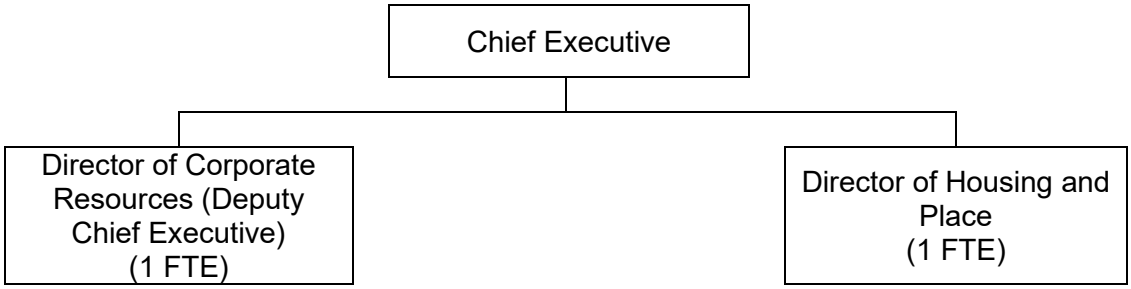
Column 1 (Description and Conditions)	Column 2 (Amount)
Dependants' Carers' Allowance	At actual expenditure incurred

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Part 7 Management Structure

Management Structure - Organisational Chart

Corporate Management Team



Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Leadership, strategic direction and management Member/Officer relationships Change management Local Government Reorganisation Provision of external focus
Director of Corporate Resources (Deputy Chief Executive)	Civic Functions Client Officer East Kent Audit Partnership Responsible for client relationship with Partnership One Community Safety and CCTV Continuous Improvement Creative Design & Corporate Communications Democratic and Corporate Services Electoral Services Finance and Procurement Responsible for Corporate Governance Human Resources (including Health & Safety) Legal & Licensing Parking Services Payroll (shared service) Port Health & Environmental Services Technology and Resilience
Director of Housing and Place	Housing Management (including Strategic Housing and Housing Delivery) Housing Needs Housing Repairs Parks, Open Spaces and Countryside Place and Community (including major projects) Planning and Development (including Strategic Transport) Property Services Waste Services

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Part 8 East Kent Services Committee

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SCHEDULE 1

East Kent Services Committee

Operating Arrangements

Canterbury City Council
Dover District Council
Thanet District Council

together referred to as 'the Parties'

1. Key Principles

1.1 The Executive and full Council of each of the Parties has determined by resolution to establish this joint committee to become effective from 11 February 2015 for the purposes of exercising agreed functions over their 'combined administrative area'.

1.2 The joint committee will be established as the East Kent Services Committee (EKSC).

1.3 The Parties are committed to a joint committee which provides streamlined decision making; and co-ordination of services across the combined administrative area through mutual co-operation.

1.4 The Parties are committed to open and transparent working and proper scrutiny and challenge of the work of the EKSC through their own scrutiny arrangements.

1.5 Any new Parties to these arrangements after they become effective will have all the same rights and responsibilities under these arrangements.

2. Definitions

2.1 'Decisions' means those decisions of the Parties delegated from time to time to the EKSC to discharge.

2.2 'A shared service' means a service delivering functions as agreed by all of the Parties.

2.3 'The combined administrative area' means the local government areas of the city and district authority Parties combined.

2.4 'The Parties' means the authorities listed above.

2.5 'Voting Member' means the appointed elected members of each of the Parties.

2.6 'Host Authority' means the local authority appointed by the Parties under these arrangements to administer these operating arrangements and to facilitate the holding of meetings of EKSC.

3. Objectives

3.1 The objectives of the EKSC are to:

(a) improve services, and secure economy, efficiency and effectiveness in their delivery in the combined administrative area

(b) Streamline decision making where joint arrangements exist

(c) Enhance mutual co-operation and strategic partnering

4. Powers and Functions

4.1 The EKSC is established under section 9EB of the Local Government Act 2000 and Regulations 4, 11 and 12 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 and sections 101(5) and section 102(1) of the Local Government Act 1972 enabling the Parties to perform the functions referred to in the Schedule in the manner set out in these arrangements.

4.2 The functions of the EKSC shall be those functions or services that are delegated to it by the parties from time to time as approved by resolution of the executive and/or full Council (as appropriate). of such of the parties as are minded to participate in those joint functions and services.

4.3 Any delegations to the EKSC shall be made in a common form and shall not take effect until agreed by the executive and/or full Council (as appropriate) of all those Parties.

5. Terms of Reference

5.1 The terms of reference for the EKSC are as set out in the Schedule to these operating arrangements

6. Membership and Voting Rights

6.1 The EKSC shall comprise two executive members of each of the Parties who operative an executive system of political management. Where a party does not operate an executive system of political management then such a party shall appoint two members of the authority.

6.2 Where a party operates an executive system of political management the Leader of each Party may nominate (for approval by the Council) two further members of their Executive to act as substitutes for either or both of the two appointed executive members as necessary .Where a party does no operate an executive system of political management then such a party may appoint two further members of the authority to act as substitutes.

6.3 Non-voting members may be co-opted onto the EKSC from any or all of the Parties or from other public sector partner organisations as the EKSC may unanimously decide. Co-optees may participate in the debate but may not vote.

7. Frequency of Meetings

7.1 The EKSC will meet at least once annually and may hold additional meetings as business requires.

8. Agenda Setting and Access to Meetings and Information

8.1 The agenda for the EKSC shall be agreed by the chairman of the EKSC following a briefing by relevant officers. Any member of the EKSC may require that an item be placed on the agenda of the next available meeting for consideration.

8.2 Notice of meetings and access to agendas and reports will be in accordance with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, or sections 100A-K and Schedule 12A of the Local Government Act 1972 and the Openness of Local Government Bodies Regulations 2014, as appropriate.

9. Sub-Committees

9.1 The EKSC may establish sub-committees as it may determine.

9.2 When establishing a sub-committee the EKSC will agree the:

(a) terms of reference for the sub-committee

(b) size and membership of the sub-committee including co-optees

(c) period for which the sub-committee will remain constituted

(d) chairman of the sub-committee or will delegate this decision to the sub-committee

(e) mechanism for hosting the sub-committee and sharing the cost amongst the relevant Parties, as appropriate

10. Delegation to Sub-Committees and Officers

10.1 The EKSC may arrange for the discharge of any of its functions by a sub-committee of the EKSC or an officer of one of the Parties. Any such sub-committee may, subject to the terms of these arrangements and unless the executive leader of any of the parties directs otherwise, arrange for the discharge of any of its functions by such an officer.

11. Meetings and Procedure

11.1 The Chairman and Vice Chairman of the EKSC will be appointed annually by the EKSC.

11. Meetings and Procedure

11.1 The Chairman and Vice Chairman of the EKSC will be appointed by the EKSC on the basis of the position being rotated annually, as follows, and repeated each three years:

	Chairman and Host Authority	**Vice-Chairman**
Year 1 (2014/2015)	Thanet District Council	Dover District Council
Year 2 (2015/2016)	Dover District Council	Canterbury City Council
Year 3 (2017/2018)	Canterbury City Council	Thanet District Council

All appointments to be for the municipal year commencing April/May in any year

11.2 In the absence of the chairman and the vice chairman at a meeting, the meeting will elect a chairman for that meeting.

11.3 The quorum of the EKSC will be three with at least one member present from each of the three Parties. If the meeting is inquorate then it shall stand deferred for seven days to meet at the same time and in the same place when the quorum shall be three drawn from any of the Parties.

11.4 The EKSC may approve rules for its procedure and meetings from time to time.

11.5 The parties may approve a protocol for the scrutiny process of EKSC from time to time.

12. Decision Making

12.1 All decision shall be decided by a majority of members present and voting thereon at a meeting of the EKSC. The vote will be by way of a show of hands.

12.2 The EKSC may recommend to the parties services and/functions which may be considered for joint working.

12.3 Where all of the parties have agreed to delegate a shared service, then the service will become a shared service when all Parties have passed the necessary resolutions.

13. Publicity In Connection With Key Decisions

13.1 Decisions of the EKSC which will amount to a Key Decision of any Party shall be included within each Parties publicity in connection with key decisions**.**

14. Host Authorities and Allocation of Roles

14.1 The Host Authority shall be Canterbury City Council until the parties otherwise decide.

14.2 Responsibility for the following support services to the EKSC will be allocated to the Host Authority:

(a) the provision of legal advice and services

(b) the provision of financial advice and services

(c) secretariat support and services

(d) communications support and services

14.4 The cost of the services and advice set out in this section will be met by each of the Parties in such proportion as they shall from time to time agree.

15. Amendments to these Arrangements

15.1 These arrangements may be amended by the unanimous agreement of the EKSC following a recommendation approved by the Executive and full Council of each of the Parties.

16. New Membership and Cessation of Membership

16.1 New Parties may join the joint committee provided that the Executive and full Council of the joining Party (ies) and of all the Parties to these arrangements for the time being so resolve.

16.2 Any of the Parties may cease to be a party to these arrangements following notice of cessation subsequent to a decision by the relevant Executive and full Council. A minimum of six months notice is required for any Party to leave the EKSC and in any event, any notice of cessation can only be effective when expiring on 31 March in any year. For the avoidance of doubt, where a Party wishes to withdraw from these arrangements but makes that decision and gives notice within six months expiring on 31 March, they may not withdraw from these arrangements until the 31 March in the subsequent year.

16.3 On any of the Parties ceasing to be a party to these arrangements, these arrangements shall continue unless the remaining parties determine that those arrangements shall terminate. The benefits and burdens of such termination shall be agreed between the Parties and in default of such agreement shall be determined in accordance with 17.1.

16.4 Termination of these arrangements may occur by agreement of all the Parties.

17. Dispute Resolution

17.1 Any dispute between the Parties arising out of these arrangements shall be referred to a single arbitrator to be agreed between the Parties, or, where no agreement can be reached, and having regard to the nature of the dispute, by an arbitrator nominated by the chairman of the Local Government Association and will be carried out in accordance with the provisions of the Arbitration Act 1996 as amended or modified and in force for the time being.

18. Claims and Liabilities

18.1 The purpose of these arrangements and any actions taken under them is to assist all of the Parties to undertake shared services). The Parties therefore have agreed that:

(a) all of the costs attributable to the provision of any shared service shall be shared between the Parties in such proportions as they shall agree (and if not otherwise agreed then in equal shares)

(b) where one of the Parties nominated by the EKSC to act in respect of a shared service undertakes actions or incurs liabilities in respect of that shared service on behalf of the EKSC then it shall be entitled to be indemnified by the other

Parties for the appropriate proportion of all its costs and liabilities incurred in good faith in relation to that shared service

(c) where one of the Parties nominated by the EKSC to act as Host Authority undertakes actions or incurs liabilities in that respect then it shall be entitled to be indemnified by the other Parties for the appropriate proportion of all its costs and liabilities incurred in good faith

(d) a Party carrying out actions in good faith on behalf of the EKSC shall not (other than in the case of fraud and/or clear bad faith) be liable to claims from the other Parties (and there shall be no right of set-off against any claim for indemnity under (b) and/or (c) above) on the grounds that the actions that were taken were not the proper actions carried out properly or that the costs and liabilities incurred were not reasonably and properly incurred (as long as they were in fact incurred)

18.2 Each of the Parties shall at all times take all reasonable steps within its power to minimise and mitigate any loss for which it is seeking reimbursement from any of the other Parties.

19. Data Protection, Freedom of Information, Information Sharing & Confidentiality

19.1 Subject to the specific requirements of this clause, each of the Parties shall comply with its legal requirements under data protection legislation, freedom of information and associated legislation, and the law relating to confidentiality.

19.2 An authority will be appointed as a Host Authority for the purposes of ensuring compliance with any legislative or legal requirements relating to these issues should they arise directly in relation to the joint committee (as compared to information held by the Parties to these arrangements).

19.3 Each of the Parties shall:

(a) treat as confidential all information relating to:

(i) the business and operations of the other Parties and/or

(ii) the business or affairs of any legal or natural person in relation to which or to whom confidential information is held by that Party (“Confidential Information”) and

(b) not disclose the Confidential Information of any other of the Parties without the owner's prior written consent

19.4 Clause 19.3 shall not apply to the extent that:

(a) such information was in the possession of the Party making the disclosure, without obligation of confidentiality, prior to its disclosure or

(b) such information was obtained from a third party without obligation of confidentiality or

(c) such information was already in the public domain at the time of disclosure otherwise than through a breach of these arrangements or

(d) disclosure is required by law (including under Data Protection Legislation, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004) or disclosure is permitted by the Human Rights Act 1998

19.5 The Parties may only disclose Confidential Information of another of the Parties to staff who need to know by reason of their work. Each of the Parties shall ensure that such staff are aware of, and comply with, these confidentiality obligations and that such information is not used other than for the purposes of the EKSC.

19.6 If any of the Parties receives a request for information under the Freedom of Information Act 2000 and/or the Environmental Information Regulations 2004 then the other Parties shall (at their own expense) assist and co-operate to enable the request to be dealt with.

19.7 If a request for information is received then the Party receiving it shall copy it to the other Parties and consider when making its decisions any views of the other Parties.

19.8 Notwithstanding the provisions of 19.6 and 19.7 it shall be the Party receiving the request that is responsible for determining at its absolute discretion how to reply to the request.

20. Exercise of Statutory Authority

20.1 Without prejudice to these arrangements, nothing in these arrangements shall be construed as a fetter or restriction on the exercise by any of the parties of their statutory functions. The parties may continue to provide the whole or any part of a service at their own cost notwithstanding that the service is also a shared service being provided jointly.

Terms of Reference of the East Kent Services Committee

1. To exercise the executive and non-executive functions of the parties in order to commission, co-ordinate, provide, procure and/or manage any shared services as are agreed from time to time by the Parties

2. To provide strategic direction to the officers advising the EKSC

3. To exercise any of the functions or services that are determined to be a shared service in accordance with these arrangements

4. To develop work programmes and projects in relation to the functions which the parties are minded to be delegated to the EKSC by the Parties

5. To report as necessary to each of the Parties on its activities

6. To respond to reports and recommendations made by all or any of the Parties

7. To make recommendations to the Parties for improvement and change of these operating arrangements and to propose (as appropriate) the creation of special purpose vehicles for the achievement of the Objectives, including companies, formal partnerships or consortia, the expansion of these arrangements to include other local authorities, the conclusion of contracts with other persons and the provision of services, supplies and works to other persons

SCHEDULE 2

East Kent Services Committee Procedure Rules

These Rules are made supplemental to clause 11.4 of the East Kent Services Committee operating arrangements ("operating arrangements") and are to be read in conjunction with them. In the event of conflict the operating arrangements shall prevail. "Joint Committee" means the East Kent Services Committee. Words and phrases not otherwise defined in these Rules shall have the meanings given them in the operating arrangements.

1. The operation of the Joint Committee

1.01 Who may make decisions?

The arrangements for the discharge of functions are:

i) the Joint Committee as a whole;

ii) a sub-committee;

iii) an officer of one of the Parties.

1.02 Sub-delegation of functions

(a) Where the Joint Committee are acting as a whole, they may delegate further to a sub-committee or an officer.

(b) Even where functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

1.03 The Joint Committee's scheme of delegation

The Joint Committee's scheme of delegation will be subject to adoption by it and may only be amended by it. It will contain any limitations or conditions.

1.04 Joint Committee meetings – frequency and venue

The EKSC will meet at least once annually. At other times it will meet at times agreed by the Chairman with the Chief Executive of the host authority. It will meet at the premises of the host authority.

A meeting of the Joint Committee shall be summoned by the Chief Executive of the Host Authority who will give a minimum of five working days notice (or less in the case of urgency) or any other date convenient to the Chairman subject to the requirements of legislation.

1.05 Meetings of the Joint Committee

Meetings of the Joint Committee will be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with the Access to Information requirements of the Local Government Act 1972.

1.06 **Quorum**

The quorum of the Joint Committee is as provided for in paragraph 11.3 of the operating arrangements.

2. Conduct of meetings

2.01 **Chair**

The Chairman will preside at any meeting of the Joint Committee at which he/she is present, and in his/her absence the Vice Chairman will preside. In the absence of both the Chairman and Vice Chairman the members present shall appoint another person to preside.

2.02 **Attendance**

Members of the public (including other members of the Parties) may attend all meetings of the Joint Committee except when exempt or confidential information is being considered where the press and public, may be excluded by resolution of the Joint Committee in accordance with the Local Government Act 1972.

2.03 **Order of business**

Meetings of the Joint Committee will include the following business:

i) consideration of the minutes of the last meeting;

ii) apologies for absence;

iii) declarations of interest, if any;

iv) matters referred to the Joint Committee by any of the Parties;

v) consideration of reports from any Sub-Committees of the Joint Committee;

vi) consideration of reports from the Officers;

vii) matters set out in the agenda for the meeting, which shall indicate which are key decisions;

viii) advice to the Parties for their publicity in connection with key decisions;

2.04 **Consultation**

Reports 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.

2.05 **Timescales**

In considering matters in relation to budgetary issues the Joint Committee will have due regard to any appropriate timescale within which budgets have to be approved by the Parties.

2.06 **Key decisions**

Decisions of the Joint Committee which are key decisions shall only be taken provided that the matter in question is contained within the publicity in connection with key decisions of all Parties. If not publicised as required that decision can only be taken if any delay likely to be caused by the call-in process would seriously prejudice the

interests of any of the parties or the public interest. The record of the decision and the notice by which it is made public shall state whether, in the opinion of the decision maker, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the appropriate scrutiny committee of each of the parties must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman of the appropriate scrutiny committee, the consent of the Chairman of that party shall be required. In the absence of both the Chairman of the appropriate scrutiny committee and the Chairman of the appropriate party, the consent of the Vice-Chairman of that party shall be required. Decisions taken as a matter of urgency must be reported to the next available Full Council meetings of each of the parties, together with the reasons for urgency.

2.07 **Recording of decisions**

Following a meeting of the Joint Committee at which a report has been received and at which a decision has been made, the Host Authority shall ensure that a written statement is kept which must include the following:

(i) record of the decision;

(ii) record of reasons for the decision;

(iii) details of alternative options considered;

(iv) record of any interest declared; and

(v) any dispensation granted under the Code of Conduct for Members

No decision will be made either by the Joint Committee or a Sub-Committee thereof unless there is present at the meeting the Head of Paid Service of the Host Authority (or his representative) or the officer responsible for the particular joint service project is present or their representative and the Proper Officer for recording decisions is present which for this purpose shall be an officer of the host authority who is not the Head of Paid Service.

A written statement of the decision taken will be produced by the Proper Officer within two clear working days following the Joint Committee.

SCHEDULE 3

Protocol on Scrutiny of the East Kent Services Committee

Canterbury City Council

Dover District Council

Thanet District Council

together referred to as 'the Parties'

1. Key Principles for the Scrutiny of the East Kent Services Committee

1.1 The members of the all the parties will work together to maximise the exchange of information and views, to minimize bureaucracy and make best use of the time of members and officers.

1.2 The guiding principle for the operation of scrutiny is that it should be consensual, positive and transparent. The emphasis of the work should be on making proactive contribution to the development of policy and the discharge of the functions of the East Kent Services Committee ('EKSC'). This is best achieved by an inclusive process covering members, the parties' partners, service users and officers.

2. Purpose

2.1 The purpose of this protocol is to facilitate the performance of the scrutiny function of each of the parties under the Local Government Act 2000.

2.2 If any party changes its political management arrangements this Protocol shall cease to apply to that party insofar as its statutory powers are concerned but it would seek to carry out non-statutory scrutiny in a manner consistent with its constitution and this protocol

3. Pre-Decision Scrutiny

3.1 The parties agree to use their publicity in connection with key decisions, residents surveys and other material to identify topics for future scrutiny and for inclusion in their scrutiny work programme. To this end the parties shall endeavour to co-ordinate their activities.

4. Call-In

4.1 A procedure for the operation of call-in by the parties has been agreed and is set out in the Schedule.

4.2 Where there is a call-in by any of the parties each of the other Parties will be notified forthwith. The call-in shall be heard by the call-in Party's appropriate scrutiny committee in accordance with the call-in Party's own arrangements. Where there is more than one call-in on the same subject the parties shall endeavour to co-ordinate their activities.

4.3 The call-in procedure set out in clauses 4.1 and 4.2 above shall not apply where the decision being taken by or on behalf EKSC is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the interests of any of the Parties or the public interest. The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision maker, the decision is an urgent one and therefore not subject to call-in. The suspension of call-in (including the obtaining of any necessary consents) shall be dealt with in accordance with each parties' constitutional arrangements. Decisions taken as a matter of urgency must be reported to the next available full Council meetings of each of the Parties, together with the reasons for urgency.

5. Amendments to this Protocol

5.1 This protocol may be amended by the unanimous agreement of the parties.

6. Administration

6.1 The decisions and recommendations of the parties scrutiny committees will be communicated to EKSC and the participating councils as soon as possible after the resolution of the committee.

7. Exercise of Statutory Authority

7.1 Without prejudice to these arrangements, nothing in this protocol shall be construed as a fetter or restriction on the exercise by any of the parties of their statutory functions.

The Schedule to Protocol on Scrutiny of the East Kent Services Committee

Procedure for the Operation of Call-In

1 When a decision is made by EKSC, a sub-committee of EKSC, or a key decision is made by an officer with delegated authority from EKSC, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of each of the Parties normally within two days of being made. Each of the Parties will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision. Each of the Parties shall thereafter publish and distribute the records as appropriate to their own constitutional arrangements (including distribution to chairs of all overview and scrutiny committees).

2. That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented at 12.00 noon, on the fourth working day after the publication of the decision, unless it is called-in.

3. If a decision is called-in by a scrutiny committee of one of the parties that party shall hold a meeting of the appropriate scrutiny committee within 10 working days of the decision to call-in. Reasons for calling-in a decision should be given and recorded in the agenda.

4. If, having considered the decision, the appropriate scrutiny committee of one of the parties is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to its full Council and may circulate them to the other Parties. If referred to the decision maker they shall then reconsider within a further 10 working days, amending the decision or not, before adopting a final decision.

5. If the scrutiny committee or council of any of the Parties to whom the matter has been referred does not meet, or if it does but does not refer the decision back to the decision maker, the decision will become effective on the date of the relevant meeting of the scrutiny committee or the full Council or expiry of the period in which the scrutiny committee meeting or meeting of the Council should have been held, whichever is the earlier.

SCHEDULE 4

The Collaboration Objectives and the Partnership Values

The collaboration objectives are:-

the commitment of the Authorities to the most economically advantageous and closest co-ordination possible of the Shared Services across the Authorities' administrative areas within the law and practical achievement enabling cross border co-operation to improve efficiency and the obligation to discharge the Best Value duty imposed on the Authorities by section 3 of the Local Government Act 1999 in relation to, inter alia, the Shared Services or any part of them

The partnership values are:-

- Openness, communication, trust and information sharing on a formal and informal basis in a timely fashion.
- Creating open dialogue between the Authorities to discuss and resolve any issues arising irrespective of any fault and where it may lie.
- Recognising that issues and conflicts will arise and openly acknowledging, discussing and addressing such issues.
- Being inclusive and open minded when developing ideas and plans.
- Developing agreed and clearly understood mutual objectives whilst recognising and respecting each Authority's individual objectives.
- Applying efforts to recognise common objectives which are clearly communicated, recorded and understood and recognising any necessary change to those objectives.
- Creating a proactive and positive culture seeking improvement and being open to adopting new approaches and techniques.
- A commitment to a constructive and collaborative resolution of problems and developing joint problem solving approaches, looking for mutually beneficial outcomes.
- Creating a proactive and positive culture amongst all of its personnel so problems are resolved quickly.
- Recognising that the priority should be resolution of issues and working together to allow better anticipation of potential problems and preventative action.
- Ensuring that where there is a change of key personnel any new personnel are provided with high quality induction training and made aware of the working practices related to delivery of the Collaboration.
- To use reasonable endeavours to provide consistency in the personnel assigned to deliver the services and that key personnel remain capable and competent throughout the term of this Agreement.
- To ensure there is a commitment to overall sound contract performance management, benefit realisation and reporting, including the management of change and risk and that the agreement develops and changes to meet the Authorities' business needs.

- To use reasonable efforts to ensure this Agreement develops in ways which are consistent with the Collaboration Objectives, the Authorities' constitutions and political and corporate objectives;

SCHEDULE 5

Arrangements for the Discharge of Functions and Delegations

Functions To Be Discharged By EKSC On Behalf Of The Authorities

Framework and Definitions

1. The functions delegated in this Schedule are associated with the following services which are to be delivered by Canterbury City Council, Dover District Council and Thanet District Council through the East Kent Services Committee.

2. Detailed as below:

   (a) The East Kent Human Resources Shared Services

   (b) East Kent Services Shared Services

3. It is contemplated that the East Kent Services Committee will in turn delegate the discharge of these functions to the Head of Collaborative Services and/or the Head of EK Services or other of their officers.

4. "The "Arrangements" means the operating arrangements, Terms of Reference, Committee Procedure Rules and any other minutes or documents for the time being in force by which the East Kent Services Committee is constituted and its powers defined.

5. "Authority" means Canterbury City Council, Dover District Council, or Thanet District Council as the context requires, being the authority on whose behalf the particular powers or functions are being exercised and "Authorities" shall be construed accordingly.

6. "The Committee" means the East Kent Services Committee.

7. "The Department" means as the context requires the East Kent Shared Services department under the lead of the Head of EK Services and or the East Kent Human Resources department under the lead of the Head of Collaborate Services.

8. "Scheme of Delegation" means the arrangements for the discharge of functions and delegations set out in this Schedule.

Exercise of Functions

9. The Authorities and the Executives of the Authorities delegate the discharge of the functions set out in this Scheme of Delegations to the East Kent Services Committee pursuant to all powers contained in or having effect under the Local Government Acts of 1972 and 2000.

10. The exercise of the powers and functions set out in this Schedule shall without prejudice to any specific delegation or authorisation set out, and subject to any

express Conditions/Exclusions/Limitations/Notes specified, be taken to include power to do anything incidental or conducive to the discharge of such functions including (by way of example and not by way of limitation) power to do any of the following:

(a) To appoint or designate any officer as an "authorised officer", "inspector", "person duly authorised" or similar under any of the legislation or functions specified for the purposes of enabling any such person to carry such legislation or functions into effect.

(b) To authorise any officer for the purposes of any of the above mentioned legislation or functions.

(c) To exercise any power or function conferred by or in connection with the specified legislation or functions to:

(i) Require any person to provide any information.

(ii) Enter or inspect any land, premises, vehicle or vessel.

(iii) Take samples of, seize, test, dispose of, destroy, or otherwise deal with and thing or substance in accordance with the applicable legislation.

(iv) Make application for any warrant or order to a court of summary jurisdiction and to execute any such warrant or order taking with him or her any other person as may be authorised.

(v) To make or swear any information.

(vi) Institute or defend any legal proceedings, and to take all proper steps in the furtherance or compromise of such proceedings (in each case) in consultation with the Solicitor to the Council/Head of Legal Services which may be undertaken in relation to specific cases or in relation to categories of work.

(vii) Execute work.

(viii) Sell or dispose of any goods, articles, samples materials or other property (other than land and buildings).

(ix) Recover any sums of money due to the Authorities.

(x) Authorise any other person to do any of the things mentioned in (i) to (ix) above to the extent permitted by law.

11. The East Kent Services Committee are hereby authorised to discharge on behalf of the Authorities the function of preparing and approving, amending or repealing, any policy, statement, practice note, code of guidance, procedure or similar in connection with the functions hereby delegated and:-

(a) Until such time as they have done so any reference in this Part to any policy, procedure, process or similar administrative statement of practice ‘of the Authority’ shall be interpreted as a reference to the relevant policy, procedure

process of similar administrative statement of the relevant Authority in force on 11 February 2015.

(b) Any reference in this Part to any policy, procedure, process or similar administrative statement of practice 'of the Authority' shall be interpreted as a reference to the relevant policy, procedure process of similar administrative statement as approved by the former East Kent Joint Arrangements Committee or the East Kent Services Committee (or the relevant Authority) after 11 February 2015.

12. Any reference to any Act, Rule, Order or Regulation shall be taken as including a reference to that Act, Rule, Order or Regulation as re-enacted replaced or modified from time to time.

13. References to any statutory provision shall include a reference to any subordinate or secondary legislation made under or taking effect under it from time to time.

Administrative

14. The Committee may only exercise the delegated powers in this schedule in accordance with:-

(a) Statutory or other legal requirements, including the principles of public law, the Human Rights Act 1998 (as amended), statutory guidance and statutory codes of practice.

(b) The Constitution of the Authority where relevant including standing orders, contract standing orders and financial regulations.

(c) The revenue and capital budgets of the Authority, subject to any variation thereof which is permitted by the Authority's Financial Regulations.

(d) Consideration of any relevant policy adopted by the Committee.

15. The Committee may not exercise delegated powers where:

(a) The matter is reserved to the Authority by the arrangements.

(b) The matter is a function which cannot by law be discharged by the Committee.

16. The Committee may not exercise delegated powers in a way which is contrary to the policies and plans approved by or on behalf of the Authority.

17. Where an officer has delegated powers the Committee or sub-committee (as appropriate) the Committee can still exercise that power if it considers that it is appropriate to do so.

18. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation then the Committee must consult someone else they reasonably consider to be an appropriate substitute consultee if reasonably practicable to do so.

19. The delegations in this Scheme of Delegation include the discharge of both executive and non-executive functions

20. Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment to or re-enactment of the same.

21. Where the Committee has delegated authority to discharge functions by virtue of any other decision by the parties or the absence of the delegation from this Scheme of Delegation shall not prevent the exercise of the delegation.

22. Where the Committee delegates the exercise of any function to an officer of any of the Authorities that officer may nominate another officer or officers to exercise that duty, function or power, provided that the nominated officer(s) report to or is responsible to officer to whom the delegation has been made.

23. Where an officer has delegated authority to discharge functions:

    (a) By virtue of any other decision of the parties; or

    (b) Through a specific decision of the Committee, or a sub-committee, either before or after the adoption of this Scheme of Delegation.

    The absence of the delegation from this Scheme of Delegation shall not prevent the exercise of the delegation.

Functions Related to the Administration and Management of the Shared Service

Business cases and delivery of services

24. To develop shared service business cases work programmes and projects in relation to the functions which any of the Authorities are minded to delegate to the Committee. [E/C]*

25. With the assistance if necessary of the appropriate Chief Executive of any of the Authorities to obtain from his or her Authority any information required in preparing a shared service business case. [E/C]

26. Once a business case is approved to implement the same and deliver the service as defined therein. [E/C]

27. To make arrangements for the management of the Department. [E/C]

Financial

28. Acceptance of the lowest or most economically advantageous tender or bid for the carrying out of works for the committee, the purchase, leasing or hiring of goods, materials and equipment by the committee, or the supply of services to the committee, provided that budget provision is available. [E]

*Note ’E’ connotes an executive function: ‘C’ connotes a non- executive function.

29. Authorise Entry into contract documentation following tender/bid acceptance (subject to the provisions of Financial Regulations and Contract Standing Orders of the Authority relating to the execution of contracts under seal). [E/C]

30. Authority to negotiate and agree price increases where a contract provides for price increases to be negotiated and agreed by the parties, subject to Contract Standing Orders of the Authority and ensuring sufficient budgetary provision exists. [E/C]

31. The assignment or novation of a contract (subject to the provisions of the Public Contracts Regulations 2015). [E/C]

32. The approval of the appointment of or the acceptance of the tender of a sub-contractor or supplier for specialist work or material provided that this does not result in the budget provision for the works as a whole being exceeded. [E/C]

33. Virement between heads of expenditure of up to the limit specified in the Authority's Financial Regulations provided that such virement is in accordance with the conditions for virements in such Financial Regulations. [E/C]

34. Provision of reasonable hospitality to representatives of other authorities, visiting a department or premises under the Committees control subject to agreement by the Chief Executives of each of the parties for expenditure in excess of £500. [E]

35. To negotiate and agree variations in contracts arising out of statutory requirements subject to adequate budgetary provision being available. [E/C]

Shared Services Employees

36. The Authority's empower the Committee to the intent that the Director has the necessary delegated powers to:

(a) to determine the establishment and make changes to the establishment of the Department [C]

(b) to exercise all powers functions and responsibilities in relation to the employment, management and dismissal of staff engaged [C]] in the shared services under the terms, conditions, policies and procedures of the Authority. [C]

General

37. To publicise the services they provide. [E/C]

38. To deal with issues relating to the Commission for Local Administration relevant to the Committee. . [E/C]

Delegation of the functions associated with the provision of ICT services, face to face contact centre customer services and benefits and benefits administration and Human Resources.

Column 1 Legislation/Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
1. Council Tax	In connection with the administration of the council tax: (a) to determine occupation, to send invoices, grant reliefs, issue penalties, collect income and take all recovery and other administrative steps necessary to collect the council tax in accordance with any statute or statutory regulations and make determinations and exercise discretions as appropriate, except for matters specifically reserved to the Authorities; (b) to administer the Authorities' Council Tax Reductions Schemes in accordance with any statute or statutory regulations and make determinations and exercise discretion as appropriate, except for matters specifically reserved the Authorities; (c) to represent the Billing Authority in any proceedings tribunal or appeals panel dealing with matters of housing benefit or council tax, and in any proceedings relating to the recovery and enforcement of council tax and penalties before the Magistrates and County Court, and to authorise officers of any Authorities who are represented on the East Kent Services Committee to similarly represent the Billing Authority; (d) to undertake interviews under caution, to issue cautions, administrative penalties and authorise prosecutions in accordance with legislation, and	

Column 1 Legislation/Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	the Authorities' prosecution policy and statement on fraud; (e) to administer discretionary housing payments in accordance with legislation and the Authorities' policy; (f) to complete statutory returns in connection with council tax; (g) to serve or withdraw completion notices under Schedule 4a of the Local Government Finance Act 1988 as amended; (h) to determine liable persons, exemptions, discounts, transitional relief schemes, calculate instalments, appoint bailiffs, debt collection agents and process servers, request a statement of case for the opinion of the High Court, attach earnings and income support, impose a charge upon property, commence bankruptcy proceedings, attach allowances, levy distress, impose charges for levying distress, seek insolvency of the debtor or commitment to prison, to request and execute warrants of arrest and exercise any other administrative step for the collection of council tax; (i) to represent the Authorities in the determination of proposals, alterations and appeals for council tax where appropriate; (j) to represent the Billing Authority in requests for administration orders under the County Courts Acts in respect of unpaid council tax; (k) to be responsible for the prevention, detection and prosecution of council tax fraud.	Statutory returns must be authorised by the Section 151 Officer of the Authorities

Column 1 Legislation/Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
2. Administration of the Housing Benefit Scheme	In connection with the administration of the Housing Benefit Scheme: (a) to be responsible for promoting take up of Housing and Council Tax Support schemes; (b) to grant Housing Benefit (rent allowances and rent rebates) in accordance with any statute or statutory regulations and make determinations and exercise discretion as appropriate, except for matters specifically reserved for the Authority and Committees/Executive; (c) to determine and recover overpayments of Housing Benefit including making decisions on the method of recovery; (d) to make determinations and payments in accordance with the Authorities' Discretionary Housing Payments policy; (e) to undertake interviews under caution, to issue cautions, administrative penalties and authorise prosecutions in accordance with legislation, and the Authorities' prosecution policy in respect of Housing Benefits (f) to complete statutory subsidy calculations and returns, and all other statistical returns; (g) to undertake all other administrative processes in connection with the Housing Benefit scheme.	Statutory subsidy calculations and returns must be authorised by the Section 151 Officer of the Authorities
3. National Non-Domestic Rate	In connection with the administration of the national non domestic rate:	

Column 1 Legislation/Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	(a) to determine occupation, to send invoices, grant reliefs, collect income and take all recovery and other administrative steps necessary to collect the national non-domestic rate in accordance with any statute or statutory regulations and make determinations and exercise discretions as appropriate, except for matters specifically reserved to the Authorities; (b) to represent the Billing Authority in any proceedings before the Valuation Tribunal, and in any proceedings relating to the recovery and enforcement of national non-domestic rate before the Magistrates and County Court, and to authorise officers within the Head of Business and Community Transformation's Division to similarly represent the Billing Authority; (c) to complete statutory returns in respect of national non-domestic rate; (d) to serve or withdraw completion notices under Schedule 4a of the Local Government Finance Act 1988 as amended; (e) to determine liable persons, exemptions, transitional relief schemes, calculate instalments, appoint bailiffs, request a statement of case for the opinion of the High Court, impose a charge upon property, levy distress, impose charges for levying distress, seek insolvency of the debtor or commitment to prison or liquidation of companies, to request and execute warrants of arrest and exercise any other	This includes and recovering money from Business Improvement Districts. Statutory returns must be approved by the Section 151 Officer of the Authorities

Column 1 Legislation/Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	administrative step for the collection of national non-domestic rate; (f) to represent the Authority in the determination of proposals, alterations and appeals for national non-domestic rate where appropriate; (g) to represent the Billing Authority in requests for administration orders under the County Courts Acts in respect of unpaid national non-domestic rate; (h) to calculate and pay interest on overpayments of national non-domestic rate in accordance with the NDR (Payment of Interest) Regulations 1990; (i) to determine applications under Section 44A of the Local Government Finance Act 1988; (j) to be responsible for the prevention, detection and prosecution of national non-domestic rate fraud.	

Column 1 Legislation/Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
4. ICT	To provide ICT technical support services to the Authorities including: network infrastructure both LAN and WAN solutions, hardware infrastructure, internet access and web infrastructure solutions. To provide technical and business advice on ICT solutions and use of technology. To Provide ICT business support services to the Authorities including: service application system support services including third party supplier liaison, management of corporate data bases, including GIS, quality assurance of data and integration with other business systems. To provide associated procurement administration including all quotations, ordering, invoicing and contract management.	Note: The nature and extent of the activates to be undertaken in connection with the discharge of these functions will be as detailed from time to time in a Service Level Agreement

Column 1 Legislation/Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
5. Customer Services	To provide 'front of house' contact with the public wishing to make enquiries of the Authorities or to access services in relation to any of its functions whether that contact is made in person, by telephone, by mail or email or the websites of any of the Authorities, including but not limited to (i) Issuing application forms for access to services. (ii) receiving payments due to the Authorities and issuing receipts (iii) providing facilities for the public inspection of documents and the taking of copies thereof (iv) responding to 'low level' customer complaints (v) selling or distributing or issuing any item or thing arising out of the conduct of any undertaking or function of the Authorities Such other activities in connection with the offering of services to the public as may be detailed from time to time in the Service Level Agreements	Note: The activities identified in this paragraph 5 are intended to be either incidental or conducive to the discharge of the functions set out in paragraphs 1 to 4 above or intended to be either incidental or conducive to the discharge of all of the other functions of the Authorities. Limitation: Except as is expressly provided in paragraphs 1 to 4, paragraph 5 does not operate as to confer any power to exercise any substantive function of the Authorities
6. Human Resources	The function of providing East Kent Human Resources Shared Services in respect of the staff employed by and elected members of the Authorities in accordance with a service level agreement agreed from time to time by the East Kent Services Board on behalf of the Authorities to include.	

On 3 December 2018 the Leader of the Council made arrangements for the discharge of executive functions under Section 9EB Local Government Act 2000 (as amended) and the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2012 to authorise the East Kent Services Committee to exercise the following executive functions:

	Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions/Limitations/Notes
1.	Section 1 of Localism Act 2011; Section 93 of Local Government Act 2003 and all other enabling powers	To the extent that it does not already have the powers to do so, the East Kent Services Committee is authorised to exercise all executive powers necessary or conducive to provide HR and ICT Services to the Marlowe Trust either directly or indirectly	

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PART 9 PROPER OFFICE APPOINTMENTS

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Proper Officer Appointments for Specified Statutory Purposes

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
National Assistance Act 1948 (as amended)			
47	Removal to suitable premises of persons in need of care and attention	Consultant for Communicable Disease Control in Kent	Any equivalently medically qualified deputising officer (as designated by the Kent Health Protection Unit or any successor agency)
Local Government Act 1972			
13(3)	Parish Trustee	Chief Executive	Director of Corporate Resources (Deputy Chief Executive)
83(1)	Witness and receipt of declaration of acceptance of office	Chief Executive	Solicitor to the Council
84	Receipt of declaration of resignation	Chief Executive	Director of Corporate Resources (Deputy Chief Executive)
88(2)	Convening of meeting to fill a casual vacancy in the office of Chairman	Chief Executive	Solicitor to the Council
89(1)(b)	Receipt of notice of casual vacancy from local government electors	Chief Executive	Director of Corporate Resources (Deputy Chief Executive)
100(B)(2)	To exclude from inspection by members of the public the whole or any part of a report during which, in his opinion, the meeting is likely not to be open to the public	The relevant Head of Service who originates the report (in consultation with the Solicitor to the Council)	Solicitor to the Council

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
100(B)(7)(C)	To supply newspapers with copies of any documents other than the agenda or reports supplied to members of the Council in connection with any item	Chief Executive	Section 151 Officer
100(C)(2)	If the minutes of proceedings during which a meeting was not open to the public disclose exempt information, and are therefore not open to inspection by the public, to make a written summary of such proceedings which provides such a record without disclosing the exempt information	Monitoring Officer	Director of Corporate Resources (Deputy Chief Executive)
100(D)(1)(a) 100(D)(5)(a)	To determine the documents which constitute background papers for a report and to compile a list of such papers to be available for inspection by the public	The relevant Head of Service of the division which originates the report	Solicitor to the Council
100(F)(2)	To determine that a document is not required to be open for inspection by Members because it discloses exempt information falling within any of paragraphs 1 to 7 of Part 1 of Schedule 12A to the Act	Solicitor to the Council	Director of Corporate Resources (Deputy Chief Executive)
115(2)	Receipt of money due from officers	Section 151 Officer	Finance and Accountancy Manager
146(1)(a)&(b)	Declarations and certificates with regard to securities	Section 151 Officer	Finance and Accountancy Manager
151	Administration of Financial Affairs	Section 151 Officer	Finance and Accountancy Manager

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
191	Functions with respect to Ordnance Survey	Chief Executive	Solicitor to the Council
210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authority, or, if there is no such office, to proper officers	Chief Executive	Solicitor to the Council
225(1)	Deposit of Documents	Chief Executive	Solicitor to the Council
229(5)	Certification of Documents	Chief Executive	Solicitor to the Council
234	Signing any notice, demand, requisition, direction, order, regulation or similar documents which they are authorised to make	Chief Executive	Solicitor to the Council
234(1)	Authentication of Photographic Documents	Chief Executive	Solicitor to the Council
236(9) & (10)	Distribution of copies of Byelaws	Chief Executive	Solicitor to the Council
238	Certification of printed copies of Byelaws	Chief Executive	Solicitor to the Council
Schedule 12 paragraph 4(2)(b)	Summonses to Council Meetings	Chief Executive	Solicitor to the Council
Schedule 12 paragraph 4(3)	Receipt of notices regarding address to which summons to meetings is to be sent	Chief Executive	Solicitor to the Council

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
Schedule 14 paragraph 25(7)	Certification of Resolution relating to enactments applying	Chief Executive	Solicitor to the Council
Schedule 16 paragraph 28	Deposit of Lists of Buildings of Special Architectural Interest	Chief Executive	Head of Planning and Development
Local Government (Miscellaneous Provisions) Act 1976			
41	Authentication of Resolutions and Minutes of Proceedings, etc	Chief Executive	Solicitor to the Council
National Assistance Act 1948			
47	Persons in need of care and attention	Chief Executive	Head of Port Health & Public Protection
Rent (Agriculture) Act 1976			
Schedule 4	Administration of provisions of Act	Chief Executive	Director of Housing and Place
Public Health (Ships) Regulations 1979			
All		Consultant for Communicable Disease Control in Kent	Any equivalently medically qualified deputising officer (as designated by the Kent Health Protection Unit or any successor agency)
Representation of the People Act 1983			
8 & 52	Electoral Registration Officer and person to act in absence of Registration Officer	Director of Corporate Resources (Deputy Chief Executive)	Head of Corporate Services and Democracy

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
83	Returning Officer for District, Parish & Community Council Elections	Director of Corporate Resources (Deputy Chief Executive)	Head of Corporate Services and Democracy
The Parish and Community Meetings (Polls) Rules 1987			
Rule 4	Returning Officer for Parish and Community Meetings (Polls)	Director of Corporate Resources (Deputy Chief Executive)	Head of Corporate Services and Democracy
The Health Protection (Notification) Regulations 2010			
2, 3 & 6	Control of Notifiable Diseases	Consultant for Communicable Disease Control in Kent	Any equivalently medically qualified deputising officer (as designated by the Kent Health Protection Unit or any successor agency)
Public Health (Control of Diseases) Act 1984)			
10 & 11	Control of Notifiable Diseases and Food Poisoning	Consultant for Communicable Disease Control in Kent	Any equivalently medically qualified deputising officer (as designated by the Kent Health Protection Unit or any successor agency)
Local Elections (Parishes and Communities) Rules 2006			
Rule 8	Receipt of request by 10 local government electors for the electoral area to hold an election to fill a casual vacancy in the office of Parish Councillor	Chief Executive	Director of Corporate Resources (Deputy Chief Executive)
Local Government Finance Act 1988			

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
114	Compilation of reports on actual or contemplated unlawful expenditure or if the Authority's expenditure, including proposed expenditure, is likely to exceed its resources	Section 151 Officer	Finance and Accountancy Manager
Local Government and Housing Act 1989			
4	Head of Paid Service	Chief Executive	
5 & 5A	Monitoring Officer	Solicitor to the Council	Head of Corporate Services and Democracy
15-17	Political Balance on Committees, etc	Chief Executive	Head of Corporate Services and Democracy
The Local Government (Committees and Political Groups) Regulations 1990			
All		Chief Executive	Director of Corporate Resources (Deputy Chief Executive)
Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000			
All		Chief Executive	Director of Corporate Resources (Deputy Chief Executive)
Freedom of Information Act 2000 Environmental Information Regulations 2004			
All	Provide information as stipulated in the Act	Director of Corporate Resources (Deputy Chief Executive)	Head of Corporate Services & Democracy
General Data Protection Regulation			

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
Article 39	Designation of a Data Protection Officer	Information Governance Manager	N/A

Notes (1) In the absence of both the Proper Officer and the Officer appointed to act in his/her absence, the person undertaking the appropriate duties of the respective posts at that time is employed to act.

(2) In relation to any other statutory provision requiring the performance of any act or function by the "Proper Officer" and where the Council has not made specific provision, the Proper Officer shall be the Head of Service of the division whose functions are most closely associated with the act or function in question.

Proper Officer Appointments for Specified Purposes

(References in the Constitution)

Page	Paragraph		Proper Officer	Deputy
Council Procedure Rules				
168	3.1	Calling extraordinary meetings	Chief Executive	Monitoring Officer
170	5	Time and place of meetings	Chief Executive	Monitoring Officer
170	6	Notice of and summons to meetings	Head of Corporate Services & Democracy	Solicitor to the Council
171	11.3	Notice of questions	Head of Corporate Services & Democracy	Solicitor to the Council
172	11.5	Scope of questions	Monitoring Officer	Deputy Monitoring Officer
172	11.6	Record of questions	Head of Corporate Services & Democracy	Solicitor to the Council
173	12.3	Notice of questions	Head of Corporate Services & Democracy	Solicitor to the Council
174	12.7	Timing	Head of Corporate Services & Democracy	Solicitor to the Council
174	13.1	Notice	Head of Corporate Services & Democracy	Solicitor to the Council
183	26	Cancellation of a Council meeting	Chief Executive	Monitoring Officer
Access to Information Procedure Rules				
184	6(c)	Supply of copies	Monitoring Officer	Deputy Monitoring Officer
185	8.1	List of background papers	Appropriate Head of Service	Appropriate Service Manager

Page	Paragraph		Proper Officer	Deputy
188	11	Exclusion of access by the public to reports	Monitoring Officer	Deputy Monitoring Officer
189	14.2	Contents of Forward Plan	Monitoring Officer	Deputy Monitoring Officer
190	15	General exceptions	Monitoring Officer	Deputy Monitoring Officer
191	17.1	When an Overview and Scrutiny Committee can require a report	Monitoring Officer	Deputy Monitoring Officer
191	18	Record of decisions	Monitoring Officer	Deputy Monitoring Officer
192	20	Notice of private meetings of the Executive	Monitoring Officer	Deputy Monitoring Officer
192	21	Officers	Monitoring Officer	Deputy Monitoring Officer
193	22.3	Record of individual decision	Appropriate Head of Service	Appropriate Service Manager
Budget and Policy Framework Procedure Rules				
195	2(b)	Process for developing the framework	Head of Corporate Services & Democracy	Solicitor to the Council
196	2(f)	Process for developing the framework	Head of Corporate Services & Democracy	Solicitor to the Council
Leader and Executive Procedure Rules				
200	1.4(b)	The Council's Scheme of Delegations and Executive Functions	Monitoring Officer	Deputy Monitoring Officer
202	2.5	Who can put items on the executive agenda?	Chief Executive	Monitoring Officer
Overview and Scrutiny Procedure Rules				
205	4	Meetings of the Overview and Scrutiny Committee	Monitoring Officer	Deputy Monitoring Officer

Page	Paragraph		Proper Officer	Deputy
206	11	Agenda items	Head of Corporate Services & Democracy	Solicitor to the Council
208	13	Reports from Overview and Scrutiny Committees	Head of Corporate Services & Democracy	Solicitor to the Council
209	14(a)	Making sure that Overview and Scrutiny reports are considered by the Executive	Head of Corporate Services & Democracy	Solicitor to the Council
209	14(c)	Making sure that Overview and Scrutiny reports are considered by the Executive	Head of Corporate Services & Democracy	Solicitor to the Council
210	16(b)	Members and officers giving account	Head of Corporate Services & Democracy	Solicitor to the Council
211	18(c)	Call-in	Head of Corporate Services & Democracy	Solicitor to the Council
212	18(h)	Call-in	Head of Corporate Services & Democracy	Solicitor to the Council
216	21	Matters within the remit of more than one overview and scrutiny committee	Head of Corporate Services & Democracy	Solicitor to the Council
<u>Prescribed Standing Orders</u>				
274	3(1)	Executive arrangements	Director of Corporate Resources (Deputy Chief Executive)	Head of Corporate Services & Democracy
Declarations of Members Interests			Monitoring Officer	Deputy Monitoring Officer
Any proper officer function not dealt with elsewhere			Monitoring Officer	Deputy Monitoring Officer