



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872300
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

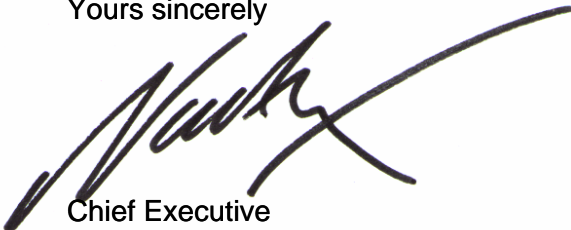
25 March 2011

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **GOVERNANCE** Committee will be held in the HMS Brave Room at these Offices on Monday 4 April 2011 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Pauline Hodding on (01304) 872305 or by e-mail at paulinehodding@dover.gov.uk.

Yours sincerely



Chief Executive

Governance Committee Membership:

Councillor D A Mayes	(Chairman)
Councillor M D Conolly	(Vice-Chairman)
Councillor B W Bano	
Councillor M R Eddy	
Councillor C E Kirby	
Councillor J C Record	

AGENDA

1. **APOLOGIES**
2. **APPOINTMENT OF SUBSTITUTE MEMBERS**
To note appointment of Substitute Members.
3. **DECLARATIONS OF INTEREST**

Members are required to disclose the existence and nature of a personal interest under this item of business or when the interest becomes apparent. An explanation in general terms of the interest should also be given to the meeting. If the interest is also a prejudicial interest, the Member should then withdraw from the room or chamber.

4. **MINUTES**

To confirm the Minutes of the meeting of the Committee held on 16 March 2011 (to follow).

5. **CHANGES TO THE CONSTITUTION**

To consider the report the Director of Governance which will follow and to approve the changes.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact: Pauline Hodding, Senior Democratic Support Officer, telephone: (01304) 872305 or email: paulinehodding@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

DOVER DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF GOVERNANCE

GOVERNANCE COMMITTEE – 4 APRIL 2011

EXTRAORDINARY COUNCIL – 6 APRIL 2011

REVIEW OF THE CONSTITUTION 2011

Recommendation

That it be recommended to (Governance Committee and) Council:

- (a) That the recommendations set out in Inquiry Report 1 be approved.*
- (b) That the recommendations set out in Inquiry Report 2 be approved.*
- (c) That the recommendations set out in Inquiry Report 3 be approved.*

Contact Officer: Rebecca Brough, extension 2304.

Reasons why a decision is required

1. The Council as a matter of good practice undertakes a periodic review of its Constitution.

Options available to the Council with assessment of preferred option

2. Option 1 – To approve the Review of Constitution. This is the preferred option as it enables the efficient operation of the authority to continue.
3. Option 2 – To not approve the Review of the Constitution. This is not recommended as it will significantly impede the day-to-day operation of the authority and fail to realise cost savings.

Information to be considered in taking the decision

4. The three Inquiry Reports set out in detail the amendments to the Constitution and it is not proposed to duplicate that information in the covering report.

Background Papers

New Executive Arrangements report (December 2010)

Budget 2011/12 (March 2011)

Delivering Effective Services report (December 2010)

Changes to Members Allowance Scheme report (March 2011)

Resource Implications

None.

Consultation Statement

As required by the Constitution, the Governance Committee is being consulted prior to the report being considered by Council at its meeting on 6 April 2011.

Impact on Corporate Objectives and Corporate Risks

An up to date Constitution is vital to the governance framework of the Council.

Customer Access Review

There are no customer access issues arising from this report.

Attachments

Inquiry Report 1 – General Amendments and Delegations
Inquiry Report 2 – Members' Allowances Scheme 2011/12
Inquiry Report 3 – New Executive Arrangements

DAVID RANDALL

Director of Governance

The officer to whom reference should be made concerning inspection of the background papers is the Director of Governance, Dover District Council, White Cliffs Business Park, Dover, Kent CT16 3PJ. Telephone: (01304) 821199, Extension 2141.

Inquiry Report 1

Constitutional Changes required as a consequence of Cabinet and/or Council Decisions, Legislation Changes or to Regularise Existing Practices

Recommendation

That it be recommended to the (Governance Committee and) the Council:

- (a) That the amendments set out in paragraphs 4.2 to 4.7, 4.98 to 410, and 4.12 to 4.13 of this report be noted.*
- (b) That the amendment to Part 2, Articles of the Constitution, Article 12 – Officers set out in Paragraph 4.1 of this report be approved.*
- (c) That the amendment to Part 4, Rules of Procedure, Access to Information Procedure as set out in paragraph 4.8 of this report be approved.*
- (d) That the amendments to Part 4, Rules of Procedure, Officer Employment Procedure Rules as set out in paragraph 4.11 of this report be approved.*
- (e) That the amendment to Part 2, Articles of the Constitution, Article 15 - Review and Revision of the Constitution as set out in paragraph 5.1 be approved.*
- (f) That the Appeals Committee be abolished and its powers transferred to the General Purposes Committee as set out in paragraph 5.2 of the report.*
- (g) That the Licensing Policy Advisory Committee be abolished as set out in paragraph 5.3 of the report.*
- (h) That the amendment to the Scheme of Officer Delegations for Council functions set out in paragraph 5.4(a) of the report be approved.*
- (i) That the amendment to the Scheme of Officer Delegations for Executive functions set out in paragraph 5.4(a), which are subject to approval by the Leader of the Council, be noted.*
- (j) That the changes to Part 3 of the Constitution as set out in Annex 6 of the report be approved.*
- (k) That the amendment to the Part 4, Rules of Procedure, Council Procedure Rules (1)(1.1)(xiv) (State of the District) as set out in paragraph 5.5 of this report be approved.*
- (l) That the amendment to Appendix 1 (Proper Officer Appointments for Specified Statutory Purposes) of the Constitution as set out in paragraph 5.6 of this report be approved.*

Contact Officer: David Randall, extension 2141.

Purpose of the Report

1. Although the Council conducts an annual Review of the Constitution, in practical terms the Constitution is amended in some way every month through the decisions of decision making bodies such as the Cabinet or Council. As it would be impractical to revise the Constitution on a weekly or monthly frequency, these constitutional changes are collated annually and incorporated into the new draft of the Constitution.
2. The Delivering Effective Services Report was approved by Cabinet and Council in the autumn of 2010. This has resulted in a slimmed down organisation with fewer Chief Officers. This requires consequential changes to be made throughout the Constitution, in particular in Part 3, Responsibility for Functions, Section 6, Scheme of Officer Delegations. The report and subsequent Medium Term Financial Plan also identified savings in the members' budget, including £5,000 through the reduction in the number of committees. This is also reflected in proposed Constitutional changes, with the removal of the Appeals Committee and the transfer of its functions to the General Purposes Committee and the removal of the Licensing Policy Advisory Committee which has no statutory role and has only met infrequently on an ad hoc basis since its formation. Further details of the changes to the Members' Allowance Scheme are set out in Inquiry Report 2.
3. These constitutional changes fall into two categories – those for note only and those requiring recommendation to Council for a decision.

Constitutional Changes Consequent on Decisions Already Taken

4. The following changes to the Constitution are either:
 - (a) Already approved and are presented for note only, (these appear in italics); or
 - (b) Are consequent upon decision already taken but require formal adoption by the council.

4.1 Part 2, Articles of the Constitution, Article 12 – Officers [Page 53]

Arising from: Report of the Head of Paid Service on Delivering Effective Services – Shaping the Future of the District approved at Cabinet on 6 September 2010 (CAB 20), 4 October 2010 (CAB 36) and 1 November 2010 (CAB 46); Scrutiny (Policy and Performance) Committee on 6 September 2010 (Minute No 187), 12 October 2010 (Minute No 260) and 1 November 2010 (Minute No 283); and Council on 3 November 2010 (Minute No 289).

12.01 Management structure

- (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 for the Organisation

Post	Functions and areas of responsibility
	<p>Organisation-wide strategic management</p> <p>Provision of external focus</p> <p>Development of Partnership and joint working arrangements</p> <p>Member relationships</p> <p>Major Projects drive</p> <p>Change and Organisational Development</p> <p>Policy Development across the Council</p>
Director of Governance (and Monitoring Officer)	<p>Democratic Process</p> <p>Human Resources</p> <p>Legal Services</p> <p>Performance improvement across the Council</p>
Director of Finance (and Section 151 Officer)	<p>Accountancy</p> <p>Procurement</p> <p>Internal Audit</p>
Director of Environment and Corporate Assets	<p>Anti-Social Behaviour</p> <p>Community Safety</p> <p>Environmental Enforcement and Protection</p> <p>Parking and CCTV</p> <p>Property Services</p> <p>Waste</p>
Director of Community and Development	<p>Building Control</p> <p>Development Management</p> <p>Regeneration Delivery</p> <p>Housing and Community</p> <p>Museums and Tourism</p>

- (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
Director of Governance	Monitoring Officer
Director of Finance	Section 151 Officer

- (e) Corporate Management Team. The Corporate Management Team shall comprise the Chief Executive (and Head of Paid Service), ~~Head~~ Director of Governance, ~~Head~~ Director of Finance ~~and ICT~~, ~~Head of~~

Public Protection, Head of Property, Leisure and Waste Management and Head of Housing, Culture and Community, Safety Director of Community and Development and the Director of Environment and Corporate Assets.

4.2 Part 3, Responsibility for Functions, Section 3B: Responsibility for Executive Functions [Page 86]

Arising from: Council meeting held on 29 September 2001 (Minute No 226)

Portfolio 7 – Health Well-Being and Public Protection

Main Areas of Responsibility

- Public conveniences

4.3 Part 3, Responsibility for Functions, Section 3D: Specific Powers Delegated to Members of the Executive [Page 88]

Arising from: Urgency Decision U07 dated 22 November 2010 and reported to Cabinet on 6 December 2010 (CAB 57) and Council on 26 January 2011 (Minute No 428)

(1) Member of the Executive	(2) Delegated Power(s)	(3) Condition(s) or Limitation(s)
Leader of the Council	2. To give authority for the service of a confirm Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).	Leader in consultation with the Portfolio Holder for Environment, Waste and Planning.

4.4 Part 3, Responsibility for Functions, Section 6: Scheme of Officer Delegations [Page 129]

Arising from: Urgency Decision U01 dated 28 July 2010 and reported to Cabinet on 6 September 2010 (CAB 22) and Council on 29 September 2010 (Minute No 232)

120 (now 83). Grant and Termination of Leases

- To settle the terms and authorise the grant of leases, licences and similar agreements affecting land and premises within the terms of Council policy where the rent or other consideration does not exceed £30,000 per annum

4.5 Part 3, Responsibility for Functions, Section 6: Scheme of Officer Delegations [Page 131]

Arising from: Urgency Decision U03 dated 16 September 2009 and reported to Cabinet on 5 October 2009 (CAB 57) and Council on 25 November 2009 (Minute No 310)

139 (now 88A). 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.

4.6 Part 3, Responsibility for Functions, Section 6: Scheme of Officer Delegations [Page 140]

Arising from: Urgency Decision U07 dated 22 November 2010 and reported to Cabinet on 6 December 2010 (CAB 57) and Council on 26 January 2011 (Minute No 428)

Delegation to: Director of Community and Development
Head of Development Management

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
179(now 242A). Town and Country Planning (General Permitted Development) Order 1995 (as amended)	(a) To authorise the making of Article 4 Directions, and to undertake all necessary publicity and consultation. (b) To decline to authorise the making of Article 4 Directions in those cases where they are requested but no planning justification can be identified.	

4.7 Part 3, Responsibility for Functions, Section 7: Consultative Committees and Advisory Boards. 1. Joint Staff Consultative Forum

Arising from: Council meeting dated 26 January 20011

The revised policy is attached at Annex 1 to this report. It details the revised terms of reference and functions approved by Council, which reflects the adoption of the Collective Bargaining Agreement arrangements.

4.8 Part 4, Rules of Procedure, Access to Information Procedure Rules [Page 196]

Arising from: Standards Committee (England) Regulations 2008

The current version of the definition of Paragraph 7C in the Constitution is incorrect and needs to be amended in accordance with the Regulations.

10.4 Meaning of exempt information

- 7C. Information presented to a Standards Committee, or to a Sub-Committee of a Standards Committee, set up to consider any matter under Regulations 13 or 16-20 of the Standards Committee (England) Regulation 2008, or referred under Section 58(1)(c) of the Local Government Act 2000.
(Regards must be had to any Statutory Guidance issued by the Standards Board)

4.9 Part 4, Rules of Procedure, Financial Procedure Rules, Appendix 8 (Policy Statement on Write Offs) [Page 269]

Arising from: Report of the Head of Finance and ICT to the Governance Committee on 24 March 2010 (Minute No 496) and Extraordinary Council on 19 May 2010 (Minute No 32).

The revised policy is attached at Annex 2.

4.10 Part 4, Rules of Procedure, Contract Standing Orders [Page 300]

Arising from: Not applicable – the Director of Governance has authority to amend the EU Thresholds within the Contract Standing Orders.

CSO 7.1

3. The EU Threshold levels set out in 7.4 are fixed for 2 year periods. The current levels of ~~£139,893,156,442~~ for supplies and services contracts and ~~£3,497,313,927,260~~ for works contracts will apply until 31 December 20092011. The EU Thresholds will then be recalculated by reference to exchange rates at that date and new EU Threshold levels will apply with effect from 1 January 20102012 for the following 2 years (and so on).

4.11 Part 4, Rules of Procedure, Officer Employment Procedure Rules [Page 325]

Arising from: Report of the Head of Paid Service on Delivering Effective Services – Shaping the Future of the District approved at Cabinet on 6 September 2010 (CAB 20), 4 October 2010 (CAB 36) and 1 November 2010 (CAB 46); Scrutiny (Policy and Performance) Committee on 6 September 2010 (Minute No 187), 12 October 2010 (Minute No 260) and 1 November 2010 (Minute No 283); and Council on 3 November 2010 (Minute No 289).

4. Appointment of chief officers

NB Chief officer posts shall be:

Chief Executive
~~Head of Development and Public Protection~~
~~Head of Finance and ICT~~
~~Head of Governance~~
~~Head of Housing, Culture and Community Safety~~
~~Head of Property, Leisure and Waste Management~~
~~Head of Business and Community Transformation~~

Director of Community and Development
 Director of Environment and Corporate Assets
 Director of Finance
 Director of Governance

4.12 Part 9, Functions Outside of Dover District Council [Page 413]

Arising from: Report of the Head of Legal and Democratic Services of Canterbury City Council to the East Kent (Joint Arrangements) Committee held on 26 January 2011 (Minute No 5)

The delegations to the East Kent (Joint Arrangements) Committee and to the Director of Shared Services are attached at Annex 3.

Arising from: Report of the Director of Housing, Culture and Community Safety to Cabinet on 7 February 2011 (CAB 80), Scrutiny (Community and Regeneration) Committee on 23 February 2011 (Minute No 465), and Council on 2 March 2011 (Minute No 472)

The delegations to East Kent Housing are attached at Annex 4 and the East Kent Housing Operating Arrangements are attached at Annex 5.

4.13 Appendix 1 – Proper Officer Appointments for Specific Statutory Purposes [Page 435]

Arising from: Council meeting held on 2 March 2011 (Minute No 477)

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
The Parish and Community Meetings (Polls) Rules 1987			
Rule 4	Returning Officer for Parish and Community Meetings (Polls)	Chief Executive	Democratic Services Manager

Constitutional Changes for Cabinet or Council Approval

5. The following changes to the Constitution require approval by the Council:

5.1 Part 2, Articles of the Constitution, Article 15-Review and Revision of the Constitution

Arising from: The new organisational framework set out in Delivering Effective Services has required a significant updating of officer post titles throughout the Constitution. It is proposed that rather than bring an inquiry report to the Governance Committee and Council each time an officer post title changes, the Monitoring Officer be given authority to make such consequential changes to the Constitution as needed.

15.02 Changes to the Constitution

- (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.

5.2 Part 3, Responsibility for Functions, Section 1 – Responsibility for Local Choice Functions

Arising from: The MTFP approved by Council on 2 March 2011. Contributing towards the need to achieve £5,000 savings from the committee structure.

That the Appeals Committee be abolished and its functions be transferred to the General Purposes Committee. This saves the cost of the special responsibility allowances currently payable to a chairman and vice chairman of the Appeals Committee. See also Inquiry Report 2.

The revised section is at Annex 6.

5.3 Part 3, Responsibility for Functions, Section 2 – Responsibility for Council Functions

Arising from: The MTFP approved by Council on 2 March 2011. Contributing towards the need to achieve £5,000 savings from the committee structure.

That the Licensing Policy Advisory Committee be abolished. This saves the cost of the special responsibility allowances currently payable to a chairman and vice chairman of the committee. See also Inquiry Report 2.

The revised section is at Annex 6.

5.4 Part 3, Responsibility for Functions, Section 6 – Scheme of Officer Delegation

- (a) Arising from: The DES Report to Council on 3 November 2010.

Consequential changes to the scheme following the Delivering Effective Services Report and associated restructuring.

The executive functions listed below do not require Council approval as the Leader of the Council amended the Scheme of Officer Delegations (Executive Functions) directly.

- (i) Delegation to All Chief Officers

Executive Functions		Council Functions	
Part 3	Reason	Part 3	Reason
6. ICT procurement	Change of specified officer	34. Dover and Shepway Partnership Project Placing of Services of Officers at the disposal of other authorities	Regularising of existing practices

26. <i>Regulation and Investigatory Powers Act 2000</i>	<i>Change of specified officer</i>	
34. <i>Dover and Shepway Partnership Project</i> <i>Placing of Services of Officers at the disposal of other authorities</i>	<i>Regularising of existing practices</i>	
35. <i>Lost and uncollected Property</i>	<i>New delegation</i>	

(ii) Delegations to the Chief Executive

Executive Functions		Council Functions	
Part 3	Reason	Part 3	Reason
15. <i>Dover and Shepway Partnership Project</i> <i>Placing of Services of Officers at the disposal of other authorities</i>	<i>Regularising of existing practices</i>	2. Appointment and dismissal of staff below Chief Officer level	<i>Officer title change from Human Resources Manager to Head of EKHRP</i>
16. <i>Dover and Shepway Partnership Project</i>	<i>Regularising of existing practices</i>	3.	<i>Officer title change from Human Resources Manager to Head of EKHRP</i>
		7. <i>Section 270 Local Government Act 1972 and any legislation relating to public health, public safety, food safety or health and safety</i>	<i>New delegation</i>

(iii) Delegation to Section 151 Officer

Executive Functions	
Part 3	Reason
68. <i>Value Added Tax Act 1994</i>	<i>Regularising of existing practices</i>

- (iv) Delegation to Director of Environment and Corporate Assets

Executive Functions	
Part 3	Reason
101A. <i>Traffic Management Act 2004 (Part 6)</i>	<i>Regularising of existing practices</i>

- (v) Delegation to Director of Environment and Corporate Assets and Community Safety, CCTV and Parking Manager

Executive Functions	
Part 3	Reason
104. <i>Road Traffic Regulation Act 1984 and Traffic Management Act 2004 (Part 6)</i>	<i>See 5.4(b) below</i>
105. <i>Off street and on street parking places</i>	<i>See 5.43(b) below</i>

- (vi) Delegation to Director of Environment and Corporate Assets and Environmental Enforcement and Protection Manager

Executive Functions	
Part 3	Reason
142. <i>Environmental Protection Act 1990 Part VIII</i>	<i>Change of officer title</i>

- (b) Arising from: Scrutiny (Policy and Performance) Committee on 18 January 2011 (Minute No 395(d))

Executive Functions – No 104 and 5 - Limitation on the powers of the Director of Environment and Corporate Assets and the Community Safety, CCTV and Parking Manager to set the level of parking charges.

104. <i>Road Traffic Regulation Act 1984 and Traffic Management Act 2004 (Part 6)</i>	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
105. <i>Off street and on street parking places</i>	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

The revised Part 3 is at Annex 6.

5.5 Part 4, Rules of Procedure, Council Procedure Rules [Page 174]

Arising from: A Motion to Council on 25 November 2009 (Minute No 311) and approved by Cabinet on 11 January 2010 (CAB 95) introduced the State of the District report. The amendment proposed below arises from concerns as to how the report would be presented in a situation where following an election the previous Leader of the Council who would present the report was not returned at the election or was not appointed as Leader by the Council.

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

The annual meeting will:

- (xiv) receive and debate the State of the District report, **with the exception of the annual meeting in District Council election year when this business will be deferred to the next scheduled meeting of the Council after the annual meeting.**

5.6 Appendix 1 – Proper Officer Appointments for Specified Statutory Purposes

Arising from: To provide flexibility in the execution of the service.

Appendix 1 – Proper Officer Appointments for Specified Statutory Purposes [Page 437]

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	Dr M Chandrakumar Consultant for Communicable Disease Control in Kent	Dr A Fairbrother Dr P Arulantham Dr A E Linentani Dr H Elwood Dr R Sims Any equivalently medically qualified deputising officer (as designated by the Kent Health Protection Unit or any successor agency)

Appendix 1 – Proper Officer Appointments for Specified Statutory Purposes [Page 441]

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
Public Health (Control of Disease) Act 1984 (as amended)			
10 & 11 48, 61 & 62	Control of notifiable diseases and food poisoning Removal of body to mortuary Powers to enter premises	Dr M Chandrakumar Consultant for Communicable Disease Control in Kent	Dr A Fairbrother Dr P Arulantham Dr A E Linentani Dr H Elwood Dr R Sims Any equivalently medically qualified deputising officer (as designated by the Kent Health Protection Unit or any successor agency)

Appendix 1 – Proper Officer Appointments for Specified Statutory Purposes [Page 440]

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
Public Health (Ships) Regulations 1979			
All		Dr M Chandrakumar Consultant for Communicable Disease Control in Kent	Dr A Fairbrother Dr P Arulantham Dr A E Linentani Dr H Elwood Dr R Sims Any equivalently medically qualified deputising officer (as designated by the Kent Health Protection Unit or any successor agency)

Appendix 1 – Proper Officer Appointments for Specified Statutory Purposes [Page 441]

Act and Section	Proper Officer's Function	Proper Officer	Officer Appointed to Act in Absence of Proper Officer
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)

Attachments

- Annex 1 – Joint Staff Consultative Forum Terms of Reference
- Annex 2 – Proposed Revised Policy Statement on Write Offs
- Annex 3 – East Kent Shared Services
- Annex 4 – Schedule of Delegation to East Kent Housing
- Annex 5 – EKH Owners Committee – Operating Arrangements
- Annex 6 – Part 3, Responsibility for Functions

1. Joint Staff Consultative Forum

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 Democratic Services Manager 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.

PROPOSED REVISED POLICY STATEMENT ON WRITE OFFS

Part 1 – Debts

1. Under arrangements controlled by him or her, the Section 151 Officer and any officer nominated by him or her, shall have the authority to write off any debt or other sum owing to the Council which is deemed irrecoverable or uneconomic to pursue.
2. The Section 151 Officer shall make the appropriate entries in the accounting records in respect of write-offs in accordance with proper accounting practice.

Part 2 – Goods, Materials, Vehicles and Stocks

3. Under arrangements controlled by him, the Section 151 Officer and any officers nominated by him, shall have the authority to write off the following:
 - (a) damaged or stolen goods.
 - (b) surplus goods and materials in accordance with the Stocks and Stores Policy.
 - (c) goods, vehicles or materials that are considered to have no material value due to deterioration or obsolescence.
4. Heads of Service shall forward details of any item under 1(a)-(c) above that they consider should be written off within their Division to the Section 151 Officer for his approval together with:
 - (a) details of the item to be written off.
 - (b) the circumstances necessitating the write-off.
 - (c) the reasons why they consider that that no proceeds on sale would accrue to the Council.
5. Where any items to be written off do constitute part of a stock account, the procedures for recording the write off within the Council's accounts and the method of disposing of the goods shall be approved by the Section 151 Officer. Subject to a financial limit to be agreed with the Section 151 Officer, approval need not be sought on every occasion where goods, vehicles and stocks are to be written off, provided agreed procedures are complied with. The Section 151 officer shall then make the appropriate entries in the accounting records in accordance with proper accounting practice.

Section 151 Officer

East Kent Shared Services

Delegation of Functions associated with the provision of ICT Services, face to face and contact centre customer services and revenues and benefits administration to the East Kent (Joint Arrangements) Committee and the Director of Shared Services (Thanet District Council)

PART 1

General

1. The functions delegated in Part 2 of this Schedule are associated with the following services which are to be delivered by Canterbury City Council, Canterbury City Council and Thanet District Council through the East Kent Joint Arrangement Committee:
 - ICT
 - face to face and contact centre customer services
 - revenues and benefits
2. It is contemplated that the East Kent Joint Arrangements Committee will in turn delegate the discharge of these functions to the Director of Shared Services or other of her officers in accordance with the East Kent Joint Arrangements Committee Scheme of Delegation already approved by it on 19 May 2010
3. References to a 'Part' are reference to a Part of this Schedule

Part 2

Delegation of Functions

4. The East Kent Joint Arrangements Committee hereby delegates the discharge of the functions set out in this Part to the Director of Shared Services (Thanet District Council) pursuant to all powers contained in or having effect under the Local Government Acts of 1972 and 2000.
5. The exercise of the powers and functions set out in this Part 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 relevant Council 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 relevant Council;
 - (x) authorise any other person to do any of the things mentioned in (i) to (vii) above to the extent permitted by law.
6. The Director of Shared Services is hereby authorised to discharge on behalf of the East Kent Joint Arrangements Committee 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 council' shall be interpreted as a reference to the relevant policy, procedure process of similar administrative statement of the relevant Council in force on 31 January 2011.
 - (b) After they have done so, any reference in this Part to any policy, procedure, process or similar administrative statement of practice 'of the council' shall be interpreted as a reference to the relevant policy, procedure process of similar administrative statement as approved by the East Kent Joint Arrangements Committee (or the relevant Council) after 1 February 2011
7. 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.

8. 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

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/Exclusions Limitations/Notes
1. Council Tax	<p>In connection with the administration of the council tax:</p> <p>(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 relevant Council;</p> <p>(b) to grant council tax benefit in accordance with any statute or statutory regulations and make determinations and exercise discretion as appropriate, except for matters specifically reserved to the relevant Council;</p> <p>(c) to represent the Billing Authority in any proceedings before the Valuation Tribunal, the Council Tax Benefit and Housing Benefit Appeals Service, and in any proceedings relating to the recovery and enforcement of council tax and penalties before the Magistrates and County Court,;</p> <p>(d) to undertake interviews under caution, to issue cautions, administrative penalties and authorise prosecutions in accordance with legislation, and the relevant Council's prosecution policy and statement on fraud;</p> <p>(e) to administer discretionary housing payments in accordance with legislation and the relevant Council's policy;</p> <p>(f) to complete statutory returns in respect of council tax and council tax benefits and discretionary housing payments;</p>	<p>Statutory returns must be authorised by the Section 151 Officer of the relevant Council</p>

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/Exclusions Limitations/Notes
	<p>(g) to serve or withdraw completion notices under Schedule 4a of the Local Government Finance Act 1988 as amended;</p> <p>(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;</p> <p>(i) to represent the relevant Council in the determination of proposals, alterations and appeals for council tax where appropriate;</p> <p>(j) to represent the Billing Authority in requests for administration orders under the County Courts Acts in respect of unpaid council tax;</p> <p>(k) to be responsible for the prevention, detection and prosecution of council tax fraud.</p>	
<p>2. Administration of the Housing Benefit Scheme</p>	<p>In connection with the administration of the Housing Benefit Scheme:</p> <p>(a) to be responsible for promoting take up of Housing and Council Tax Benefit take up schemes;</p> <p>(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 relevant Council and Committees/Executive;</p>	

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/Exclusions Limitations/Notes
	<p>(c) to determine and recover overpayments of Housing Benefit including making decisions on the method of recovery;</p> <p>(d) to make determinations and payments in accordance with the relevant Council's Discretionary Housing Payments policy;</p> <p>(e) to undertake interviews under caution, to issue cautions, administrative penalties and authorise prosecutions in accordance with legislation, and the relevant Council's prosecution policy in respect of Housing Benefits</p> <p>(f) to complete statutory subsidy calculations and returns , and all other statistical returns;</p> <p>(g) to undertake all other administrative processes in connection with the Housing Benefit scheme.</p>	<p>Statutory subsidy calculations and returns must be authorised by the Section 151 Officer of the relevant Council</p>
<p>3. National Non-Domestic Rate</p>	<p>In connection with the administration of the national non domestic rate:</p> <p>(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 relevant Council;</p> <p>(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.;</p> <p>(c) to complete statutory returns in respect of national non domestic rate;</p>	<p>This includes and recovering money from Business Improvement Districts.</p> <p>Statutory returns must be approved by the Section</p>

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/Exclusions Limitations/Notes
	<p>(d) to serve or withdraw completion notices under Schedule 4a of the Local Government Finance Act 1988 as amended;</p> <p>(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 administrative step for the collection of national non domestic rate;</p> <p>(f) to represent the relevant Council in the determination of proposals, alterations and appeals for national non domestic rate where appropriate;</p> <p>(g) to represent the Billing Authority in requests for administration orders under the County Courts Acts in respect of unpaid national non domestic rate;</p> <p>(h) to calculate and pay interest on overpayments of national non domestic rate in accordance with the NDR (Payment of Interest) Regulations 1990;</p> <p>(i) to determine applications under Section 44A of the Local Government Finance Act 1988;</p> <p>(j) to be responsible for the prevention, detection and prosecution of national non domestic rate fraud.</p>	<p>151 Officer of the relevant Council</p>
<p>4. ICT</p>	<p>To provide ICT technical support services to the councils including:</p> <p>network infrastructure both LAN and WAN solutions, hardware infrastructure, internet</p>	

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/Exclusions Limitations/Notes
	<p>access and web infrastructure solutions.</p> <p>To provide technical and business advice on ICT solutions and use of technology.</p> <p>To provide ICT business support services to the councils including:</p> <p>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.</p> <p>To provide associated procurement administration including all quotations, ordering, invoicing and contract management.</p>	<p>Note: The nature and extent of the activities to be undertaken in connection with the discharge of these functions will be as detailed from time to time in a Service Level Agreement</p>
<p>5. Customer Services</p>	<p>To provide 'front of house' contact with the public wishing to make enquiries of the councils or to access services in relation to any of its functions whether that contact is made in person, by telephone, by mail or e-mail or the websites of any of the councils, including but not limited to</p> <p>(i) issuing application forms for access to services.</p> <p>(ii) receiving payments due to the councils and issuing receipts</p> <p>(iii) providing facilities for the public inspection of documents and the taking of copies thereof</p> <p>(iv) responding to 'low level' customer complaints</p> <p>(v) selling or distributing or issuing any item or thing arising out of the conduct of any undertaking or function of the councils</p> <p>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.</p>	<p>Note:</p> <p>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 councils.</p> <p>Limitation:</p> <p>Except as is expressly provided in paragraphs 1 to 4, paragraph 5 does not operate as to confer any power to exercise any substantive functions of the councils</p>

Schedule 2

The East Kent Joint Arrangements Committee scheme of delegation of functions to officers

Introduction

This scheme has been adopted by the East Kent Joint Arrangements Committee and is the list of delegations to officers under section 101 of the Local Government Act 1972 (as amended), section 20 of the Local Government Act 2000 Regulation 11(4) of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and all of their powers enabling delegations to officers. It is adopted with the intention of giving a clear transparent and accountable decision making process.

'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 Joint Arrangements Committee and the East Kent Joint Scrutiny Committee are constituted and their powers defined.

'The Committee' means the East Kent (Joint Arrangements) Committee.

'The council' means Thanet District Council as host authority by whom the officers will be employed.

'The Department' means the East Kent Shared Services department under the Directorship of the Director of Shared Services.

'The Director of Shared Services' means the chief officer appointed by the council and primarily responsible for the development and delivery of such shared services as the parties decide.

'The Parties' means as the context requires any two, three or all of Canterbury City Council, Dover District Council, the District Council of Shepway and Thanet District Council.

1. Officers may only exercise the delegated powers in this scheme in accordance with:
 - 1.1 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.
 - 1.2 The Constitution of the council where relevant including standing orders, contract standing orders and financial regulations.
 - 1.3 The revenue and capital budgets of the Committee, subject to any variation thereof which is permitted by the council's Financial Regulations.
 - 1.4 Consideration of any relevant policy adopted by the Committee.
2. Officers may not exercise delegated powers where –
 - 2.1 The matter is reserved to the Committee by the arrangements.
 - 2.2 The matter is a function which cannot by law be discharged by an officer.

2.3 The Committee or a sub-committee has determined that the matter should be discharged otherwise than by an officer.

Where an officer has delegated powers the committee or sub-committee (as appropriate) can still exercise that power if it considers it is appropriate to do so.

3. Officers may not exercise delegated powers in a way which is contrary to the policies and plans approved by or on behalf of the Committee.
4. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation then the person with the delegated powers must consult someone else they reasonably consider to be an appropriate substitute consultee.
5. Delegations to the Director of Shared Services or other identified officers may be exercised by other officers whom they authorise to act on their behalf, provided that the delegation is recorded in writing.
6. The delegated powers held by an officer may be exercised by the line manager of that officer (or by the line manager's line manager) if:
 - That post is vacant.
 - The post holder is not at work for any reason.
 - The decision is urgent and the reasons are recorded in writing.
7. The delegations in this Scheme of Delegation include the discharge of both executive and non-executive functions.
8. Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment to or re-enactment of the same.
9. Where an officer has delegated authority to discharge functions:
 - by virtue of any other decision by the parties; or
 - through a specific decision the committee, or a sub-committee, either before or after the adoption of this Scheme,

the absence of the delegation from this Scheme shall not prevent the exercise of the delegation.

Powers delegated to the Director of Shared Services

Business cases and delivery of services

1. To develop shared service business cases work programmes and projects in relation to the functions which all or not less than two of any of the parties are minded to delegate to the EKJAC.
2. With the assistance if necessary of the appropriate Chief Executive of any of the parties to obtain from his or her council any information required in preparing a shared service business case.
3. Once two or more of the parties have resolved a services is to be shared to implement the business case and deliver the service as defined therein. [E/C]

4. To take action which is required as a matter of urgency in the interests of the committee, in consultation with the Chair, if time permits. [E/C]
5. To manage the Department. [E/C]

Financial

6. Acceptance of the lowest 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]
7. Entry into contract documentation following tender/bid acceptance (subject to the provisions of Financial Regulations and Contract Standing Orders of the council relating to the execution of contracts under seal). [E/C]
8. 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 council and ensuring sufficient budgetary provision exists. [E/C]
9. The assignment or novation of a contract. [E/C]
10. The approval of the appointment of or the acceptance of the tender of a sub-contractor or supplier for specialised work or material provided that this does not result in the budget provision for the works as a whole being exceeded. [E/C]
11. Virement between heads of expenditure of up to the limit specified in the council's Financial Regulations for a Director provided that such virement is in accordance with the conditions for virements in such Financial Regulations. [E/C]
12. Provision of reasonable hospitality to representatives of other authorities, visiting a department of premises under the Director's control subject to agreement by the Chief Executives of each of the parties for expenditure in excess of £500. [E]
13. To negotiate and agree variations in contracts arising out of statutory requirements subject to adequate budgetary provision being available. [E/C]

Human resources

14. To appoint all staff subject to the council's recruitment procedures. [E/C]
15. Dealing with all staffing matters which can be contained within budget. [C]
16. Granting acceleration of increments for any staff within their substantive grade for merit and ability. [C]
17. Determination of requests or recommendations for honoraria, gratuities and responsibility allowances. [C]
18. The determination of applications for paid and unpaid leave:
 - 18.1 for trade union training with special regard to the council's policies on equalities and to courses directed towards equalities issues;
 - 18.2 for health and safety training;

- 18.3 for paid leave for an employee to discharge her/his duties of the office of President of a Trade Union;
 - 18.4 for an employee to attend meetings etc with pay as a member of another local authority, or similar public body on condition that the employee only receives the difference between pay and any amount receivable under local government regulations etc. This does not include an employee attending such a body in her/his official capacity which would be as part of their official duties;
 - 18.5 for personal or domestic reasons in accordance with conditions of service;
 - 18.6 for maternity, parental and dependant's support leave;
 - 18.7 for compassionate leave where there are urgent personal or domestic reasons for needing additional paid leave in accordance with conditions of service. [C]
- 19. Determination of extensions of sickness allowance in consultation with the Head of East Kent Shared Human Resources Service. [C]
 - 20. Determination of requests for extensions of service except that of first and second tier officers. [C]
 - 21. Determination of casual or essential car users allowance or leased car or cash in lieu to officers subject to compliance with the provisions agreed by the council. [C]
 - 22. Determination of planned overtime for officers above Scale 6. [C]
 - 23. Determination of claims for payment of subsistence allowances on the basis that only claims in respect of expenditure incurred within six months of the date of the application will be met. [C]
 - 24. Determination of proposals to attend service training courses. [C]
 - 25. Determination of staff grievances and referral to the Chief Executives of the parties where resolution is not possible at departmental level. [C]
 - 26. Discipline, suspension and/or dismissal of employees up to third tier level. [C]
 - 27. Authority to assimilate staff on appointment, promotion or regrading where appropriate within the approved grade having regard to all the circumstances. [C]
 - 28. Compliance with the provisions of the Health and Safety Policy of the council. [C/E]
 - 29. To work out appropriate managerial and operational consequences and to refine as necessary the structure of the Department in order to deliver the aims, objectives and changing priorities of the Committee. [C/E]
 - 30. To deal with redundancies and approve applications from employees for early retirement (including ill health retirements) in accordance with council policies and following referral to the council's doctor as necessary and reporting all approvals to the Committee. [C]

31. To be the Proper Officer responsible for the list of politically restricted posts within the Department. [C]

General

32. Where the Director considers that legal proceedings are needed in connection with the effective management of any service for which he or she is responsible that may, subject to consultation with the chief legal officer of the council instruct that officer to take those proceedings subject to reporting the outcome to the next committee meeting as appropriate. [C/E]
33. To take any action which the committee has the power to take in order to manage any of their service areas.
34. To publicise the services they provide. [E/C]
35. To deal with issues relating to the Commission for Local Administration to the Committee.

Schedule of Delegations to East Kent Housing

Co-ordination with corporate policy in relation to housing element of:	<u>Council</u>	<u>SSV</u>	<u>Both</u>
Community Safety	X		
Neighbourhood Renewal	X		
Regeneration	X		
Housing and Health	X		
Supporting People	X		
Sustainable Development	X		
Social exclusion	X		
Equalities and Diversity	X		
New tenancies			
Administration of Housing Register/Choice Based Lettings	X		
Housing allocations policy for Council housing	X		
Selection of tenants for vacant props	X		
Transfer list management	X		
Granting of new tenancies		X	
Successions		X	
Mutual exchange management		X	
Repairs and Maintenance			
Stock condition survey local authority housing		X	
Response repairs		X	
Contract and Planned Maintenance and Refurbishment Programmes		X	
Modernisation and Improvements		X	
Energy and efficiency		X	
Develops a business plan for investment in housing stock		X	
Implementation of annual investment programme: monitors delivery, manages programme		X	
Void and Empty Property Management			
Terminations		X	
Inspection		X	
Repairs		X	
Sustainable Communities			
Neighbourhood and Estate Management		X	
Enforcement of conditions of tenancy		X	
Evictions and court action to support enforcement		X	
Alterations to conditions of tenancy		X	
Illegal occupation		X	
Development of ASBO policy	X		
Responsibility for legal process to obtain Anti-Social Behaviour Orders		X	
Administering application prior to legal action for ASBO		X	
Regeneration and estate development			X

EKH Owners Committee Operating Arrangements

Canterbury City Council

Dover District Council

Shepway 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 1 April 2010 for the purposes of exercising agreed functions in connection with the management of housing stock (and related activities) by East Kent Housing Limited across their 'combined administrative area'.
- 1.2 The joint committee will be established as the EKH Owners Committee (EKHOC).
- 1.3 The Parties are committed to a joint committee which provides oversight and decision making and co-ordination of services in relation to the management of housing stock and related activities by East Kent Housing Limited 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 EKHOC.
- 1.5 Any new Parties to these arrangements after they become effective will have all the same rights and responsibilities under these arrangements.
- 1.6 The Parties agree that, in the event of any conflict between the terms of these Operating Arrangements and the terms of the Owners Agreement, the terms of the Owners Agreement will prevail.

2. Definitions

- 2.1 'Decisions' means those decisions of the Parties delegated from time to time to the EKHOC to discharge.
- 2.2 'A shared service' means a service delivering functions as agreed by two or more 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 lead on a specified matter or function as set out in paragraphs 14 and 19.
- 2.7 'the ALMO' means East Kent Housing Limited (company number 07489230).
- 2.8 'Housing Management Services' means the services provided by the ALMO for the Parties from time to time.
- 2.9 'the Owners Agreement' means the agreement between the Parties and the ALMO dated [REDACTED] as amended or varied from time to time.

3. Objectives

The objectives of the EKHOC are to:

- (a) act as the final decision making body for decisions to be made jointly by the Parties under the terms of the Owners Agreement in circumstances where all the Parties (through their delegated officer) have not reached unanimity;
- (b) act as the final arbiter of disputes arising under the Owners Agreement, as referred to in clause 9 thereof.

4. Powers and Functions

- 4.1 The EKHOC is established under section 20 of the Local Government Act 2000 and Regulations 4, 11 and 12 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 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 EKHOC 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 EKHOC 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 participating in the services.

5. Terms of Reference

The terms of reference for the EKHOC are as set out in the Schedule.

6. Membership and Voting Rights

The EKHOC shall comprise the Leaders of the Council of each of the Parties. The Leader of each Party may nominate one member of their Executive (who have been authorised by the respective Parties to act as substitutes) to substitute for the Leader as necessary.

7. Frequency of Meetings

The EKHOC will meet:

- (a) at least once between 1 December and 28 February annually and
- (b) whenever it is necessary for a Joint Decision of the Parties to be considered under the terms of the Owners Agreement and
- (c) at such other times as may be required.

8. Agenda Setting and Access to Meetings and Information

8.1 The agenda for the EKHOC shall be agreed by the chairman of the EKHOC following a briefing by relevant officers. Any member of the EKHOC 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) (Access to Information) (England) Amendment Regulations 2000 and 2002 or sections 100A-K and Schedule 12A of the Local Government Act 1972, as appropriate.

9. Delegation to Officers

The EKHOC may arrange for the discharge of any of its functions by an officer of one of the Parties.

10. Meetings and Procedure

10.1 The Chairman and Vice Chairman of the EKHOC will be appointed by the EKHOC on the basis of the position being rotated annually, as follows, and repeated each four years:

	Chairman and Host Authority	Vice Chairman
Year 1	Canterbury City Council	Shepway District Council
Year 2	Thanet District Council	Dover District Council
Year 3	Shepway District Council	Thanet District Council
Year 4	Dover District Council	Canterbury City Council

10.2 In the absence of the chairman and the vice chairman at a meeting, the meeting will elect a chairman for that meeting.

10.3 The quorum of the EKHOC will be four with one member present from each of the four 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.

10.4 The EKHOC may approve rules for meetings and procedure from time to time.

11. Decision Making

Decisions of the EKHOC will normally be made by consensus. Alternatively, a vote shall be taken where the chairman or any Voting Member requests that a vote be taken. The vote will be by way of a show of hands. A simple majority shall be required in order for a resolution to be passed. In the case of an equality of votes the Chairman shall have a casting vote.

12. Forward Plan

Decisions of the EKHOC which will amount to a Key Decision of any Party shall be included within the Leader of that authority's Forward Plan.

13. Host Authorities and Allocation of Roles

13.1 In order to achieve the objectives of the EKHOC, the Parties will appoint a Host Authority which is for the time being the Authority shown as the Chairman and Host Authority in the table at clause 10.1.

13.2 Staff from the Host Authority who are commissioned to provide services, advice and support to the EKHOC will continue to be employees of the relevant Host Authority.

13.3 Responsibility for the following support services to the EKHOC 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

13.4 The cost of the services and advice set out in this section will be paid for by the Host Authority.

14. Amendments to these Arrangements

These arrangements may be amended by the unanimous agreement of the EKHOC following a recommendation approved by the Executive and full Council of each of the Parties.

15. New Membership and Cessation of Membership

15.1 Subject to the provisions of the Owners Agreement, 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.

15.2 Any of the Parties which ceases to be a member of the ALMO shall cease to be a party to these arrangements on the date of such cessation.

15.3 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 16.1.

15.4 Termination of these arrangements may occur by agreement of all the Parties.

16. Dispute Resolution

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.

17. Claims and Liabilities

17.1 The purpose of these arrangements and any actions taken under them is to assist all of the Parties (or those of the Parties as are engaged in any particular shared service). The Parties therefore have agreed that:

(a) where one of the Parties nominated by the EKHOc to act on its behalf in respect of the Services undertakes actions or incurs liabilities in respect of the Services on behalf of the EKHOc (but not otherwise) 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

(b) where one of the Parties nominated by the EKHOc 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

(c) a Party carrying out actions in good faith on behalf of the EKHOc 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) 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)

17.2 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.

18. Data Protection, Freedom of Information, Information Sharing & Confidentiality

18.1 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.

18.2 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).

18.3 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

18.4 Clause 18.3 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

18.5 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 EKHOC.

18.6 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.

18.7 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.

18.8 Notwithstanding the provisions of 18.6 and 18.7 it shall be the Party receiving the request that is responsible for determining at its absolute discretion how to reply to the request.

19. Exercise of Statutory Authority

19.1 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 Schedule

TERMS OF REFERENCE of the EKH OWNERS COMMITTEE

1. To act as the final decision making body for decisions to be made jointly by the Parties under the terms of the Owners Agreement in circumstances where all the Parties (through their delegated officer) have not reached unanimity.
2. To act as the final arbiter of disputes arising under the Owners Agreement, as referred to in clause 9 thereof.
3. To exercise any of the functions or services that the Parties may from time to time unanimously decide.

East Kent (Housing Management) Committee Procedure Rules

These Rules are made supplemental to clause 10.4 of the EKH Owners 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 EKH Owners 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) 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 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 Joint Committee will meet at least once between 1 December and 28 February annually, and whenever it is necessary for a Joint Decision of the Parties to be considered under the terms of the Owners Agreement and at such other times as may be required.

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 10.3 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 the East Kent Joint Scrutiny Committee whether by call-in or otherwise;
- (v) consideration of reports from the Officers;
- (vi) matters set out in the agenda for the meeting, which shall indicate which are key decisions, and which are Joint Decisions for the purposes of the Owners Agreement;
- (vii) advice to Leaders on the items for their Forward Plans;

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 each of the Parties Forward Plan or if not in all or any of the Forward Plans 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 EKJSC and the members of each of the parties affected by the decision 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 EKJSC, the consent of the Vice-Chairman shall be required. In the absence of both the Chairman and Vice-Chairman, the consent of the Head of Paid Service for that party (or his/her nominee) 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 conflict of interest declared; and
- (v) any dispensation granted by Standards Committee, where appropriate.

No decision will be made by the Joint Committee 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 housing management service 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.

As soon as reasonably practicable following any decision of the Joint Committee which relates to any matter which is a Joint Decision or the resolution of a dispute for the purposes of the Owners Agreement, the Joint Committee shall take such steps as are necessary to notify:

- (i) the ALMO; and
- (ii) each of the Parties;

of its decision in relation to the matter.

Part 3

Responsibility for Functions

SECTION 1: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Decision Making Body: ~~Appeals~~ **General Purposes Committee**

Membership: 5 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:**
 - (a) To consider representations by the member of staff affected, any representative(s) and/or witness(es).
 - (b) To consider representations by the ~~Human Resources Manager~~ **Head of East Kent Human Resources Partnership** concerning the appeal.
 - (c) To determine the appeal.
 - (d) 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.
2. 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.

SECTION 2: RESPONSIBILITY FOR COUNCIL FUNCTIONS

Decision Making Body: ~~Licensing Policy Advisory Committee~~

Membership: ~~5 Members of the Authority.~~

Functions:

1. ~~To advise the Council as Licensing Authority in the discharge of its functions under Section 5 of the Licensing Act 2003 (determination and statement of Licensing Policy), including on policy issues relating to all licensing functions.~~
2. ~~To hold enquiries and investigate the available options for future direction in policy development and to appoint advisers and assessors to assist them in this process.~~
3. ~~To go on site visits, conduct public surveys, hold public meetings, commission research and do all other things as it considers reasonably necessary to inform its deliberations.~~

- ~~4. To ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee for doing so.~~
- ~~5. To prepare formal reports to the Council as Licensing Authority, advising the Licensing Authority as to the discharge of its functions under Section 5 of the Licensing Act 2003.~~
- ~~6. To give consideration and advise the Licensing Committee, the Regulatory Committee and/or the Council, as appropriate, by way of formal report on matters of policy relating to Licensing functions.~~
- ~~7. To make decisions and recommendations which will be considered by the Regulatory Committee, Licensing Committee and/or the Council as appropriate.~~

Decision Making Body: Governance Committee

Membership: 6 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, ~~income and expenditure and balance sheet prior to audit by 30 June and to approve the audited Statement of Accounts after 30 September~~ as required by prevailing legislation.
11. Monitor and review the Constitution and make recommendations to the Council.
12. To consider electoral matters and Boundary Reviews and make recommendations to the Council.
13. To consider the reports of the Joint Independent Remuneration Panel and make recommendations to the Council.

14. 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.

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

SECTION 3: RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

There are no constitutional changes in this section arising from Inquiry Report 1.

SECTION 4: GUIDELINES FOR EXECUTIVE COMMITTEES

There are no constitutional changes in this section arising from Inquiry Report 1.

SECTION 5: GUIDELINES FOR ADVISORY GROUPS

There are no constitutional changes in this section arising from Inquiry Report 1.

SECTION 6: SCHEME OF OFFICER DELEGATIONS

There are no constitutional changes in this section arising from Inquiry Report 1.

A. General

17. 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.

B. Delegation to: All Chief Officers

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
34. Dover and Shepway Partnership Project 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.	

C. Council and Executive Functions

Delegation to: Chief Executive

Council Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
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.	<p>All appointments and dismissals shall be subject to Compliance with Prescribed Standing Orders.</p> <p>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, shall be agreed with the Head of the East Kent HR Partnership and recorded on a schedule which shall be reported to the General Purposes Committee not less than every six months.</p>

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
3.	To discharge the Council's powers and duties as employer of all employees	The Chief Executive shall act substantially in accordance with the Councils 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, shall be agreed with the Head of the East Kent HR Partnership and recorded on a schedule which shall be reported to the General Purposes Committee not less than every six months.

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
7. Section 270 Local Government Act 1972 and any legislation relating to public health, public safety, food safety or health and safety	To appoint any person as "Proper Officer" for any specified statutory purposes or for any specified purposes.	

SECTION 7: CONSULTATIVE COMMITTEES AND ADVISORY BOARDS

1. **Joint Staff Consultative Forum - See Annex 1**

Inquiry Report 2

Constitutional Amendments to the Members' Allowance Scheme 2011/12

Recommendation

That it be recommended to the (Governance Committee and) the Council:

- (a) *That the amendments made by the Director of Finance to Part 6, Members' Allowance Scheme as set out below be noted:*
- (i) *That the Basic Allowance be reduced by 10% from £4,223.00 per annum to £3,800.00 per annum.*
 - (ii) *That all Special Responsibility Allowances be reduced by 10% as shown in annex 1, with the exception of those listed at (a)(iii) below.*
 - (iii) *That the Special Responsibility Allowances for the Chairman and Vice-Chairman of the following committees be removed:*
 - *Appeals Committee*
 - *General Purposes Committee*
 - *Joint Staff Consultative Forum;*
 - *Joint Health, Safety and Welfare Consultative Forum;*
 - *Licensing Policy Advisory Committee*
- (b) *That the views of the East Kent Joint Independent Remuneration Panel be noted.*
- (c) *That the £15.00 per month broadband payment (£180.00 per annum) be consolidated into the members' Basic Allowance with effect from the start of the municipal year 2011/12 in order to reduce administrative costs and provide increased transparency.*
- (d) *That the Members' Allowance Scheme for 2011/12 as set out in Annex 2 of this report be approved and adopted.*

Contact Officer: Rebecca Brough, extension 2304.

Purpose of the Report

1. The purpose of this report is to incorporate the previously agreed changes to the Members' Allowance Scheme into the Constitution and consider the proposals for consolidating the broadband allowance in the Basic Allowance to reduce administrative costs and provide increased transparency.

Constitutional Amendments to Part 6 Members' Allowances Scheme

2. The Members' Allowance Scheme was amended by the Council at its meetings held on 2 March 2011 and 23 March 2011.

3. When the Council agreed its budget for 2011/12 it resolved that the method of achieving the saving be delegated to the Director of Finance, in consultation with the Leader of the Council and the Portfolio Holder for Corporate Resources and Performance. This report sets out the final method by which the saving in the Members' Allowances Scheme is to be achieved.
4. The agreed budget of the Council for 2011/12 requires a saving on £46,759.00 to be made from the Members' Allowance Scheme. As this is a resolved decision of the Council, the amount of saving to be achieved is for note only.

Schedules 1 to 3 (inclusive) of the Members' Allowance Scheme

5. The figure of a saving of £46,759.00 from the Members' Allowances Scheme was originally proposed to be achieved as follows:

Table 1: Original Proposals for Reducing the Members' Allowance Scheme Budget

Members Allowances	2010/11 £	2011/12 £	Difference £
Basic Allowance – 10% reduction	190,000	171,000	19,000
Amalgamation of Scrutiny – save Chair and Deputy	5,150	-	5,150
2 Cabinet posts	12,360	-	12,360
Remaining Special Responsibility reduced by 10%	102,490	92,241	10,249
Total	310,000	263,241	46,759

6. However, the Council at its meeting on 2 March 2011 (Minute No. 471(k)(ii)) resolved that:

“To amend the budget for Members Allowances to maintain two scrutiny committees, subject to the consideration by, and recommendation from, the Joint Independent Remuneration Panel whose views will be presented to the new Council if required”.

7. There needs to be a total saving of £5,150.00 achieved by a method other than amalgamating the two scrutiny committees. It is proposed that this be achieved as follows:

Table 2: Revised Proposals for Achieving Savings Other Than Amalgamating Scrutiny Committees

Members Allowances	2010/11 £	2011/12 £	Difference £
Appeals Committee Chairman's Allowance	1,030	0	1,030
Appeals Committee Vice-Chairman's Allowance	258	0	258
General Purposes Committee Chairman's Allowance	1,030	0	1,030
General Purposes Committee Vice-Chairman's Allowance	258	0	258
Joint Staff and Joint Health, Safety and Welfare Consultative Fora Chairman's Allowance	1,030	0	1,030
Joint Staff and Joint Health, Safety and Welfare Consultative Fora Vice-Chairman's Allowance	258	0	258

Members Allowances	2010/11 £	2011/12 £	Difference £
Licensing Policy Advisory Committee Chairman's Allowance	1,030	0	1,030
Licensing Policy Advisory Committee Vice-Chairman's Allowance	258	0	258
Total	5,152	0	5,152

8. These changes to the Members' Allowance Scheme were decided upon the following basis:
- The Appeal Committee has met on four occasions since the last District Council elections in 2007, all of which were in 2008.
 - The General Purposes Committee has met on ten occasions since the last District Council elections in 2007. The Committee meetings are not scheduled and are called on an extraordinary basis as needed.
 - The Joint Staff and Joint Health, Safety and Welfare Consultative Fora are scheduled to meet four times per year but usually meet less frequently. The Joint Health, Safety and Welfare Consultative Forum have met six times since May 2007 and the Joint Staff Consultative Forum has met eleven times since May 2007 out of a potential total of sixteen meetings each. However, the advent of the new governance arrangements arising from collective bargaining arrangements has reduced the volume of work handled by the Fora. Although separate Fora the Chairman and Vice-Chairman of the two bodies are the same and have been counted as one Forum for the purposes of calculating savings.
 - The Licensing Policy Advisory Committee has met three times since its creation – once in 2008, 2009 and 2010 respectively. The meetings for this committee are not scheduled and are called on an extraordinary basis as needed.
9. Inquiry Report 1 considers proposals for the redistribution of committee functions.
10. Although the allowance for the Standards Committee has not been amended due to the current workload undertaken by the Independent Members, it is expected that the Chairman and Vice-Chairman Special Responsibility Allowance will need to be reviewed during the municipal year 2011/12 as the future ethical governance framework of the Council becomes clearer. There are potential additional savings that could be realised during 2011/12 if the statutory Standards Committee were to be abolished as a result of legislative changes.

East Kent Joint Independent Remuneration Panel View on Schedules 1 to 3 (inclusive)

11. The view of the East Kent Joint Independent Remuneration Panel is, put simply, that while it understands the reasons why the Council is reducing its expenditure on Members' Allowances it does not consider that this affects the Panel's original recommendations set out in the last quadrennial review document.
12. The recommended allowances contained within the Quadrennial Review were based on an appropriate remuneration for the activities and responsibilities undertaken by

Members when benchmarked against a range of indicators. A voluntary service component was then applied in recognition that elected Members' choose to become councillors in order to serve the communities they represented.

13. At its meeting held on 17 February 2011 the East Kent Joint Independent Remuneration Panel made the following recommendation to the Council (Minute No. 6):

"That it be recommended to Dover District Council that the commitment of the East Kent Joint Independent Remuneration Panel to the levels of Basic Allowance and Special Responsibility Allowance set out within its last Quadrennial Review be reaffirmed".

Schedules 4 to 6 (inclusive) of the Members' Allowances Scheme

14. The report of the Director of Governance to Council on 2 March 2011 (Minute No 470) amended Schedules 4 (Travel and Subsistence) and 6 (Dependents' Carers' Allowance) of the Members' Allowances Scheme.
15. A subsequent report of the Director of Governance was considered by Council on 23 March 2011 in relation to attendance at conferences and seminars.
16. These changes are set out in the revised Members' Allowances Scheme in Annex 2.

Broadband Payment

17. As part of this report, the opportunity has been taken to explore opportunities to improve transparency and achieve additional savings through streamlining administrative processes. As a result of this, it is felt appropriate to raise the issue of the broadband payment made to councillors.
18. The broadband payment of £15.00 per month (£180.00 per annum) was introduced at the same time as Members were issued with computers by the Council in 2005. At that time, some members still accessed the internet through dial-up connections that were inadequate for downloading many of the documents they were sent by officers and the payment was used as a way of providing financial assistance to Members in switching from dial-up to costly broadband packages. This proved successful and now all those members living in areas with a broadband service have a broadband line.
19. The issue of the broadband payment was considered by the East Kent Joint Independent Remuneration Panel when it examined the Basic Allowance during its last Quadrennial Review of Members' Allowances at Dover District Council. It was the view of the Panel that broadband had become an essential tool for elected Members in a similar way to:
 - stationery (excluding headed stationery);
 - telephone costs (including line rental and call charges);
 - fax costs (including line rental and call charges);
 - postage costs; and
 - mobile phone costs (including line rental and call charges)
20. However, it is worth noting that when the East Kent Joint Independent Remuneration Panel made its recommendation in respect of the current broadband payment it

actually recommended an increase in the basic allowance of £433.00 from £4,223.00 to £4,655.00, which if it had been approved would have equated to a 10% rise. Therefore, taking the proposed 10% reduction and the 10% foregone (by not taking the £433.00 increase), means that the reduction of the Basic Allowance against the Panel's recommendation is 20%, which makes this Council's allowances one of the lowest in Kent.

21. As part of its review, the Panel also commented on the broadband allowance that has for a number of years been paid separately to all Members but which has never been consolidated into the Members' Allowance scheme. They have therefore recommended that the broadband allowance be consolidated into the Members' Allowance scheme. Consolidation, will relieve an administrative burden for the Council, and increase the Basic Allowance for members by 10%, but will have no effect on the overall allowances paid to members and still retains the 10% reduction in Basic Allowance agreed by the Council. This report therefore seeks to regularise this situation

Attachments

Annex 1 – Changes to Basic and Special Responsibility Allowances

Annex 2 – Revised Members' Allowance Scheme Schedules

PROPOSED CHANGES TO BASIC AND SPECIAL RESPONSIBILITY ALLOWANCE

The tables below set out the recommendations of the Joint Independent Remuneration Panel for the Basic and Special Responsibility Allowances, the current level of allowance for 2010/11 and the proposed new allowance for 2011/12.

Agreed Change to the Members' Basic Allowance 2011/12

These changes were agreed by Council at its meeting held on 2 March 2011.

Basic Allowance (with 10% reduction)

Allowance	EKJIRP Recommend	2010/11	2011/12	Difference 2010/11 vs. 2011/12
Basic Allowance*	£4,656.00	£4,223.00	£3,800.00	-£423.00
x 45 Members	£209,520.00	£190,035.00	£171,000.00	-£19,035.00

(*) In addition to the Basic Allowance all Members are entitled to claim a broadband allowance of £180.00 per annum

Proposed Change to the Members' Basic Allowance 2011/12

This change is for Council to agree at its meeting to be held on 6 April 2011.

Basic Allowance (with consolidated Broadband after 10% reduction)

Allowance	EKJIRP Recommend	2010/11	2011/12 Consolidated	Difference 2010/11 vs. 2011/12
Basic Allowance**	£4,656.00	£4,223.00	£3,980.00	-£243.00
x 45 Members	£209,520.00	£190,035.00	£179,100.00	-£10,935.00

(**) No separate broadband would be paid as it is consolidated into the Basic Allowance.

Agreed Change to the Members' Special Responsibility Allowance 2011/12

These changes were agreed by Council at its meeting held on 2 March 2011.

Special Responsibility Allowance	EKJIRP Recommend	2010/11	2011/12	Difference 2010/11 vs. 2011/12
Leader of the Council	£19,325.00	£16,480.00	£14,832.00	-1,648.00
Deputy Leader of the Council	£11,516.00	£8,240.00	£7,416.00	-£824.00
Other Cabinet Member	£8,538.00	£6,180.00	£5,562.00	-£618.00
X 7 Members (2010/11)	£59,766.00	£43,260.00	-	-
x 5 Members (2011/12)	-	↳	£27,810.00	-£15,450.00

Special Responsibility Allowance	EKJIRP Recommend	2010/11	2011/12	Difference 2010/11 vs. 2011/12
Chairman of Planning Committee	£5,563.00	£4,120.00	£3,708.00	-£412.00
Chairman of Governance Committee	£5,563.00	£4,120.00	£3,708.00	-£412.00
Chairman of Overview and Scrutiny Committee	£5,563.00	£4,120.00	£3,708.00	-£412.00
x 2 Chairmen	£11,126.00	£8,240.00	£7,416.00	-£824.00
Chairman of Standards Committee	£1,301.00	£1,030.00	£927.00	-£103.00
Chairman of Regulatory Committee	£1,301.00	£1,030.00	£927.00	-£103.00
Chairman of Licensing Committee	£1,301.00	£1,030.00	£927.00	-£103.00
Chairman of General Purposes Committee	£1,301.00	£1,030.00	£0.00	-£1,030.00
Chairman of Appeals Committee	£1,301.00	£1,030.00	£0.00	-£1,030.00
Chairman of Dover Joint Transportation Board	£1,301.00	£1,030.00	£927.00	-£103.00
Chairman of Licensing Policy Advisory Committee	£1,301.00	£1,030.00	£0.00	-£1,030.00
Chairman of Joint Staff & Joint Health Fora	£1,301.00	£1,030.00	£0.00	-£1,030.00
Vice-Chairman of Overview and Scrutiny Committee	£1,301.00	£1,030.00	£927.00	-£103.00
x 2 Vice-Chairmen	£2,602.00	£2,060.00	£1,854.00	-£206.00
Vice-Chairman of Planning Committee	£1,301.00	£1,030.00	£927.00	-£103.00
Vice-Chairman of Governance Committee	£300.00	£1,030.00	£927.00	-£103.00
Vice-Chairman of Standards Committee	£300.00	£258.00	£232.00	-£26.00
Vice-Chairman of Regulatory Committee	£300.00	£258.00	£232.00	-£26.00
Vice-Chairman of the Licensing Committee	£300.00	£258.00	£232.00	-£26.00
Vice-Chairman of the General Purposes Committee	£300.00	£258.00	£0.00	-£258.00
Vice-Chairman of the Appeals Committee	£300.00	£258.00	£0.00	-£258.00
Vice-Chairman of the Dover Joint Transportation Board	£300.00	£258.00	£232.00	-26.00
Vice-Chairman of the Licensing Policy Review Committee	£300.00	£258.00	£0.00	-£258.00
Vice-Chairman of the Joint Staff & Joint Health Fora	£300.00	£258.00	£0.00	-£258.00
Leader of the Main Opposition Group (10 or more members)	£5,563.00	£4,635.00	£4,171.00	-£464.00

Special Responsibility Allowance	EKJIRP Recommend	2010/11	2011/12	Difference 2010/11 vs. 2011/12
Leader of an Opposition Group (5 – 9 members)	£300.00	£258.00	£232.00	£-26.00
Leader of an Opposition Group (1 – 5 members)	£0.00	£0.00	£0.00	£0.00
Deputy Leader of the Main Opposition Group (10 or more members)	£2,465.00	£2,060.00	£1,854.00	£-206.00
Deputy Leader of an Opposition Group (1 – 9 members)	£0.00	£0.00	£0.00	£0.00
Shadow Cabinet	£2,465.00	£2,060.00	£1,854.00	£-26.00
x 5 members	£12,325.00	£10,300.00	£9,270.00	£-1,030.00
Licensing Committee Member	£0.00	£289.00	£260.00	£29.00
x 13 members	£0.00	£3,757.00	£3,380.00	£-377.00
Independent Member of Standards Committee	£300.00	£129.00	£116.00	£-13.00
x 3 members	£900.00	£387.00	£348.00	£-139.00

Special Responsibility Allowance	EKJIRP Recommend	2010/11	2011/12	Difference 2010/11 vs. 2011/12
Total	£152,724.00	£121,320.00	£93,416.00	£-27,995.00

Part 6

Members' Allowances Scheme

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) states that authorities must establish a new 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. Authorities must have regard to the recommendations made by an independent remuneration panel before making or amending a scheme.
- 1.3 An Independent Remuneration Panel has been established jointly by Dover District Council, Shepway District Council and Thanet District Council from 1 May 2008. The previous Independent Remuneration Panel established jointly by Dover District Council and Thanet District Council produced a report and recommendations (dated November 2003) in accordance with the Local Authorities (Members Allowances) (England) Regulations 2003. This scheme was then duly made by the Council at its meeting on 17 December 2003.
- 1.4 At the Annual Meeting of the Council held on 11 May 2005 (and following consideration of a further report and recommendations of the independent remuneration panel dated January 2005), the Scheme was duly amended and these amendments are referred to and included in the Scheme 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 17 December 2003 and applies to the payment of members' allowances from 18 December 2003 until 31 March 2004 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.
- 2.5 Following the report from the independent remuneration panel in January 2005, the Council amended this Scheme at its Annual Meeting held on 11 May 2005; such

amendments comprised of (a) inserting amended Schedules 1 (Basic Allowance), 2 (Special Responsibility Allowances) and 3 (Travelling and Subsistence Allowance) and (b) inserting paragraph 7A and Schedule 5 (Dependants Carers' Allowance).

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 17 December 2003.

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 Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year, his/her 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 his/her term of office as Member and councillor subsists bears to the number of days in that year.
- 4.3 Where a Member is suspended or partially suspended from his/her responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that part, the part of basic allowance payable to him/her in respect of the period for which he/she is suspended or partially suspended may be withheld by the authority.

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 column 1 of Schedule 2.
- 5.2 The amount of each special responsibility allowance shall be as specified in column 2 of 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, his/her 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.
- 5.4 Where a Member is suspended or partially suspended from his/her responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of special responsibility allowances payable to him/her in respect of the responsibilities or duties from which he/she is suspended or partially suspended may be withheld by the authority.
- 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

- 7.1 Travelling and 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 4 and subject to such conditions as are set out therein and below.

- 7.2 Travelling and Subsistence Allowance shall only be payable to Members ~~up to the amounts set out in Column 2. Such payments will be subject to the following conditions:~~ **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 Members' allowances paid are calculated to reflect these extra duties.**

~~(i) the allowance shall only be payable to Members in respect of such travelling and subsistence undertaken in connection with or relating to the following eligible duties:~~

- 7.3 **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 s/he is acting as a Substitute for another Member **including representatives appointed to Neighbourhood Forums and their substitutes.**

- 7.4 **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 Scrutiny Committees and recognised Group Spokespersons shall also be eligible to claim for attendance at meetings of the Cabinet.

~~(c) Members of the Cabinet shall be eligible to claim travel and subsistence allowance when undertaking any duties for the purpose of or in connection with the discharge of the functions of the Cabinet.~~

- 7.5 Requested attendance at meetings of Overview and Scrutiny Committees.

- 7.6 **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.**

~~(e) Representation on the approved schedule of outside bodies in which the council participates, assists or advises shown in the Council Yearbook and Diary.~~

~~(f) Specific functions or meetings specified by the Council (or a Committee or Sub-Committee of the Council) for representations.~~

- 7.7 Official briefing meetings which relate to an approved meeting as set out in ~~item (a) 1.1 and 1.2 above; and~~ **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.

~~(g)(ii) Officer briefing meetings that are supported by (1) a prior invitation from the officer concerned (2) written confirmation by the officer of the councillor's attendance at the briefing meeting together with notification to the Democratic Services Manager.~~

7.8 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.

7.9 ~~Travelling and Subsistence Allowance may be claimed in reimbursement of expenses incurred in attending the following approved conferences and seminars.~~ Attending the approved duties as set out in Table 1 of Schedule 4. (Travelling arrangements should be co-ordinated to avoid duplicate claims wherever possible, particularly in instances where a Council Officer is also attending).

7.10 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.

7.11 Training, induction courses and seminars arranged for Members.

7.12 Attending the Council offices to open tender documents in accordance with Contracts Standing Order ~~22.3~~ 11.5 in Part 4 of the Constitution.

7.13 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.

7.14 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.

7.15 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 ~~councillors~~ Members are eligible to claim travel and subsistence allowance shall not include cases where the Member is acting solely in his/her community role or carrying out ward business.

7.16 Co-opted and independent members of Committees, Boards and Panels receive travel allowances in the same way as elected members of the Council.

7.17 All claims for travel and subsistence allowances must be submitted to the Democratic Support section within three months from the date on which the entitlement arises.

8. Suspension from duties

8.1 Where a Member is suspended or partially suspended from his responsibilities or duties as a member of the Council in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any travelling and subsistence allowance payable to him/her in respect of the responsibilities or duties from which s/he is suspended or partially suspended may be withheld by the Council.

9. Dependants' Carers' Allowance

- 9.1 A Dependants' Carers' Allowance shall be available to Members of the Council (a) in such amount or amounts as may be specified in Schedule 5 and (b) subject to such conditions as are set out in Schedule 6 and below.
- 9.2 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 and at ~~the rate of £6.00 per hour (current rate)~~ **the hourly national minimum wage or higher for the municipal year 2011/12 and thereafter index linked as specified in Schedule 5.**
- 9.3 ~~The~~**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 his/her employee, tenant, lodger or boarder.
- 9.4 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.
- 9.5 Payment of the allowance shall only be made on satisfactory production of an invoice and receipt; invoice is available from the Democratic Services Manager.
- 9.6 Such allowances paid to a Member shall be unlimited.
- 9.7 All claims for such allowances must be submitted monthly to the Democratic Services Manager.

10. Index Linking

- 10.1 Each of the levels of the allowances contained in this Scheme shall be adjusted annually on 1 April 2006, 1 April 2007, 1 April 2008 and 1 April 2009 by reference to those indices as may be specified in Schedule 5.

11. Back Dating

- 11.1 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.

12. Repayment

- 12.1 Where payment of any allowance has already been made in respect of any period during which the Member concerned is:
- (a) suspended or partially suspended from his/her responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;
 - (b) ceases to be a member of the authority; or

(c) 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.

13. Membership of More than One Authority

13.1 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.

14. Elections

14.1 A Member may, by notice in writing given to the Section 151 Officer, elect to forego any part of his/her entitlement to an allowance under this Scheme.

15. Claims and Payments

15.1 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.

15.2 Basic allowances and special responsibility allowances will be paid monthly through the payroll system that is used for officer salaries on or about the 19th day of each month.

15.3 In the case of Travelling and Subsistence Allowance and Dependants' Carers' Allowance claims must be submitted on the appropriate form on a monthly basis 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 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.

15.4 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 the Committee & Members' Services Officer on request.

15.5 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 Social Security.

15.5 In the case of a claim for Travelling and Subsistence Allowance or Dependants' Carers' Allowance such claim must be made to the Senior Democratic Support Officer within one month from the date on which an entitlement to the allowance arises.

SCHEDULE 1

Basic Allowance	£3,800 pa
------------------------	-----------

SCHEDULE 2

Column 1 (Description)	Column 2 (Amount)
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	£14,8320 pa
Deputy Leader of the Council	£7,416 pa
Other Cabinet Members	£5,562 pa
Chairmen of Overview and Scrutiny Committees	£3,708 pa
Chairman of the Planning Committee	£3,708 pa
Chairman of the Governance Committee	£3,708 pa
Chairman of the Standards Committee	£927 pa
Chairman of the Regulatory Committee	£927 pa
Chairman of the Licensing Committee	£927 pa
Chairman of the Dover Joint Transportation Board	£927 pa
Chairman of the General Purposes Committee	None
Vice-Chairmen of Overview and Scrutiny Committees	£927 pa
Vice-Chairman of the Planning Committee	£927 pa
Vice-Chairman of the Governance Committee	£927 pa
Vice-Chairman of the Standards Committee	£232 pa
Vice-Chairman of the Regulatory Committee	£232 pa
Vice-Chairman of the Licensing Committee	£232 pa
Vice-Chairman of the Dover Joint Transportation Board	£232 pa
Vice-Chairman of the General Purposes Committee	None
Leader of the Main Opposition Group where the group has 10 or more members	£4,171 pa

Column 1 (Description)	Column 2 (Amount)
Leader of an Opposition Group with a membership of between 5 and 9 members	£232 pa
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	£1,854 pa
Deputy Leader of an Opposition Group with less than 10 members	None
Members of the Shadow Cabinet	£1,854 pa
Members of the Licensing Committee	£260 pa
Independent (Co-opted) Members of the Standards Committee	£116 pa

SCHEDULE 3

Column 1 (Description)	Column 2 (Amount)
Chairman of the Council	£5,300 pa
Vice-Chairman of the Council	£1,400 pa

SCHEDULE 4

Column 1 (Description)	Column 2 (Amount)																										
<p>Travelling and Subsistence Allowance</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Conference</u></th> <th style="text-align: right;"><u>Approved Attendance</u></th> </tr> </thead> <tbody> <tr> <td>Local Government Association</td> <td style="text-align: right;">3</td> </tr> <tr> <td>Chartered Institute of Public Finance & Accountancy</td> <td style="text-align: right;">2</td> </tr> <tr> <td>Environment Health Congress Institute of Housing</td> <td style="text-align: right;">2</td> </tr> <tr> <td>Royal Town Planning Institute</td> <td style="text-align: right;">2</td> </tr> <tr> <td>LGA Annual Tourism</td> <td style="text-align: right;">1</td> </tr> <tr> <td>LGA Annual Economic Regeneration</td> <td style="text-align: right;">1</td> </tr> <tr> <td>Coalfields Community Campaign</td> <td style="text-align: right;">1</td> </tr> <tr> <td>South East England Tourist Board</td> <td style="text-align: right;">1</td> </tr> </tbody> </table> <p>Additional conferences/seminars may also qualify for the payment of Travel and Subsistence Allowance provided these are approved in advance by the Leader of the Council in conjunction with the Chairman of the Council and the Chairman of the Governance Committee (or their deputies) prior to the event (excluding commercial or political conferences).</p> <p style="color: red;">List of approved duties attendance at which may be claimed for:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Body</u></th> <th style="text-align: right;"><u>Number of representatives</u></th> </tr> </thead> <tbody> <tr> <td>Action with Rural Communities in Kent 2</td> <td></td> </tr> <tr> <td>Association of Port Health Authorities 1</td> <td></td> </tr> <tr> <td>Dover Deal & District Citizens Advice Bureau</td> <td style="text-align: right;">2</td> </tr> </tbody> </table>	<u>Conference</u>	<u>Approved Attendance</u>	Local Government Association	3	Chartered Institute of Public Finance & Accountancy	2	Environment Health Congress Institute of Housing	2	Royal Town Planning Institute	2	LGA Annual Tourism	1	LGA Annual Economic Regeneration	1	Coalfields Community Campaign	1	South East England Tourist Board	1	<u>Body</u>	<u>Number of representatives</u>	Action with Rural Communities in Kent 2		Association of Port Health Authorities 1		Dover Deal & District Citizens Advice Bureau	2	<p><u>Subsistence Allowances</u></p> <p>Subsistence allowance shall only be paid for actual expenses incurred and with proper receipts and shall not exceed:</p> <p>(a) In the case of absence, not involving an absence overnight, from the Member's usual place of residence:</p> <p>(i) <u>Breakfast Allowance</u> £6.45</p> <p>Absence to exceed 4 hours before 11.00 am.</p> <p>(ii) <u>Lunch Allowance</u> £8.91</p> <p>Absence to exceed 4 hours and to include the lunch period between 12 noon to 2.00 pm.</p> <p>(iii) <u>Tea Allowance</u> £3.53</p> <p>Absence to exceed 4 hours and to include the period 3.00 pm to 6.00 pm.</p> <p>(iv) <u>Evening Meal Allowance</u> £11.03</p> <p>Absence to exceed 4 hours, period of time ending after 7.00 pm.</p> <p>(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</p>
<u>Conference</u>	<u>Approved Attendance</u>																										
Local Government Association	3																										
Chartered Institute of Public Finance & Accountancy	2																										
Environment Health Congress Institute of Housing	2																										
Royal Town Planning Institute	2																										
LGA Annual Tourism	1																										
LGA Annual Economic Regeneration	1																										
Coalfields Community Campaign	1																										
South East England Tourist Board	1																										
<u>Body</u>	<u>Number of representatives</u>																										
Action with Rural Communities in Kent 2																											
Association of Port Health Authorities 1																											
Dover Deal & District Citizens Advice Bureau	2																										

Column 1 (Description)	Column 2 (Amount)									
<p>Dover District Community Sports Network 2 East Kent Spatial Development Company 1 Industrial Communities Alliance 1 JAC Kent Downs AONB Partnership 1 Kent County Playing Fields Association 1 Kent International Airport Consultative Committee 1 Kent Leaders' & Chief Executives' Forum 1 Local Government Association – General Assembly 1 Local Government Association – Rural Commission 1 Patrol (National Parking Adjudication Service) 1 River Dour Steering Group 1 River Stour (Kent) Internal Drainage Board 2 Sandwich & Pegwell Bay National Nature Reserve Management Committee 1 Sandwich Port & Haven 2 South East England Councils (Secretary & Executive) 1 South East Leaders' Board 1 Southern & South East England Tourist Board 1 Supporting People in Kent Commissioning Body 1</p>	<p>this is not possible a detailed VAT receipt MUST be obtained to substantiate the claim. Alcoholic drinks may not be included in any claim.</p> <p><u>Travelling Allowances</u></p> <p>(a) Second class rail fares, bus fares, reasonable taxi fares and gratuities, car parking fees, tolls, etc. necessarily incurred.</p> <p>The rate for travel by a Member's own car shall not exceed 40p per mile. 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.</p> <p>(a) The rate for travel by a Member's own solo motorcycle shall not exceed, according to the cylinder capacity of the engine, the following:</p> <table data-bbox="1227 842 1937 1038"> <tr> <td>(i)</td> <td>engines not exceeding 150cc</td> <td>8.5p/mile</td> </tr> <tr> <td>(ii)</td> <td>engines exceeding 150cc but not exceeding 500 cc</td> <td>12.3p/mile</td> </tr> <tr> <td>(iii)</td> <td>engines exceeding 500cc</td> <td>16.5p/mile</td> </tr> </table> <p>(b) The rate for travel by bicycle shall not exceed 20p per mile.</p> <p>(c) Travel outside of Kent will be paid at a rate equivalent to the second class rail fare even where the Member has used their own vehicle, unless the Member can demonstrate that taking passengers to the same meeting or avoiding an overnight stay has resulted in cost savings. The Member should enter the second class rail fare on their monthly claim form.</p> <p>(d) Second class rail fares, bus fares, essential taxi fares and</p>	(i)	engines not exceeding 150cc	8.5p/mile	(ii)	engines exceeding 150cc but not exceeding 500 cc	12.3p/mile	(iii)	engines exceeding 500cc	16.5p/mile
(i)	engines not exceeding 150cc	8.5p/mile								
(ii)	engines exceeding 150cc but not exceeding 500 cc	12.3p/mile								
(iii)	engines exceeding 500cc	16.5p/mile								
<p>Travel expenses claims in respect of attendance at meetings of other bodies to which the Member has been appointed would need to be submitted to relevant Charity/Trust not DDC</p>										
<p><u>Conferences attended by Members:</u></p>										
<p>Local Government Association Annual Conference 3 Kent Overview & Scrutiny Network Conference biennial 5-10</p>										

Column 1 (Description)	Column 2 (Amount)
	<p>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.</p> <p>(e) All claims for travel and subsistence allowances must be submitted to the Democratic Support section within three months from the date on which the entitlement arises.</p>

SCHEDULE 5

Allowance	Index
Index Linking	
Basic and Special Responsibility Allowances and Co-optees Allowance	National Earnings Index Percentage adjustment in line with changes in Officers' Allowances
Travel and Subsistence Allowances	Percentage adjustment in line with changes in Officers' Allowances
Dependants' Carers' Allowance	Retail Price Index

SCHEDULE 6

Column 1 (Description and Conditions)	Column 2 (Amount)
Dependants' Carers' Allowance	£6.00 5.93 per hour

Inquiry Report 3

New Executive Arrangements

Recommendation

That it be recommended to the (Governance Committee and) the Council that the constitutional changes set out in Appendix 1 of this report be approved with effect from 8 May 2011.

Contact Officer: Rebecca Brough, extension 2304.

Purpose of the Report

1. This inquiry report sets out the basic constitutional changes necessary to enable the Leader and Cabinet to exercise executive authority under the new model of executive arrangements.

Information to Consider in making a Decision

2. The Council at its meeting held on 8 December 2010 agreed to adopt the 'strong' Leader and Cabinet model of new executive arrangements. The new arrangements will come into effect three days after the district council elections on 5 May 2011.
3. Having stated its preferred model of new executive arrangements, the Council is required to make consequential amendments to the Constitution to deliver this model. The proposals set out in this inquiry report are limited only those necessary to fulfil the requirements of legislative changes and maintain in so far as possible the current arrangements of executive authority.
4. The Leader in office at the time of the local elections in May 2011 will remain in place (providing he is still a Councillor) until the first annual Council meeting after the 2011 local elections, at which the new Leader will be elected for a four year term until the next post-election annual Council meeting. It will be for the new Leader to determine whether s/he wishes to make any changes to the way executive authority is exercised and the size and membership of the Cabinet.
5. Although the new executive model requires changes throughout the Constitution, there are three areas of key changes required as follows:
 - **Article 7 – The Executive**
This article sets out the role and powers of the Leader.
 - **Part 3 – Responsibility for Functions**
The Leader will now be responsible for appointing the Cabinet and determining the powers that s/he chooses to delegate to individual Portfolio Holders and the Cabinet generally.
 - **Part 4 – Procedure Rules**
This part will cover the proposed method of removing the Leader of the Council from power.

6. The Local Government Act 2000 (as amended) requires the Council to state the extent to which the Local Choice Functions specified in regulations under section 13(3)(b) of the said Act are to be the responsibility of the Executive. It is intended that the Local Choice Functions will be discharged as currently set out in the Council's Constitution or until duly revised.

Removal from Office

7. The Council agreed when it adopted the new model of executive arrangements that a mechanism be provided by which the Leader of the Council could be removed by the Council during his / her term of office.
8. In keeping with best practice sought from other authorities the proposed model is based on a motion on notice carried by a simple majority vote. If the motion was successful, a new Leader would then be elected either at the same meeting or at a subsequent meeting.

Transitional Arrangements

9. Under Schedule 4 of the Local Government and Public Involvement in Health Act 2007, the Council must agree transitional arrangements for the period following the local elections up until the annual meeting of Council. It is proposed that the Leader and Cabinet continue to act in accordance with the existing constitution and within the parameters of the relevant regulations and statutory provisions until such time.
10. In the event that following the election the Leader and Cabinet are not returned as councillors, the Constitution permits the Chief Executive to exercise executive authority in specific situations in order to ensure the functions of the Council continue to be delivered.

Further Constitutional Review

11. Following the election of the new Leader at the Annual Meeting of the Council on 18 May 2011, the Director of Governance will meet with the new Leader to review executive powers and identify what changes, if any, need to be made in respect of the delegation and exercise of executive authority.

New Executive Arrangements – Constitutional Changes

Section	Page Number	Constitutional Change
Part 1 Summary and Explanation - How the Council operates	Page 8	<ul style="list-style-type: none"> 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 and appoints the Cabinet. To remove the Leader of the Council by a simple majority vote.
Part 1 Summary and Explanation - How decisions are made	Page 9	<p><u>The Executive</u></p> <p>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 Council Leader. When major decisions are to be discussed or made, these are published in the executive's forward plan 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.</p>
Article 2 – Job Descriptions	Page 30	(j) Annually- To appoint members of the Cabinet and determine the individual portfolio holder.
Article 4 – Paragraph 4.02	Page 37	(f) electing the Leader of the Council for a four year term and appointing members of the Cabinet;
Article 7 – Paragraph 7.01 Role	Page 45	<p>THE ROLE OF THE EXECUTIVE</p> <p>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</p>

Section	Page Number	Constitutional Change
		<p>making and implementing executive decisions in accordance with the approved budget and policy framework.</p> <p>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. (Leader, Deputy Leader and Portfolio Holders) who comprise the executive.</p> <p>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.</p> <p>7.01 <u>Role</u></p> <p>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.</p>
Article 7 – Paragraph 7.02 Form and Composition:	Page 45	The executive will consist of the executive Leader of the Council together with at least two, but not more than nine, councillors appointed to the executive by the Council Leader .
Article 7 – Paragraph 7.03 LEADER OF THE COUNCIL	Page 45	<p>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:</p> <p>(a) the next Annual Meeting of the Council save that the Council may remove the Leader from office at an earlier date but only in the event of a change in political control of the Council; or</p> <p>(a) S/he resigns from office; or</p> <p>(b) S/he is suspended from being a councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension); or</p>

Section	Page Number	Constitutional Change
		<p>(c) S/he 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</p> <p>(d) S/he is removed from office by resolution of a simple majority of the Council.</p>
<p>Article 7 – Paragraph 7.04 DEPUTY LEADER: *NEW* RENUMBER ALL FOLLOWING PARAGRAPHS</p>	<p>Page 45</p>	<p>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:</p> <p>(a) S/he resigns from office; or</p> <p>(b) S/he is suspended from being a councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension); or</p> <p>(c) S/he is no longer a councillor; or</p> <p>(d) S/he is removed from office by the Leader of the Council who must deliver written notice to the Monitoring Officer and to the Deputy Leader. The removal will take effect immediately after receipt of the notice by the Monitoring Officer; or</p> <p>(e) The expiry of the term of office of the Leader of the Council.</p> <p>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.</p>
<p>Article 7 – Paragraph 7.05 OTHER EXECUTIVE MEMBERS: FORMER 7.04</p>	<p>Page 46</p>	<p>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 will be appointed by the Council at the Annual Meeting of the Council and Members of</p>

Section	Page Number	Constitutional Change
		<p>the executive shall hold office until:</p> <p>(a) the next Annual Meeting of the Council save that the Council may remove them from office, either individually or collectively, at an earlier date but only in the event of a change in political control of the Council; or</p> <p>(a) they resign from office; or</p> <p>(b) S/he is suspended from being a councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension); or</p> <p>(c) S/he is no longer a councillor; or</p> <p>(f) S/he is removed from office by the Leader of the Council who must deliver written notice to the Monitoring Officer and to the member of the executive concerned. The removal will take effect immediately after receipt of the notice by the Monitoring Officer; or</p> <p>If for any reason the Leader of the Council is unable to act or the office of the Leader is vacant and the Deputy Leaders is unable to act or the office of Deputy Leader is vacant, the executive must act in the Leaders place or must arrange for a member of the Cabinet to act in her/his place.</p> <p>In the event of there being no Leader, Deputy Leader or Cabinet members, executive functions shall in the interim be carried out by the Chief Executive subject to the Access to Information Procedure Rules.</p>
<p>Article 7 – Paragraph 7.07 RESPONSIBILITY FOR FUNCTIONS: FORMERLY 7.06</p>	<p>Page 46</p>	<p>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 Cabinet, committees of the Cabinet, officers or joint or other bodies are responsible for the exercise of particular executive functions.</p> <p>In particular, the Leader may:</p> <p>(a) Allocate areas of responsibility to those Members;</p>

Section	Page Number	Constitutional Change
		<p>(b) Arrange for the discharge of executive functions by her/himself, the executive collectively, committees of the executive, individual Portfolio Holders or Officers of the Council.</p> <p>All the Leader's decisions under paragraph 7.07 take effect only when they have been notified to all Members through the Monitoring Officer. Any subsequent changes must similarly be notified to all Members before any decision under those changed arrangements can be made. The list (and any amendments) shall be reported to the Council.</p>
Article 11 – Paragraph 11.01 ARRANGEMENTS TO PROMOTE WELL-BEING	Page 51	<p>The Council or the executive Leader of the Council, in order to promote the economic, social or environmental well-being of its area, may:</p> <p>(a) enter into arrangements or agreements with any person or body;</p> <p>(b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and</p> <p>(c) exercise on behalf of that person or body any functions of that person or body.</p>
Article 11 – Paragraph 11.02 JOINT ARRANGEMENTS	Page 52	<p>(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.</p> <p>(b) The executive 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.</p> <p>(c) Except as set out below, the executive 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.</p> <p>(d) The executive Leader of the Council may appoint members to a joint committee from outside the executive in the following circumstances:</p>

Section	Page Number	Constitutional Change
		<ul style="list-style-type: none"> • 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 executive 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. <p>In both of these cases the political balance requirements do not apply to such appointments.</p> <p>(e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.</p> <p>(f) Dover Joint Transportation Board: In accordance with an agreement made between Kent County Council and Dover District Council, a Dover Joint Transportation 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.</p>
Article 11 – Paragraph 11.04 DELEGATIONS TO AND FROM OTHER LOCAL AUTHORITIES	Page 52	<p>(a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.</p> <p>(b) The executive Leader of the Council may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.</p>

Section	Page Number	Constitutional Change
		(c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.
Article 11 – Paragraph 11.05 CONTRACTING OUT	Page 52	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.
Article 12 – Paragraph 12.03 and 12.04 OFFICERS	Page 55	12.03 (b) Ensuring lawfulness and fairness of decision making. After consulting with the Head of Paid Service, the Head of Finance and ICT and the Solicitor to the Council, 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.
Article 12 – Paragraph 12.03 and 12.04 OFFICERS	Page 56	12.04 (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.
PART 3 – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS: Introduction	Page 69	The Executive Leader of the Council will be responsible for all executive functions as required by the Local Government Act 2000 in addition to those specific functions which are listed in the sections below. The Leader is responsible for determining the powers of individual Portfolio Holders and approving the scheme of executive powers to officers.

Section	Page Number	Constitutional Change
PART 3 – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS – Section 1: Decision Making Body – The Executive	Page 69	<p>Membership: Leader, Deputy Leader and up to eight other members of the authority.</p> <p>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.</p>
PART 3 – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS - A. The Executive – Paragraph 1	Page 83	To be responsible for making all executive decisions in respect of functions delegated to it by the Leader of the Council and not delegated to an individual member of the executive or to a committee of the executive or to an officer.
PART 3 – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS - B. Description of Portfolios	Page 83	<p><u>Portfolio – Leader of the Council</u></p> <p>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.</p> <p>The Council has adopted the ‘strong leader’ model and executive authority rests with the Leader of the Council where it has not been delegated to the executive collectively, or other committee, body or person. The Leader has presently delegated functions to members of the executive to the extent necessary to permit collective decision making by the executive.</p>
PART 3 – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS - B. Description of Portfolios	Page 83	<p><u>Portfolio – Deputy Leader</u></p> <p>The Deputy Leader supports the Leader, fulfilling all areas of responsibility of the Leader in his or her absence. The Deputy Leader is also responsible for ensuring that the Council's management and political processes function effectively including if for any reason the Leader is unable to act or the office of the Leader is vacant, acting in the Leaders place.</p>
PART 3 – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS – C. General Responsibilities to all Members of the Executive	Page 88	13. 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 Leader of the Council 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

Section	Page Number	Constitutional Change
		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.
PART 3 – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS – D. Specific Powers Delegated to Members of the Executive	Page 89	<p>*ADD TO TABLE UNDER [ALL MEMBERS OF THE EXECUTIVE]*</p> <p><u>Delegated Power</u></p> <p>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.</p> <p><u>Condition(s) or Limitation(s)</u></p> <p>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 Deputy Leader is vacant the executive may act in the Leaders place or may arrange for a member of the Cabinet to act in his place subject to the Access to Information Rules.</p>
PART 3 – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS – D. Specific Powers Delegated to Members of the Executive	Page 89	<p><u>Leader of the Council</u></p> <p>ADD TO TABLE</p> <p><u>Delegated Power</u></p> <p>4. To increase or decrease the size of the executive.</p> <p><u>Condition(s) or Limitation(s)</u></p> <p>Subject to compliance with the notification rules set out in Article 7 of the Constitution and that the executive have a minimum of two members and a maximum of nine members (excluding the Leader of the Council).</p> <p><u>Delegated Power</u></p> <p>5. To appoint or dismiss members of the executive.</p> <p><u>Condition(s) or Limitation(s)</u></p>

Section	Page Number	Constitutional Change
		<p data-bbox="779 276 1888 304">Subject to compliance with the notification rules set out in Article 7 of the Constitution.</p> <p data-bbox="779 344 1178 373">6. To reorganise the Portfolios.</p> <p data-bbox="779 413 1140 442"><u>Condition(s) or Limitation(s)</u></p> <p data-bbox="779 481 2033 644">The Leader of the Council shall give not less than 5 clear working days written notice to the Monitoring Officer and to the member(s) of the executive concerned of the reorganisation of the Portfolios. The reorganisation will take effect immediately after receipt of the notice by the Monitoring Officer. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.</p> <p data-bbox="779 684 1440 713">7. To re-organise or re-allocate the portfolio theme.</p> <p data-bbox="779 753 1140 782"><u>Condition(s) or Limitation(s)</u></p> <p data-bbox="779 821 2045 1015">The Leader of the Council shall give not less than 5 clear working days written notice to the Monitoring Officer and to the member(s) of the executive concerned of the reorganisation or re-allocation of the Portfolio themes. The reorganisation or reallocation of the Portfolio themes will take effect immediately after receipt of the notice by the Monitoring Officer. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.</p> <p data-bbox="779 1054 1603 1083">8. To delegate executive functions or withdraw any delegations.</p> <p data-bbox="779 1123 1140 1152"><u>Condition(s) or Limitation(s)</u></p> <p data-bbox="779 1160 1776 1189">Subject to compliance with rules 1.2 to 1.5 of the Executive Procedure Rules.</p> <p data-bbox="779 1228 2045 1257">9. To exercise all rights contained in Article 7 of the Constitution or the Executive Procedure rules.</p> <p data-bbox="779 1297 1140 1326"><u>Condition(s) or Limitation(s)</u></p>

Section	Page Number	Constitutional Change
PART 3 – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS – D. Specific Powers Delegated to Members of the Executive	Page 91	3. Where a function may be discharged by a single member of the executive, that member the Leader may arrange for the discharge of that function by an officer of the authority.
PART 3 – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS – E. Amendment to the scheme of delegation	Page 91	<p>Unless the Council directs otherwise, 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 Monitoring Officer and to the person(s), 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(s), body, committee or the executive as a whole.</p> <p>In the case of changes to the size of the executive and/or the scope of any portfolio, the Leader shall give not less than 5 clear working days notice to the Monitoring Officer prior to the proposed implementation date.</p> <p>The Monitoring Officer shall present a report to the next ordinary meeting of the Council setting out the changes made by the Leader for receipt and adoption. (NB Whilst the Leader may amend the scope of portfolios, any changes to the size of the executive must be authorised by the full Council.)</p>
PART 3 – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS – Section 4 Guidelines for Executive Committees	Page 92	<p>1. Section 106 (Developer Contributions) Committee of the Executive</p> <p>To exercise the powers and functions of the Leader / Executive in relation to:</p> <p>2. Strategic Housing Committee of the Executive</p> <p>To exercise the powers and functions of the Leader / Executive in relation to:</p>
PART 3 – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS – Section 4 Guidelines for Executive Committees	Page 92	<p>SECTION 5: GUIDELINES FOR ADVISORY GROUPS</p> <p>1. Appointment</p> <p>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:</p>

Section	Page Number	Constitutional Change
		<p>(a) Project Advisory Groups: To advise the Leader / Cabinet in respect of one (or more) specific project(s).</p> <p>(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.</p> <p>2. Membership Unless otherwise agreed by the Leader / Cabinet, an Advisory Group shall:</p> <p>(a) comprise of 5 members including the Leader or appropriate Portfolio Holder who shall chair the Group;</p> <p>(b) as far as possible, the Group will be appointed in accordance with the rules on political balance;</p> <p>(c) particular regard shall be had to include a relevant ward member on the Group.</p> <p>3. Terms of Reference</p> <p>(a) To provide a forum for consultation with other members of Council before particular issues are determined by the executive.</p> <p>(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.</p> <p>(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.</p>
PART 3 – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS – Section 6: Scheme of Officer	Page 94	2. Chief Officers or specified operational managers 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.

Section	Page Number	Constitutional Change
Delegations		<p>5. 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.</p> <p>6. Any decision taken by an officer in exercise of a delegated power shall be reported the appropriate Committee, the Leader / executive or executive member (as the case may be) information at the request of any Member or may otherwise be published by officer in the Members Bulletin for Information as he or she deems appropriate.</p> <p>7. 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).</p> <p>12. The Scheme of Officer Delegations may be amended from time to time in any manner as is considered appropriate:</p> <p>(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.</p> <p>(2) In relation to executive functions: (a) by the Cabinet; or (b) by the Leader.</p> <p>In the case of amendments made by a committee, sub-committee, the Cabinet or the Leader, a report of the amendment will be made to the next ordinary meeting of the Council.</p> <p>16. This Scheme of Officer Delegations has been approved in its totality by both the Council and by the Leader of the Council Executive 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.</p>

Section	Page Number	Constitutional Change
PART 3 – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS – Section 6: B. Delegation to all chief officers	Page 98	<p>9. Applications under the Town and Country Planning legislation</p> <p>To make application for consent or permission under Town and Country Planning legislation in accordance with any proposals approved by the Council or the Leader / Cabinet or a relevant Portfolio Holder, or an officer under any delegated powers.</p> <p>15. Enforcement Action</p> <p>(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 Leader / Portfolio Holder (as the case may be), to institute legal proceedings in connection therewith.</p> <p>(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.</p>
PART 3 – RESPONSIBILITY FOR EXECUTIVE FUNCTIONS – Section 6: C. Delegation to Chief Executive	Page108	<p>10. Urgent Executive Business</p> <p>To deal with urgent items of business falling within the remit of the Executive where the Leader and Executive Members are not in office in the event of the Leader, Deputy Leader or Cabinet Members not being in office.</p> <p>Limitations / Notes</p> <p>Subject to the Access to Information rules.</p>

Section	Page Number	Constitutional Change
Part 4 – RULES OF PROCEDURE – Council Procedure Rules	Page 174	<p>1. Annual Meeting of the Council</p> <p>1.1 Timing and Business</p> <p>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.</p> <p>The annual meeting will:</p> <ul style="list-style-type: none"> (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 and Deputy Leader to hold office until the next annual meeting for four years and will remain in position until the day of the next Annual meeting of the Council following the ordinary election of all councillors; (vii) Agree To note the size and composition of the executive set number of Members to be appointed to the Cabinet 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 those mMembers of the Cabinet to their portfolios to hold office until the day of the next annual meeting following the ordinary election of all councillors;

Section	Page Number	Constitutional Change
		<p>(x) note the composition of the Shadow Cabinet which must directly reflect the Cabinet;</p> <p>(xi) appoint at least one Overview and Scrutiny Committee, a Standards 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);</p> <p>(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);</p> <p>(xiii) approve a programme of ordinary meetings of the Council for the year;</p> <p>(xiv) consider any business set out in the notice convening the meeting;</p> <p>(xv) receive the Annual Reports of the Standards Committee and Governance Committee; and</p> <p>(xvi) consider any business deemed by the Chairman of the Council to be a matter of urgency.</p> <p>If there is a change in political control during the municipal year the Council may at its next meeting elect a new Leader and Deputy Leader and appoint a new Cabinet.</p> <p>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.</p> <p>Any casual vacancy in the office of Leader or Deputy Leader or otherwise within the Cabinet shall be filled until the day of the next Annual meeting of the Council following the ordinary election of all councillors for the remainder of the Council's year at the next meeting of the Council.</p>

Section	Page Number	Constitutional Change
Part 4 – RULES OF PROCEDURE – Council Procedure Rules – 2 Ordinary Meetings	Page 175	(xv) 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.
Part 4 – RULES OF PROCEDURE – Council Procedure Rules – 3.2	Page 176	Council Procedure Rule 2 shall not apply to an extraordinary meeting of the Council with the exception of (i), (ii), (iv), (v) and (xv). All other sub-paragraphs shall not apply.
Part 4 – RULES OF PROCEDURE – Council Procedure Rules – 12.1 Questions by Members	Page 181	<p><u>Questions on Notice at Full Council</u></p> <p>Subject to Rule 12.3, a member of the Council may ask:</p> <ul style="list-style-type: none"> • 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 <p>a question on any matter in relation to which the Council has powers or duties or which affects the District.</p>
Part 4 – RULES OF PROCEDURE – Council Procedure Rules	Page 182	<p><u>Motions on Notice</u></p> <p>* NEW * 13.4 REMOVAL OF THE LEADER OF THE COUNCIL FROM OFFICE</p> <p>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.</p>
Part 4 – ACCESS TO INFORMATION RULES	Page 196	<p>12. <u>Application of Rules to the Executive</u></p> <p>Rules 13 - 24 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 also comply with</p>

Section	Page Number	Constitutional Change
		<p>Rules 1 - 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution.</p> <p>If the Leader or the executive (or one of its committees) meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1 - 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution. This requirement does not include meetings, whose sole purpose is for officers to brief members.</p>
Part 4 – Executive Procedure Rules		Rename to read “ Leader and Executive Procedure Rules”.
Part 4 – Executive Procedure Rules	Page 207	<p>1.1 <u>Who may make executive decisions?</u></p> <p>The executive comprises the Leader of the Council and nine other members. The arrangements for the discharge of executive functions should be set out in the executive arrangements adopted by the Council. If they are not set out there, It is for then the Leader to may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for executive functions to be discharged by:</p> <ul style="list-style-type: none"> (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. <p>1.2 <u>Delegation by the Leader</u></p> <p>At the annual meeting of the Council, and following her/his election (or re-election), the Leader will</p>

Section	Page Number	Constitutional Change
		<p>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.</p> <p>The report presented by the Leader will contain the following information about executive functions in relation to the coming year:</p> <ul style="list-style-type: none"> (i) the names of the people who it is proposed should be appointed to the executive by the Council; 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.
Part 4 – Executive Procedure Rules	Page 208	<p>1.3 <u>Sub-delegation of executive functions</u></p> <ul style="list-style-type: none"> (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 is responsible for an executive function, unless s/he decides otherwise then they may delegate further to an executive committee, area committee, joint arrangements or an officer. (b) Unless the Council directs otherwise, if the Leader delegates functions to the executive, then the executive may delegate further to a committee of the executive or to an officer. (c) Unless the Leader directs otherwise, a committee of the executive to whom functions have been delegated by the Leader may delegate further to an officer. (d) (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.

Section	Page Number	Constitutional Change
Part 5 – Overview and Scrutiny Rules	Page 219	<p>18. <u>Call-in</u></p> <p>(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. Chairs of all overview and scrutiny committees (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.</p>