

Public Document Pack



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3 December 2012

To the Members of the Council,

You are hereby summoned to attend a meeting of the **COUNCIL** to be held in the Council Chamber at these Offices on Wednesday 12 December 2012 at 6.00 pm for the transaction of the business set out in the Agenda.



Chief Executive

Members of the Council:

S R Nicholas (Chairman)	M R Eddy	K E Morris
P S Le Chevalier (Vice-Chairman)	R J Frost	M J Ovenden
N J Collor	B Gardner	A S Pollitt
J S Back	J H Goodwin	J A Rook
B W Bano	D Hannent	M A Russell
T J Bartlett	P J Hawkins	F J W Scales
P M Beresford	P G Heath	A R Smith
T A Bond	G J Hood	C J Smith
P M Brivio	S J Jones	J M Smith
B W Butcher	L A Keen	R J Thompson
P I Carter	N S Kenton	J F Tranter
S S Chandler	S M Le Chevalier	R S Walkden
M D Conolly	G Lymer	P Walker
G Cowan	S C Manion	P A Watkins
J A Cronk	K Mills	<i>Vacancy</i>

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **DECLARATIONS OF INTEREST**

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

Where a Member has a new or registered Disclosable Pecuniary Interest (DPI) in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Where a Member is declaring an Other Significant Interest (OSI) they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

3 **MINUTES** (Pages 7 - 19)

To confirm the attached Minutes of the meeting held on 26 September 2012 and the extraordinary meeting held on 3 October 2012.

4 **ANNOUNCEMENTS**

To receive any announcements from the Chairman, Leader, Members of the Cabinet or Head of Paid Service.

5 **NATIONAL GRID NEMO INTERCONNECTOR**

To receive a presentation on behalf of the National Grid.

6 **LEADER'S TIME**

To receive an oral report at the meeting from the Leader (and Cabinet) on the business of the Executive or on any topic or subject that it is felt should be brought to the attention of the Council.

(Up to fifteen minutes is allowed for the Report of the Leader (and Cabinet), up to ten minutes is allowed for the Leader of the Major Opposition Group (or his nominee) to respond, up to five minutes is allowed for the Leader of any other Opposition Group (or his nominee) to respond. The Leader is allowed up to five minutes as a Right of Reply or 25% of the time given to the Opposition Group Leaders, whichever is the greatest.)

7 **SEAT ALLOCATION AND GROUP APPOINTMENTS**

To receive from Group Leaders any changes to seat allocations or appointments.

(Note: Any changes must be within the approved allocation of seats to political groups in accordance with the political balance rules (where applicable).)

8 **QUESTIONS FROM MEMBERS**

Up to 60 minutes is allowed for this part of the meeting unless extended by the Chairman of Council on a motion moved, duly seconded and approved by the Council. Members may ask one supplementary question in addition to their original question.

To receive answers in respect of questions from Members of the Council to a Member of the Executive asked in accordance with Rule 12 of the Council Procedure Rules.

- (1) Councillor P M Brivio will ask the Portfolio Holder for Corporate Resources and Performance:

Can you confirm that Dover District Council like several other local authorities, pay employees a living wage?

- (2) Councillor P M Brivio will ask the Portfolio Holder for Corporate Resources and Performance:

Has this Council considered the extra resources that will be needed following the introduction of Universal Credit in 2013?

- (3) Councillor P Walker will ask the Portfolio Holder for Corporate Resources and Performance:

Now that a further £68,900 has been identified to be taken from Special Project Reserves on in-year savings to make up the shortfall in funding re the Olympic Torch event, can the Portfolio Holder please clarify the amount of in-year savings expected from the current year's budget?

- (4) Councillor L A Keen will ask the Leader of the Council:

What is DDC doing to ensure that the underspend revealed at the recent Locality Board meeting within the £136,000 allocated for youth work bids in Dover District will be retained for the benefit of Dover young people, and not spent by KCC elsewhere?

- (5) Councillor A S Pollitt will ask the Portfolio Holder for Corporate Resources and Performance:

How satisfied is the Portfolio Holder that the Council is getting sufficient returns from its outside fund managers?

- (6) Councillor S J Jones will ask the Portfolio Holder for Environment, Waste and Planning:

Can you inform this Council when will the criteria for the issuing of fixed penalty notices be made available for consideration by Councillors (or Cabinet)?

- (7) Councillor B W Bano will ask the Portfolio Holder for Health, Well-Being and Public Protection:

Can you inform the Council what steps you are taking to prevent the closure of Outpatients clinics at Deal Hospital?

9 **DELIVERING EFFECTIVE SERVICES - CHANGES TO THE CHIEF OFFICER STRUCTURE** (Pages 20 - 25)

To consider the attached report of the Head of Paid Service.

10 **OLYMPIC CELEBRATIONS BUDGET** (Pages 26 - 31)

The Cabinet at its meeting on 3 December 2012 considered the attached report of the Director of Governance upon the Olympic Celebrations Budget. The Cabinet recommended the following to Council:

"It was agreed to recommend to Council that the transfer of £68,900 from the Special Projects Reserve to meet the expenditure on the Olympic celebrations be approved."

11 **LOCALISM ACT 2011 - MEMBER DISPENSATION** (Pages 32 - 37)

To consider the attached report of the Monitoring Officer.

12 **REVIEW OF PARLIAMENTARY CONSTITUENCY BOUNDARIES** (Pages 38 - 57)

The Electoral Matters Committee at its meeting on 4 December 2012 considered the attached report of the Democratic Services Manager upon the Review of Parliamentary Constituency Boundaries. The Committee recommended the following to Council:

"That it be recommended to the Council that it endorse the views of the Electoral Matter Committee in respect of the Boundary Commission England's revised proposals for parliamentary constituencies as follows:

- (a) That support be expressed for the new constituency name of Dover and Deal CC.
- (b) That the decision to accept the representation previously submitted by the Council in response to the initial proposals with regard to the inclusion of both Little Stour and Ashstone and Sandwich wards within a Thanet constituency be welcomed.
- (c) That the inclusion of the North East Downs ward within the constituency of Dover and Deal CC be supported."

13 **TERMS OF REFERENCE OF THE JOINT HEALTH, SAFETY AND WELFARE CONSULTATIVE FORUM**

At its meeting held on 10 October 2012 (Minute No 7), the Joint Health, Safety and Welfare Consultative Forum received a report on health and safety inspections which are being carried out at all of the Council's premises. The

Director of Environment and Corporate Assets has delegated powers to agree remedial works arising from the inspections, but it is proposed that any other matters should be referred to Cabinet or Council or Corporate Management Team, as appropriate. Governance Committee has been requested to recommend to Council that the Terms of Reference of the Joint Health, Safety and Welfare Consultative Forum be amended to enable it to submit recommendations and advice on health and safety issues to Cabinet.

The recommendation of Governance Committee will be circulated at the meeting.

14 **REGULATION OF INVESTIGATORY POWERS ACT 2000 - JUDICIAL APPROVAL** (Pages 58 - 60)

To consider the attached report of the Solicitor to the Council.

15 **MOTIONS**

(1) In accordance with Council Procedure Rule 13, Councillor L A Keen will move:

"Dover District Council pledges its support and all possible assistance to Aylesham community groups in their application to KCC to run the former KCC Aylesham Youth Club Building to preserve it as a community asset for the benefit of local groups and residents."

(2) In accordance with Council Procedure Rule 13, Councillor B W Bano will move:

"In view of the recently published concerns over poor quality of care of elderly and vulnerable people, Council requests the Shadow Health and Well Being Board to take steps, including the appointment of a lead member, to ensure that all necessary quality assurance and other mechanisms are in place to ensure that these issues are addressed to assure the health and well being of local elderly and vulnerable people."

16 **URGENT BUSINESS TIME**

To consider any other items deemed by the Chairman of the Council to be urgent in accordance with the Local Government Act 1972.

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 Louise Cooke, Democratic Services Manager, telephone: (01304) 872352 or email: louise.cooke@dover.gov.uk for details.

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

MINUTES OF PROCEEDINGS

At the meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday 26 September 2012 at 6.00 pm.

Present:

Chairman: Councillor S R Nicholas

Councillors:

J S Back	B W Bano	T J Bartlett
P M Beresford	T A Bond	P M Brivio
B W Butcher	P I Carter	S S Chandler
N J Collor	M D Conolly	G Cowan
J A Cronk	M R Eddy	B Gardner
J H Goodwin	P J Hawkins	P G Heath
G J Hood	S J Jones	L A Keen
P S Le Chevalier	S M Le Chevalier	G Lymer
S C Manion	K Mills	K E Morris
M J Ovenden	A S Pollitt	J A Rook
M A Russell	F J W Scales	A R Smith
C J Smith	J M Smith	R J Thompson
P Walker	P A Watkins	

Officers: Director of Environment and Corporate Assets
Director of Finance, Housing and Community
Director of Governance
Team Leader – Democratic Support
Democratic Support Officer

214 **APOLOGIES**

Apologies for absence were received from Councillors R J Frost, D Hannent, N S Kenton, D G Smallwood, J F Tranter and R S Walkden.

215 **DECLARATIONS OF INTEREST**

There were no declarations of interest made by Members.

216 **MINUTES**

The Minutes of the meeting held on 25 July 2012 were approved as a correct record and signed by the Chairman, subject to the addition of Councillor P S Le Chevalier to the list of Members present at the meeting.

217 **ANNOUNCEMENTS**

There were no announcements.

218 **LEADER'S TIME**

The Leader of the Council, Councillor P A Watkins, included the following matters in his report:

- (a) That the Aylesham project had been placed at the top of the reserve list for the Growing Places Fund and would be included in the list of agreed projects should any of the current projects be unable to proceed.
- (b) That an analysis of airport space in South East England had found that there was a shortfall in provision. The main issue was where the extra capacity could be provided from.
- (c) The districts road improvement programme were high on the Local Enterprise Partnership's (LEP) priority list but it was unclear where the funding to deliver these schemes would come from.
- (d) The LEP had produced a good report in respect of the challenges facing coastal communities and it was looking at how this could be developed to access funding streams such as Interreg and the European Reconstruction and Development Fund (ERDF).
- (e) That a meeting of the Pfizer Task Force had been called following recent developments. The site had now been sold and it was expected that a draft Local Development Order would be ready for December 2012. In addition a four minute video promoting the site had been produced.
- (f) That in advance of the Health and Wellbeing Board's launch in April 2013, a decision had been taken to fund two pilot projects relating to Pharmacies and Youth nutrition.
- (g) To express his concern that no planning application had been received for the Buckland Hospital site yet.
- (h) To state that any proposals to close the A&E unit at the Queen Elizabeth the Queen Mother Hospital in Margate would be unacceptable.
- (i) That the Locality Board had discussed the need for better co-ordination and integration for the local Children's Trust Board and Dover Adult Strategic Partnership.

The Leader of the Opposition, Councillor G Cowan, included the following matters in his report:

- (a) To express his concern that the Local Enterprise Partnership was too big and wide to be effective.
- (b) To welcome the proposed meeting of the Pfizer Task Force as he had concerns that it had ceased meeting prematurely.
- (c) That he felt the local MP for Dover had been responsible for delaying the decision to proceed with redevelopment of the Buckland site by insisting that alternative sites be examined by the Primary Care Trust before proceeding.
- (d) To welcome the proposals for a Deal Youth Hub and remind the Council of the need to support local groups in Aylesham in achieving the best available option for there as well.
- (e) To express his concern over the recent Planning Committee meeting held on 20 September 2012 to consider the Phase 1 and Phase 1a applications for

Whitfield on the grounds that it had previously been considered in July 2012. He stated that he did not agree with the views of the developer that the Planning Committee had misdirected itself in respect of the decisions reached at the July 2012 meeting. He called for greater consultation with the opposition group spokesperson on the Planning Committee.

The Leader of the Council responded to points raised by the Leader of the Opposition Group in his report as followed:

- (a) That the Council's own Scrutiny Committee had favoured a site other than Buckland as its first choice for the new health facility.
- (b) That the new Deal Youth Hub offered a better site with improved facilities in comparison with the existing facility at Linwood.
- (c) That Phase 1 of the Whitfield development had been deferred in July 2012 and the report to the meeting of the Planning Committee held on 20 September 2012 resolved some of the outstanding matters that had led to its deferral in July.

219 SEAT ALLOCATION AND GROUP APPOINTMENTS

There were no changes to seat allocation or group appointments.

220 LOCAL GOVERNMENT OMBUDSMAN REPORT

The Deputy Leader and Portfolio Holder for Housing, Community and Youth, Councillor S S Chandler, introduced the report to the Committee.

It was moved by Councillor S S Chandler and duly seconded that

- (a) That the report, findings and all of the remedies of the Local Government Ombudsman as outlined in her report at Appendix 1 be accepted.
- (b) That the recommendations of the Ombudsman as remedy be noted as followed:
 - (i) That a letter of apology be sent to the complainant together with £5,050 compensation; and
 - (ii) That an audit of procedures for dealing with homelessness applications from young people between the ages of 16 to 21 be undertaken to ensure that officers were fully aware of the Council's responsibilities under relevant legislation and the joint protocol for homeless young people.
- (c) That a payment of £5,050 to remedy the injustice be approved.

An amendment was moved by Councillor M R Eddy, and duly seconded, that recommendation (c) of the motion be altered as followed:

- "(c) That a payment of £5,050 be approved as required by the Local Government Ombudsman to remedy the injustice."

On being put to the vote the amendment was LOST.

An amendment was moved by Councillor B W Bano, and duly seconded as followed:

- (d) That the procedures be regularly reviewed jointly with Kent County Council and the outcome of the review be reported to Council.

On being put to the vote the amendment was LOST.

In the absence of any further amendments, it was put to the vote and

- RESOLVED:
- (a) That the report, findings and all of the remedies of the Local Government Ombudsman as outlined in her report at Appendix 1 be accepted.
 - (b) That the recommendations of the Ombudsman as remedy be noted as followed:
 - (i) That a letter of apology be sent to the complainant together with £5,050 compensation; and
 - (ii) That an audit of procedures for dealing with homelessness applications from young people between the ages of 16 to 21 be undertaken to ensure that officers were fully aware of the Council's responsibilities under relevant legislation and the joint protocol for homeless young people.
 - (c) That a payment of £5,050 to remedy the injustice be approved.

221 LOCALISM ACT 2011 – ADOPTION OF A NEW CODE OF CONDUCT FOR MEMBERS AND ASSOCIATED ARRANGEMENTS

The Director of Governance presented the report to the Committee for its consideration.

It was moved by Councillor C J Smith, duly seconded and

RESOLVED: That Council approve the revised Terms of Reference for the Standards Committee.

222 APPOINTMENT OF EAST KENT JOINT INDEPENDENT REMUNERATION PANEL MEMBER

The Director of Governance presented the report to the Committee for its consideration.

It was moved by Councillor C J Smith, duly seconded and

RESOLVED: That Mr W Ferrier be appointed as one of the Council's two representatives on the East Kent Joint Independent Remuneration Panel.

223 COUNCILLOR DIANE SMALLWOOD

Councillor G Cowan requested that the Council give consideration to granting Councillor D G Smallwood a leave of absence until 31 March 2013 on the grounds that her continuing ill health was preventing her from attending meetings.

It was moved by Councillor G Cowan, duly seconded and

RESOLVED: (a) That Councillor D G Smallwood be granted a leave of absence until 31 March 2013.

(b) That the Chairman of the Council write a letter to Councillor D G Smallwood sending the best wishes of all Members.

224 QUESTIONS FROM MEMBERS

In accordance with Rule 12 of the Council Procedure Rules, the Chairman of the Planning Committee, Councillor F J W Scales, responded to the following question:

(a) Councillor B Gardner asked if the Chairman of Planning welcomed the government's relaxation on planning regulations on housing extensions.

In accordance with Rule 12 of the Council Procedure Rules, Members of the Cabinet responded to the following questions:

(b) Councillor L A Keen asked the Leader of the Council, Councillor P A Watkins, to explain why the Locality Board minutes for the meeting held on 18 June 2012 took nearly three months to be published given the importance of the matters considered by the Board to local communities.

Councillor P A Watkins stated that the delay had been caused by waiting for responses from officer attending the meeting from outside authorities.

(c) Councillor S J Jones asked the Leader of the Council, in the absence of the Portfolio Holder for Environment, Waste and Planning, to explain what support would be made available for those households eligible for assisted collections to have their bins cleaned annually at no cost to them.

Councillor P A Watkins stated that the responsibility for cleansing bins and containers used for recycling and waste collection rested with individual householders still as it had previously and that the Council had no plans to change this arrangement for those households eligible for assisted collections.

(d) Councillor B W Bano asked the Portfolio Holder for Health, Well-Being and Public Protection, Councillor P G Heath, to advise what response he had made to the recent consultation on the future of Older Peoples Mental Health Services by the Kent Partnership.

Councillor P G Heath stated that although he had not made an individual response to the recent consultation he personally opposed any reduction in Older Peoples Mental Health Services.

- (e) Councillor P M Brivio asked the Portfolio Holder for Community, Housing and Youth, Councillor S S Chandler, to predict the number of affordable housing units likely to be built in the District by 2020.

Councillor S S Chandler stated that the Council's current planning policy expected 4,200 affordable homes based on housing growth of 14,000 during the period 2010-2026.

- (f) Councillor B W Bano asked the Portfolio Holder for Access and Property Management, Councillor N J Collor, to conduct an audit of the provision of dog bins in the Mill Hill Ward to inform future plans for the provision of bins.

Councillor N J Collor advised that he was happy to accept Councillor B W Bano's request as part of the upcoming review of bins across the District.

- (g) Councillor P M Brivio asked the Leader of the Council to provide a clear statement on the Council's policy on "fracking".

Councillor P A Watkins stated that while the Council had no formal policy on 'fracking' the Cabinet had stated as part of its response to the consultation on the Kent Minerals and Waste Core Strategy that it expected the local planning authority to be fully consulted in the event that proposals for fracking were to be made in respect of the district.

225 DECISIONS TAKEN BY PORTFOLIO HOLDERS BETWEEN CABINET AND COUNCIL MEETINGS

It was moved by Councillor P A Watkins, duly seconded and

RESOLVED: That the following items be received and noted:

- U03 Data Co-operation Agreement for Local Land and Property Gazetteer (LLPG)
- U04 Grant Agreement relating to the Kent Employment Programme
- U05 Council Tax Benefit Localisation – Consultation
- U06 Proposal to Fields in Trust regarding protection of Lancaster Avenue playing field, Capel-le-Ferne
- U07 Memorandum of Agreement between Dover District Council and Kent County Council to fund Green Infrastructure Activities related to Local Plan work in East Kent

226 MOTIONS

Councillor M R Eddy gave notice under Rule 13 of the Council Procedure Rules of his intention to move the following motion:

"This Council agrees that the residents of the district face financial pressure and notes that the Council Tax Freeze was not pursued in

this year's budget. With this in mind the Cabinet is asked to hold a public referendum if there are any proposals to increase Council Tax for 2013/14 by over 3 per cent."

The Director of Governance advised the Council that the motion as currently worded was not valid by reason of the action requested being a Cabinet function. The proposer agreed to amend the Motion in light of this advice.

On being put to the vote the Motion was LOST.

It was requisitioned by Councillor M R Eddy, and duly supported by six Members in accordance with Council Procedure Rule 18.4, that the manner of voting in respect of the motion be recorded:

FOR

B W Bano
P M Brivio
G Cowan
J A Cronk
M R Eddy
B Gardner
J H Goodwin
P J Hawkins
G J Hood
S J Jones
L A Keen
K Mills
A S Pollitt
A R Smith
J M Smith
R J Thompson
P Walker

AGAINST

J S Back
T J Bartlett
P M Beresford
T A Bond
B W Butcher
P I Carter
S S Chandler
N J Collor
M D Conolly
P G Heath
P S Le Chevalier
S M Le Chevalier
G Lymer
S C Manion
K E Morris
S R Nicholas
M J Ovenden
J A Rook
M A Russell
F J W Scales
C J Smith
P A Watkins

227 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor P S Le Chevalier, duly seconded and

RESOLVED: That, under Section 100(a)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the item to be considered involved the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Act.

228 DECISIONS TAKEN BY PORTFOLIO HOLDERS BETWEEN CABINET AND COUNCIL MEETINGS

It was moved by Councillor C J Smith, duly seconded and

RESOLVED: That the following items be received and noted:

L01 Development contributions arising from planning applications DOV/10/01010 and DOV/10/01011 for phases 1 and 1A of the Whitfield urban expansion

SCI01 Agreement to surrender the lease for the first and second floors of Centurion House, Bench Street, Dover

The meeting ended at 7.40 pm.

MINUTES OF PROCEEDINGS

At the Extraordinary meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday 3 October 2012 at 6.00 pm.

Present:

Chairman: Councillor S R Nicholas

Councillors:

J S Back	B W Bano	T J Bartlett
P M Beresford	T A Bond	P M Brivio
B W Butcher	P I Carter	S S Chandler
N J Collor	G Cowan	J A Cronk
M R Eddy	R J Frost	B Gardner
J H Goodwin	D Hannent	P G Heath
G J Hood	S J Jones	L A Keen
N S Kenton	P S Le Chevalier	S M Le Chevalier
G Lymer	S C Manion	K E Morris
M J Ovenden	A S Pollitt	J A Rook
M A Russell	F J W Scales	A R Smith
C J Smith	J M Smith	R J Thompson
R S Walkden	P Walker	P A Watkins

Officers: Chief Executive
Director of Governance
Director of Environment and Corporate Assets
Director of Finance, Housing and Community
Director of Regeneration and Development
Regeneration and Development Manager
Principal Planning Officer
Senior Planning Officer
Team Leader - Democratic Services
Democratic Support Officer

248 APOLOGIES

It was noted that apologies for absence were received from Councillors M D Conolly, P J Hawkins, K Mills, D G Smallwood and J F Tranter.

249 DECLARATIONS OF INTEREST

In response to a query from Councillor S C Manion regarding whether he had an interest in Agenda Item 7 (Land Allocations Pre-Submission Local Plan) by reason of owning a house in an area included in the Plan, the Director of Governance advised that Members would have a Disclosable Pecuniary Interest or an Other Significant Interest only if they, a spouse or Associated Person would benefit financially from a specific parcel of land included in the Land Allocations Pre-Submission Local Plan.

250 CHAIRMAN'S ANNOUNCEMENTS

Decision Notices

At the Chairman's request, the Director of Governance advised on the publication of decision notices. These were published on the website without a signature for the reason that including a signature would necessitate the creation of a PDF document which could not be 'read' by reading devices used by those with visual impairment. This raised website accessibility issues which could put the Council in breach of its equality duties.

251 MOTION TO VARY THE ORDER OF BUSINESS

It was moved by Councillor N S Kenton, and duly seconded, that the order of business on the agenda be varied in order for Agenda Item 7 (Land Allocations Pre-Submission Local Plan) to be considered as the next item of business.

On being put to the vote, the motion was CARRIED.

RESOLVED: That the order of business be varied.

252 LAND ALLOCATIONS PRE-SUBMISSION LOCAL PLAN

The Council considered the report of the Director of Regeneration and Development regarding the Land Allocations Pre-Submission Local Plan and viewed a presentation.

At its meeting held on 1 October 2012, Cabinet had agreed the recommendations contained in the report (CAB 23), subject to the amendment of the Dover urban boundary to include land at Copthorne, Dover Road, Guston.

It was proposed by Councillor N S Kenton, duly seconded and

- RESOLVED: (a) That the Land Allocations Pre-Submission Local Plan and the accompanying Sustainability Appraisal and Habitat Regulations Assessment, as set out at Appendices 5 and 6 of the report, be agreed and taken forward for adoption, subject to the amendment of the Dover urban boundary to include land at Copthorne, Dover Road, Guston.
- (b) That the Director of Regeneration and Development be authorised to make any necessary editorial changes to the Land Allocations Pre-Submission Local Plan, Sustainability Appraisal and Habitat Regulations Assessment, to assist with clarity, consistency, explanation and presentation.
- (c) That the Director of Regeneration and Development be authorised to determine whether, in the light of any representations received on the Land Allocations Pre-Submission Local Plan, it should be submitted to the Secretary of State for independent examination.

- (d) That the Council's gratitude to officers for their work be recorded.

253 THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

The Council considered the report of the Director of Governance and Monitoring Officer which outlined constitutional changes that had become necessary following the coming into force of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

At its meeting held on 27 September 2012, the Governance Committee had agreed the recommendations contained in the report (Minute No), subject to the following revised text to replace the word 'of' with 'or' being included:

'The purpose of the Leadership Forum is therefore to:

- Facilitate discussions on general or particular issues or enable clarification of matters between the Leader, the Chief Executive, members of the executive, members of the Corporate Management Team.'

It was proposed by Councillor T J Bartlett, duly seconded and

- RESOLVED: (a) That it be noted that the Access to Information Procedure Rules incorporated within the Council's Constitution would need to be amended.
- (b) That the Director of Governance be requested to submit a revised text for the Access to Information Procedure Rules to a future meeting of the Governance Committee and the Council.
- (c) That the amendments to the Constitution set out in Appendix 1 relating to Strategic Management Team be adopted, subject to the following revised text to replace the word 'of' with 'or' being included:

'The purpose of the Leadership Forum is therefore to:

- Facilitate discussions on general or particular issues or enable clarification of matters between the Leader, the Chief Executive, members of the executive, members of the Corporate Management Team.'

254 RULES FOR SUBSTITUTES ON THE PLANNING COMMITTEE, REGULATORY FUNCTION COMMITTEES AND OTHER COMMITTEES

The Council considered the report of the Director of Governance on the rules for substitutions at Planning Committee, Regulatory Function Committees and other committees.

At its meeting held on 27 September 2012, the Governance Committee had agreed the recommendations contained in the report (Minute No) and made an additional

recommendation that the Governance Committee should be requested to review the impact of the change in twelve months.

It was proposed by Councillor T A Bartlett, duly seconded and

RESOLVED: (a) That Council Procedure Rule 4(3) be deleted and replaced with a new 4(3) as follows:

'For each committee, with the exception of the Cabinet, the Council will allow the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee.'

(b) That the Governance Committee be requested to review the impact of this change in twelve months.

255 REVIEW OF THE EAST KENT ARRANGEMENTS

The Council considered the report of the Solicitor to the Council regarding future East Kent committee arrangements.

At its meeting held on 1 October 2012, Cabinet agreed the recommendations contained in the report (CAB 25).

It was proposed by Councillor P A Watkins, duly seconded and

RESOLVED: (a) That the East Kent Arrangements Committee and the East Kent Joint Scrutiny Committee be dissolved with effect from whichever is the later of:

(i) 1 October 2012 or

(ii) The establishment of the Committee referred to in (b) below.

(b) That operating arrangements for a committee relating to functions shared by Canterbury City Council, Dover District Council and Thanet District Council ('the Continuing Councils') be drafted by the respective heads of legal and be submitted to the Continuing Councils for approval with scrutiny being undertaken by the scrutiny committees of the Continuing Councils. Kent County Council and Shepway District Council to be notified of the date of establishment of the new committee.

(c) That any existing delegations to the Director of Shared Services, the Head of the East Kent Human Resources Partnership and the Payroll Officer for Kent County Council relating to the functions of the Continuing Councils continue.

(d) That the delegation to the Payroll Officer for Kent County Council through the East Kent Joint

Arrangements Committee (EKJAC) for the benefit of Shepway District Council continue.

- (e) That all agreements or arrangements which may need to remain in effect after the dissolution of EKJAC be reviewed by the Heads of Legal of all the participating councils and they be delegated the power by their respective councils that, if relevant to them, they agree the continuation of those matters in such form as they think appropriate.
- (f) That a further meeting of EKJAC be convened if necessary to deal with any residual issues.
- (g) That the Scrutiny Committees of the five individual councils be invited to participate in an arrangement for Scrutiny members to meet four times per year to consider strategic matters relating to shared services and other joint interests.

256 URBAN RENEWAL – PROPOSAL FOR THE DEVELOPMENT OF NEW HOUSING ON COUNCIL-OWNED LAND

The Council considered the report of the Director of Environment and Corporate Assets.

At its meeting held on 1 October 2012, Cabinet agreed the recommendations contained in the report (CAB 24). The Scrutiny (Community and Regeneration) Committee, at its meeting held on 2 October 2012, agreed with the report recommendations and added an additional recommendation as follows:

- (c) That priority be given to the refurbishment and development of additional social and affordable housing.

It was moved by Councillor S S Chandler, duly seconded and

- RESOLVED:
- (a) That the Council's support for the initiative be confirmed.
 - (b) That an additional revenue budget of up to £125,000 per annum be established within the Housing Revenue Account (HRA) budget to meet staff and other costs and to support the delivery of the proposals.
 - (c) That an initial budget allocation of £2.5 million be made from within the HRA capital programme for the development of additional housing.
 - (d) That priority be given to the development of additional social and affordable housing.

The meeting ended at 7.54 pm.

Subject:	DELIVERING EFFECTIVE SERVICES – CHANGES TO THE CHIEF OFFICER STRUCTURE
Meeting and Date:	Council – 12 December 2012
Report of:	Nadeem Aziz, Head of Paid Service
Classification:	Unrestricted

Purpose of the report: This report seeks approval for a further reduction to the Chief Officer (CMT) structure, resulting in further changes to the functions and responsibilities of the Chief Officers, which will be reported to Council as part of the budget cycle, the removal of one Chief Officer post and the delivery of further budget savings.

To achieve this Council is asked to approve the redundancy of the Director of Regeneration and Development (a Chief Officer

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| Recommendation: | <ol style="list-style-type: none"> 1. Council approves the proposed changes to the Chief Officer (Corporate Management Team) structure, to be effective from 1 April 2013. 2. Council approves the deletion from the establishment of the post of Director of Regeneration and Development (a Chief Officer post), with effect from 1 April 2013. 3. The existing post holder be dismissed on the grounds of redundancy with effect from 1 April 2013, with notice being given by 1 January 2013. 4. The resultant changes to the functions of the Chief Officers who form the Council's Corporate Management Team to be effective from 1 April 2013 will be reported to the Council by March 2013 alongside the budget setting process. 5. The resultant changes to the Scheme of Officer Delegations (Council Functions) and to the Constitution to be effective from 1 April 2013 will be reported to the Governance Committee. . 6. Council approve the transfer of £54,000 from the Cluster Reserve to meet the redundancy costs of the Director of Regeneration and Development |
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1. Summary

- 1.1 The Delivering Effective Services report adopted by Council on 3 November 2010 highlighted the start of a period of unprecedented budget pressures for this Council, started a process of service prioritisation, identified necessary efficiencies and began the process of streamlining the Chief Officer structure (the Corporate Management Team (CMT)) as part of the budget savings required to meet the identified unprecedented financial pressures now facing this Council. The report to Council on

30 November 2011 took the process forward and this report now takes the process to the next stage and reflects the indicative Chief Officer and Corporate Management Team structure for 2013/14 as outlined in the 2010 Delivering Effective Services report.

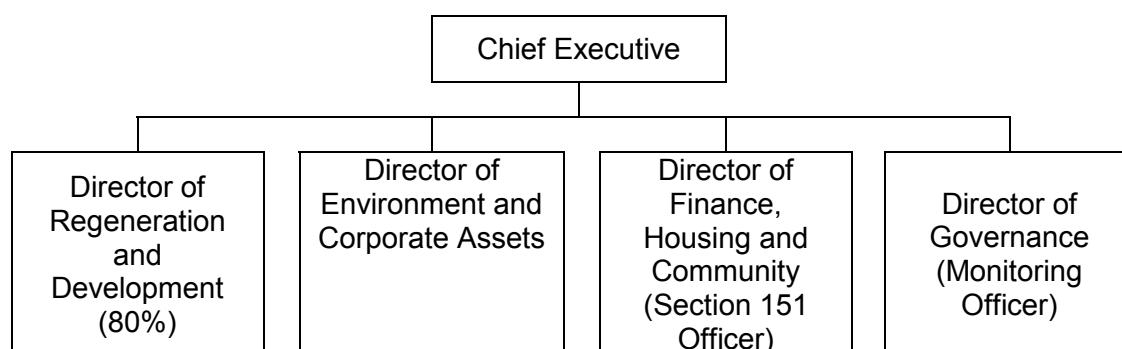
- 1.2 This report proposes further structure changes to the Chief Officer structure (CMT), which will deliver demonstrable budget savings, maintain sufficient strength and capacity in the senior management team, but without any significant detrimental effect on overall service delivery. This is possible through a service review of the Regeneration and Planning functions
- 1.3 Council is therefore asked to approve the redundancy of the Director of Regeneration and Development (a Chief Officer).
- 1.4 Article 12 of the Constitution, identifies the Council's Chief Officers. Section 4 of Local Government and Housing Act 1989, (which defines the functions of the Head of Paid Service) is reflected in the Council's Constitution. Article 12.02 This requires the Head of Paid Service to report to the full Council on the number and grade of staff required by the authority to discharge the Council's functions. Any change to the distribution of Chief Officer functions and responsibilities requires Council approval. This will be reported to Council by March 2013 as part of the budget setting process.

2. Introduction and Background

2.1 As part of the Delivering Effective Services report to Council on 30 November 2011, Corporate Management Team was slightly reduced in size to 4.8 FTE from 1 December 2011, being the Chief Executive and four Directors, with the Director of Regeneration and Development taking flexible retirement (0.2). This reduction in hours alongside a redistribution of Chief Officer functions has allowed the Director of Regeneration and Development over the last year to focus on the key developments which form the key regeneration projects for this Council, whilst also overseeing a major review of the Regeneration and Development service.

2.2 Below is the current structure:

Current Structure

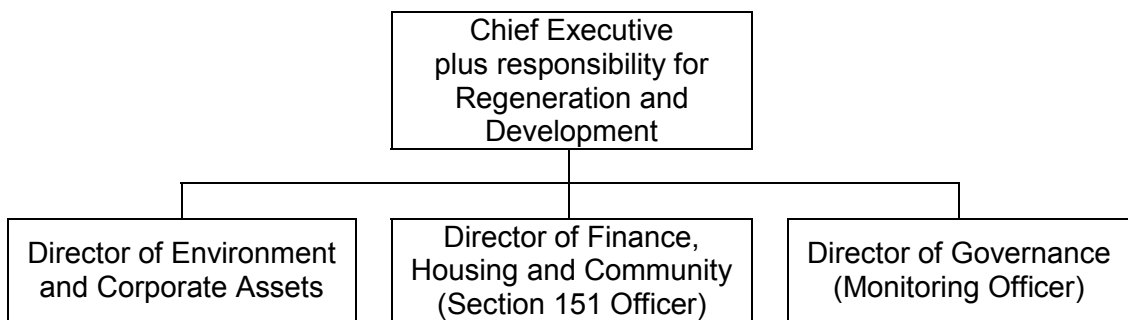


2.3 These are the Council's Chief Officers as identified in Article 12 of the Council's Constitution.

3. New Structure

- 3.1 As Head of Paid Service, I have accepted the findings from the review of Regeneration and Development (a summary is provided at Appendix 1), To ensure that the Council's priorities and responsibilities are effectively delivered, this review proposed a new focus and structure for the services to ensure that the key corporate priority of regeneration is effectively driven forward, with the associated redistribution of some resources and function responsibilities.
- 3.2 This report now proposes that the key regeneration, inward investment and planning functions of the Regeneration and Development Directorate move under the responsibility of the Chief Executive, who has a strong regeneration and planning background and many years of experience in this area. Moving this function to any of the remaining three Directors would create too great a conflict of interest to be realistically viable. This realignment will maintain the momentum in delivering the corporate regeneration agenda. Other consequential changes to the Chief Officer responsibilities will be reported to Council as part of the budget setting process by March 2013.
- 3.3 The effect of the proposed structural change outlined above is to make the post of the Director of Regeneration and Development (a Chief Officer post) redundant. Council is therefore asked to approve the redundancy of the Director of Regeneration and Development. The Director moved to flexible retirement from 1 December 2011, the concept of flexible retirement was introduced into the LGPS regulations in April 2006, allowing this Council to retain the skills of the Director on a reduced working hours basis, whilst building up those of other employees. The Director has indicated a willingness to accept dismissal for reason of redundancy and therefore the issue of attempting to offer him suitable alternative employment (which would not be possible) need not arise
- 3.4 The flexible retirement of the Director of Regeneration and Development has proved to be very beneficial, allowing this Council to retain the skills of a highly skilled and valued employee (albeit on a slightly reduced hours basis) whilst building up the skills of others within the Council. The internal service review undertaken has helped ensure that staff in the Development Management and Regeneration and Delivery functions had the necessary skills and an appropriate organisation structure to effectively support the accelerating regeneration agenda. This is being phased in but will be complete by March 2013 and the Director can be released on 31 March 2013 as part of the overall commitment from the 2010 Delivering Effective Services Report adopted by Council.
- 3.5 Another impact on the new structure is that the requirement for services provided by the Director of Environment and Corporate Assets at Shepway District Council under S113 of the Local Government Act 1972 have now ceased. However, he does remain responsible for the discharge of Shepway District Council's functions in relation to their part of the waste contract but these have been delegated to Dover District Council for discharge by the Director of Environment and Corporate Assets in his role here. This will ensure sufficient capacity and resilience remains at Chief Officer level at this Council.

Proposed Structure from 1 April 2013



= 4 FTE

The revised functional responsibilities of the Chief Officers to be reported by March 2013.

4. Identification of Options

- 4.1 As Head of Paid Service I have recommended the structural changes following the proposed redundancy of a Chief Officer and the internal review of Regeneration and Development.
- 4.2 The proposed phased change to the structure and size of Corporate Management Team continues to deliver the commitments in the Delivering Effective Services report to Council on 3 November 2010.
- 4.3 Therefore the options for the Council are:
 - (a) To support the reduction in the size of the Corporate Management Team and a redistribution in Chief Officer Functions and responsibilities, for which the other consequential changes will be reported by March 2013. This is the preferred option.
 - (b) Request that the Head of Paid Service looks at other structural options to reduce the size of CMT. This is not the preferred option as it may result in an unsustainable senior management structure and create an unnecessary period of uncertainty.
 - (c) Leave the current structure of the Corporate Management Team unchanged. This is not the preferred option as it would be a departure from the Delivering Effective Services Report which was approved by the Council on 3 November 2010 and would fail to make the cost savings identified in that report.

5. Evaluation of Options

- 5.1 The review of Regeneration and Development, together with the continued corporate direction of the regeneration agenda, and the redundancy of a Director (Chief Officer) have been the initial catalyst for the changes in the structure of CMT.
- 5.2 The further reduction in the size of CMT will provide a contribution to the continued overall budget savings required to be made by this Council. The proposed structure ensures that the corporate regeneration priority is situated with the most appropriate Chief Officer, the Chief Executive, who has the necessary skills and experience to ensure that the momentum necessary to drive the regeneration and development service forward is maintained.

- 5.3 The major risk in adopting a further streamlining of CMT is lack of capacity and resilience. However, I believe that the proposed changes have no overall detrimental effect on service delivery. This has been further mitigated by a review of the allocation of responsibilities for the remaining Directors and a cessation of the need for the Director of Environment and Corporate Assets to be available to Shepway District Council under S113 of the Local Government Act 1972.

6. Resource Implications

<i>Revenue Implications of proposed option</i>	<i>2012/13 £000</i>	<i>2013/14 £000</i>	<i>On-Going £000</i>
Expenditure increase (estimated redundancy cost)	54	0	0
Expenditure reduced (from post saving)	0	(89)	(89)
Increase/(decrease) in budget requirement	54	(89)	(89)

- 6.1 It is recommended that the redundancy costs are funded from the Special Projects reserve in the current financial year. This expenditure will achieve an on-going annual saving of £89,000 from the deletion of the post.

7. Corporate Implications

- 7.1 Comment from the Director of Finance (linked to the MTFP): Finance has been consulted and has no further comments to add (HL).
- 7.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the development of this report and has no further comments to make.
- 7.3 Comment from the Equalities Officer: There are no Equality implications in this report.

8. Appendices

Appendix 1: Internal Review of Regeneration and Planning Services

9. Background Papers

Delivering Effective Services Report to Council on 3 November 2010

Constitution of this Council – Article 12 and Officer Employment Procedure Rules

Local Government and Housing Act 1989

Contact Officer: David Randall, Director of Governance

Restructure of Regeneration and Development

The Corporate Management Team recently undertook a review of the planning, regeneration and policy functions within the Regeneration and Development Department.

The review highlighted a number of key concerns to be addressed through a restructure of the Department.

These are:-

- 1) A need to move away from paper-based, manually intensive processes
- 2) Emphasis on performance management and better structured projects
- 3) Capacity to allocate resources based on Council priorities
- 4) Develop a broader skills base through staff development and appraisals
- 5) Greater resilience
- 6) Better communication with customers

A new Regeneration and Development Manager is in post and is overseeing the implementation of agreed actions from the review.

The initial proposal to restructure the Department was light touch, concentrating more on the clarification of roles and responsibilities rather than any major structural change. However, it became clear through this process that this was not going to fully deliver the ambitions for the Department.

A second consultation is now in process (concluding on 10 December 2012). It sets up a smaller management team and removes management functions from a number of other staff, enabling them to concentrate more fully on service delivery.

An investment in ICT has already seen new software and hardware introduced that is having a positive impact on performance. By the end of the financial year two major upgrades to the planning system will move the Department towards the electronic delivery and assessment of planning applications and enhance our customer service through more information available on the website. A performance management upgrade will also support staff and Managers with accurate up-to-the minute performance information.

Staff will have improved opportunities to work flexibly from home or out on site, expected to improve performance even further.

Perhaps the greatest challenge for the Department is the need to develop innovative ways of working to move forward the delivery of the Corporate Plan and Local Development Framework – the most ambitious growth agenda ever set for the District. The Department is at the centre of the Regeneration agenda and the restructure will bring a maturity of approach that enables the difficult conversations of resources and priorities to be had in an open and transparent way – demanding of strong decision making from within and outside of the Department

Subject:	OLYMPIC CELEBRATIONS BUDGET
Meeting and Date:	Cabinet – 3 December 2012 Council – 12 December 2012
Report of:	David Randall, Director of Governance
Portfolio Holder:	Councillor Sue Chandler, Portfolio Holder for Community, Housing and Youth
Decision Type:	Non-Key
Classification:	Unrestricted

Purpose of the report:	To seek approval for the use of either in year funds or additional funds from the Special Projects Reserve to meet the expenditure for the Dover District Olympic celebrations.
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Recommendation:	Cabinet to consider whether in-year savings from the 2012/13 budget can be utilised to fund the overspend. If this isn't achievable Council approve the transfer of £68,900 from the Special Projects Reserve to meet the expenditure on the Olympic celebrations
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1. Summary

- 1.1 The costs for the Dover District Olympic celebrations held on 18 and 19 July have been reviewed and this report provides information about this expenditure together with the associated benefits of holding this event in the Dover District. Managing dynamic events such as these highly successful Olympic events do by their very nature carry a large amount of risk and uncertainty.
- 1.2 The actual net costs of hosting the Olympic Torch were in excess the amount budgeted due to two main factors, a loss of Park and Ride Car Park income due to the adverse weather in Dover on the 18th July 2012 and LOCOG's last minute decision to not allow us to charge for the Olympic torch relay event programme which, reduced the anticipated income and together with a number of relatively small infrastructure costs requires additional funds to be allocated

2. Introduction and Background

The Event

- 2.1 The Olympic flame visited the Dover District on 18 and 19 July and an evening celebration was held on the Dover seafront. The evening event was produced in partnership with KCC, The Arts Council, Vista Leisure and The World Famous. As well as receiving the Olympic Flame and hosting the LOCOG stage show a number of local community acts were invited to take part

- 2.2 The evening event attracted a crowd of 18,000 and was televised on a local BBC news channel. In addition Radio Kent broadcasted from the seafront during the day of the event.
- 2.3 Dover community were engaged through the Song for Dover and Pass the Passion choirs plus a range of Dover Arts Development workshops. The Council also recruited and trained over 300 volunteer stewards for the Dover, Sandwich and Deal legs of the Olympic torch relay and the evening event. Dover Town Hall was used for training sessions before the event, coinciding with choirs' rehearsals, thus bringing different parts of the community together.
- 2.4 Lots of plaudits have been received for the torch relays and evening event despite the adverse weather late on Wednesday afternoon at Dover, which eventually cleared towards the end of the fireshow

Costs

- 2.5 The approved original net budget was £92,000 and approval for an additional budget of £90,000 was given in May 2012 which gave a total budget of £182,000: in addition, £6,700 from the Corporate Communications budget has been allocated to cover certain printing and communication costs. However, the final 2012/13 costs have now been calculated as £257,597 as shown in appendix A which are in excess of the budget by £68,897.
- 2.6 There are number of significant factors which contributed to the expenditure increasing beyond the approved budget:
- 2.7 Hosting an event of such magnitude does require specific expenditure to ensure the safety of spectators, performers and the security of the Olympic Torch. In the run up to the event, despite detailed event planning, it was necessary to incur additional costs to meet the anticipated large crowd numbers and the strict requirements of LOCOG.
- 2.8 The poor weather on the afternoon and evening of 18 July resulted in a shortfall in the crowd numbers, with 18,000 people attending the seafront event when the anticipated numbers were around 30,000. In the final planning for the event, based on information received from LOCOG regarding other Torch Relay Celebrations, our own intelligence and the experience of the Production Manager and Artistic Director, it was estimated that a crowd of up to 30,000 was expected on the seafront on the 18th July with a further 10,000 following the torch around the town. As a result, additional park and ride facilities were procured at a late stage. However the poor weather resulted in less people using the park and ride facility than anticipated, which collected around £25,000 less than anticipated
- 2.9 Despite obtaining assurances to the contrary, LOCOG at a very late stage changed their mind and did not permit the programme to be sold and we were therefore forced to give them away in return for a voluntary donation towards an Olympic Legacy event to be held by Vista Leisure next year. An amount of £25,000 in programme sales was anticipated if they were all sold.
- 2.10 Other increases in infrastructure costs, which were required to be implemented to ensure the success of the event, such as the need to have an audio system for the repeater screen, marshal's welfare and some additional ground works costs, which together account for the remainder of the shortfall.

- 2.11 Included within the costs is an internal charge of £8,000 for a DDC licensing fee for staging the event.
- 2.12 External funding of £100,000 was obtained from the Arts Council and £50,000 from KCC towards the cost of holding the event. The increased expenditure of £68,900 will be met either from in year savings or from the Special Projects Reserve.

Benefits

- 2.13 Local people joined in one of the biggest events to be held in the District since the 1948 Olympic Torch arrived when 50,000 people saw the Flame arrive by boat. There was a real sense of pride in the District and the Council showed that it could plan and successfully co-ordinate and manage such an event which was enjoyed by residents, potential investors and tourists alike.
- 2.14 Visit Kent's initial findings from its Games time consumer research are that 88% of respondents reported that they now had a greater sense of pride in their own community, and 80% reported that they perceived a greater sense of community across Kent.
- 2.15 The publicity for the Dover District was significant in terms of local radio and television and National Press coverage which led to increased volumes for local business during the event and for an indefinite period afterwards. The original estimate was that the economic benefit to the District was around £600,000 during the event but no actual figures have been published at this stage. There was a great deal of interest from potential inward investors who saw Dover in its best possible light. These cannot really be measured but will materialize over the next few years as the regeneration agenda is delivered.
- 2.16 The event involved a significant amount of partnership working with other Local Authorities, emergency services and local organisations which has in general improved relationships and increased awareness of roles and responsibilities if future events are held.
- 2.17 The Inward Investment event held alongside the Olympic celebrations also proved to be a great success. It allowed the Council to engage with potential investors and to positively showcase the district – even in the rain. Building on this event, will provide positive economic benefit for the district going forward.
- 2.18 The Pass the Passion project was an integral part of Dover District's 2012 Olympic programme which involved all fifty two schools working together for a five year period leading up to the Games to raise awareness of young people of the cultural, community and sporting significance of London hosting the Olympic Games in their lifetime. This work continues through the Pass the Passion Steering Group which is committed to developing an achievable and measurable legacy that continues to deliver and further develop a range of activities and services which enhance aspirations and support learning.

3. Identification of Options

- 3.1 Option 1 – Cabinet to consider whether in-year savings from the 2012/13 budget can be utilised to fund the overspend.
- 3.2 Option 2 – Council approves the transfer of £68,900 from the Special Projects Reserve to meet the £50,000 reduced income from parking and programme sales,

£9,500 additional expenditure on repeater screen and additional car parks, £8,000 recharge for the DDC event licence and £1,400 increase in expenditure on the Olympics celebrations.

4. **Evaluation of Options**

- 4.1 It proved to be extremely difficult, despite detailed event planning and budgetary management to control the overall expenditure of the events. Dynamic factors as identified in this report impacted on the event, often very late in the process, which without agreement would have impacted on the event itself. Cabinet are requested to first consider whether the overspend can be funded from virements in existing budgets or curtailing expenditure which has not been committed. If this isn't achievable, then, Cabinet will need to request Council to provide the additional funds from the Special Projects Reserve.

5. **Resource Implications**

- 5.1 £68,900 transfer from the Special Projects Reserve or in-year savings from other services.

6. **Corporate Implications**

- 6.1 Comment from the Section 151 Officer: Budgeting for major one-off projects such as the Olympic Torch event faces a number of challenges, in particular:

- the dynamic nature of the event means that requirements will change during the planning process, and this has an impact on the costs;
- working with partners such as LOCOG, who are able to impose their own decisions at short notice, with adverse impacts on the budget;
- the requirement to cater for significant variables such as crowd numbers and adverse weather; and
- the unique one-off nature of the event means that there is generally no prior experience upon which the organisers can draw.

- 6.2 If the additional £68,900 cannot be financed from in-year funds, then it is proposed to transfer this sum from the Special Projects Reserve (established to finance the costs of one-off projects). The reserve is currently projected to hold £605k at the end of 2012/13, so this will now be reduced to £536k. (MD)

- 6.3 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

- 6.4 Comment from the Equalities Officer: This report does not specifically highlight any equalities implications however, in discharging their responsibilities members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.

7. **Appendices**

Schedule of Costs and Income

8. **Background Papers**

None.

Contact Officer: Colin Cook, Corporate Support Manager

Olympic Celebration Costs

The final costs for the Olympic celebrations on 18/19 July have now been finalised and have been analysed below:

The actual net cost to the Council is £269,342 which is made up as follows:

Costs	£	£
Preliminary scoping costs incurred in 2011/12		11,745
Infrastructure – fencing, security, toilets, IIE, Marshalls etc		252,048
The World Famous – Fireshow and stage performers		198,280
Town Decorations – Funded by LOCOG See below		<u>30,000</u>
		492,073
 External Funding		
Arts Council	100,000	
KCC	55,000	
Dover Harbour Board	5,000	
LOCOG	31,710	
Accentuate	<u>3,000</u>	194,710
 Income		
Shared cost with Maidstone BC for high-viz jackets	634	
Concessions	4,050	
Park & Ride	3,367	
Ticket Sales	<u>19,970</u>	28,021
Net Cost to DDC		<u>£269,342</u>
Split between: 2011/12 costs		£11,745
2012/13 costs		<u>£257,597</u>

Subject: LOCALISM ACT 2011 – MEMBER DISPENSATION

Meeting and Date: Council – 12 December 2012

Report of: David Randall, Monitoring Officer

Classification: Unrestricted

Purpose of the report: That Council grants dispensations to all Members to enable consideration of a range of matters previously protected under the 2007 Member Code of Conduct, but now not protected by any relieving provisions under the Localism Act 2011, including the setting of the Council’s budget and Council Tax. This dispensation is granted to 11 May 2015.

Recommendation:

1. Council grants dispensations from the date of this meeting to 11 May 2015 for all Members present at this meeting who submit a signed request in the model form as detailed at Appendix 1 to the Monitoring Officer.
2. The Monitoring Officer be authorised to grant dispensations from the date submitted to 11 May 2015 in the same form as those approved at this Council meeting, on submission of a signed request in the model form as detailed at Appendix 1 from Members of this Council.

1. Summary

1.1 As well as repealing the legislation relating to the 2007 Code of Conduct, the Localism Act 2011 has also repealed a number of general dispensations.

1.2 In particular, the new code has no relieving provisions for Members to be able to consider certain matters as provided in the 2007 Code of Conduct at Paragraph 10 (2) and in the Local Government Act 1972, including the setting of the Council budget and Council Tax, and approving of Members’ Allowances. According to Department of Communities and Local Government (DCLG), it was not the government’s intention that Members would be regarded as having a Disclosable Pecuniary Interest (DPI) in these specific areas, hence there is no specific relieving provision in the statutory regime. However, the law is not without doubt and the Secretary of State may be required to review the law if he is ever successfully challenged through the courts.

1.3 It is recommended that this Council grant dispensations for our council tax setting and precept setting, to mitigate any risk of the Government being wrong and a successful challenge via the courts. Although it is recognised that this is a very low probability, if there was a successful challenge the impact could be very significant for this Council. At present, we appear to be the only principal authority in Kent to be recommending this route, although the Association of Kent Secretaries, representing Monitoring Officers and Council Solicitors are meeting on 10 December 2012 to discuss this further, with an indication that others are now moving towards our position, although some appear happy to follow the DCLG view.

2. **Dispensations Under The Localism Act 2011 Part 1 Chapter 7**

2.1 The Localism Act 2011 and the adopted Kent Model Code provides for the disclosure by Members and co-opted members of committees of two types of interests:

- (a) Disclosable Pecuniary Interests (DPIs) as defined by section 30(3) of the Localism Act 2011 and Relevant Authorities (Disclosable Pecuniary Interests) Regulations. Disclosable Pecuniary Interest means those interests of a description specified in regulations made by the Secretary of State (as amended from time to time) as set out in Appendix 2 to this report and where either it is a members interest or an interest of a Member's spouse or civil partner, a person with whom they are living as husband and wife, or a person with whom they are living as if they were civil partners and provided the member is aware that the other person has the interest.
- (b) Other Significant Interest. An interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) which affects the financial position of a member and/or an Associated Person; or relates to the determination of a members application for any approval, consent, licence, permission or registration made by, or on a Members behalf of, the Member and/or an Associated Person; and which, in either case, a Member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

2.2 The Disclosure of a DPI involves the registration of interests in the Member's register of interests and disclosure at a Cabinet, Committee or Council meeting. The Act specifies those actions, which are prohibited. A Member having a DPI may not:

- (a) Participate, or participate further, in any discussion of the matter at the meeting, or
- (b) Participate in any vote, or further vote, taken on the matter at the meeting, as a result the Member must leave a meeting while any discussion or vote takes place.

2.3 A Member with an Other Significant interest, may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member is required to withdraw from the meeting room immediately after making representations, answering questions or giving evidence.

2.4 However, Section 33(1) of the Localism Act 2011 provides that the Council may grant a dispensation to a Member who has a DPI to enable the Member:

- (a) To participate or to participate further in any discussion of the matter at the meeting and/or
- (b) To participate in any vote or further vote taken on the matter at the meeting

2.5 The Kent Model Code adopted by this Council on 26 June 2012 states at Para 8 that a dispensation may only be granted in the following circumstances:

- (a) Where the Member has made a written request to the Monitoring Officer;

- (b) Where the Council considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business (delegated to the Monitoring Officer),
- (c) Where the Council considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
- (d) Where the Council considers that granting the dispensation is in the interests of persons living in the Council's area, and
- (e) Where the Council considers that it is otherwise appropriate to grant a dispensation.

2.6 The 2007 Code of Conduct for Members at Paragraph 10 (2) stated that:

You do not have a prejudicial interest in any business of the authority where that business:

- (c) Relates to the functions of your authority in respect of:
 - (i) Housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school, which the child attends;
 - (iii) Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) An allowance, payment or indemnity given to members;
 - (v) Any ceremonial honour given to members; and
 - (vi) Setting council tax or a precept under the Local Government Finance Act 1992.

2.7 However, the Localism Act 2011 and its Regulations do not provide any relieving provisions for any of the circumstances described in paragraph 2.6. It is recommended that this Council grants a blanket dispensation from 12 December 2012 to 11 May 2015 for the following:

- (a) The approval of the Council budget,
- (b) The approval of any borrowing under the Local Government Act 2003,
- (c) The setting of the Council Tax,
- (d) The making of the calculations under s49A and 49B of the Local Government Finance Act 1992,

(e) The approval of an allowance, payment or indemnity to Members.

3. Identification of Options

3.1 Option 1 - To grant dispensations as outlined in this report

3.2 Option 2 - To do nothing.

4. Evaluation of Options

4.1 As a result of the Government's policy to exclude any relieving provisions from the Localism Act 2011 and DCLG's assertion that nothing is amiss and Councils need do nothing, it is believed that this Council does face a risk, if the Government is wrong and was ever successfully challenged. Although the risk represents a low probability, the impact of a successful challenge to this Council could be significant, particularly relating to budget and council tax setting decisions.

4.2 Most District councillors both live and are council tax payers in this district and therefore most will, without any relieving provision, potentially have a Declarable Pecuniary Interest (DPI) in setting the budget and council tax and in approving Member Allowances. It is therefore the preferred option that this Council grants individual dispensations to Councillors on receipt of a signed request in the format at Appendix 1. The granting of a dispensation is something that the Council is entitled to consider, can achieve relatively easily and in granting the dispensation can remove the risk from the Council and its councillors.

4.3 The Council could instead decide to accept the view of DCLG that there is nothing to worry about and that the risk of challenge is so unlikely that we should do nothing.

5. Resource Implications

5.1 None, at this stage, but if the Council decides to grant the recommended dispensation, in the future it could potentially save a lot of time and effort defending challenges of improper decision making.

6. Appendices

Appendix 1: Dispensation Model Form Proforma

7. Background Papers

Localism Act 2011

Kent Model Code of Conduct

Contact Officer: David Randall, Monitoring Officer.

Dover District Council

Request for dispensation to relieve from restrictions on participating in discussions and in voting.

Section 33 Localism Act 2011 and paragraph 8 of the Kent Code of Conduct for Members

I, *(insert name)* a Dover District Councillor request that the Council grant me a dispensation under paragraph 8 of the Kent Model Code of Conduct for Members, from 12 December 2012 until 11 May 2015, relieving me as a Dover District Councillor with a Disclosable Pecuniary Interest from both of the restrictions on participating in discussions and voting on the following matters:

- Setting of the Council Tax for the District under the Local Government Finance Act 1992
- Approval of the Council Budget
- Approval of Members' allowance, payment or indemnity

Where I have a Disclosable Pecuniary Interest in any matter to be considered, or being considered at a meeting of the Council, Paragraph 5(c) of The Kent Model Code of Conduct for Members adopted by this Council on 26 June 2012 requires me not to participate in any discussion of, or vote taken on that matter at the meeting.

As a resident in the District I consider that I have a potential Disclosable Pecuniary Interest in matters relating to the setting of the Council Tax, Council Budget and Members' Allowances.

The dispensation is requested for the following reasons:

- Without the dispensation the number of persons prohibited from participating in the precept setting agenda item would be so great a proportion of the body transacting the business as to impeded the transaction of business
- Granting the dispensation is in the interests of persons living in the Authority's area.

Signed:

Name:

Dated: 12 December 2012

Date received by Monitoring Officer:

Dispensation granted: Yes/No

Date Member and Council notified:

Disclosable Pecuniary Interests

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— <ul style="list-style-type: none"> (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): <ul style="list-style-type: none"> (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: <ul style="list-style-type: none"> (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either: <ul style="list-style-type: none"> (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Subject:	BOUNDARY COMMISSION FOR ENGLAND PARLIAMENTARY CONSTITUENCY CONSULTATION
Meeting and Date:	Electoral Matters Committee – 4 December 2012 Council – 12 December 2012
Report of:	Louise Cooke, Democratic Services Manager
Classification:	Unrestricted

Purpose of the report:	The Boundary Commission for England has published its revised proposals for new parliamentary constituencies following the consultation its initial proposals. The Committee is requested to consider these and alternative proposals for the purpose of formulating a response to the consultation.
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Recommendation:	To consider the proposals with a view to submitting a response to the Boundary Commission England in respect of its consultation, having regard to the statutory framework.
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1. Summary

The Committee in November 2011 considered the initial proposals for new parliamentary constituencies from the Boundary Commission for England and made recommendations to Council that formed the basis of its response. Following the end of the consultation period on the initial proposals, the Boundary Commission is undertaking further consultation in respect of its revised proposals. This report seeks to explain what changes have taken place for the proposed new Dover Constituency since the previous report to Committee and identify the options available for formulating a response to the consultation on the revised proposal.

2. Introduction and Background

- 2.1 As part of the Coalition Agreement, the Government committed itself to “the creation of fewer and more equal sized constituencies”. The Parliamentary Voting System and Constituencies Act 2011 set out the legislative basis for this commitment, reducing the total number of Westminster parliamentary constituencies for the United Kingdom from 650 to 600. For England, this equated to a reduction of 31 constituencies from 533 to 502.
- 2.2 In addition to a reduction in the number of constituencies, the Act also sets minimum (72,810) and maximum (80,473) legal limits for the electorate of each constituency as part of the commitment to more equal sized constituencies. This is based on a + / - 5% range from the electoral quota of 76,641. The electoral quota figure is determined by dividing the total electorate for the United Kingdom minus the electorates for the Isle of Wight (2 constituencies), Orkney and Shetland, and Na h-Eileanan an Iar constituencies by the total number of constituencies minus the 4 constituencies previously mentioned. The resultant figure of 76,641 compares to the current electorate for parliamentary constituencies in England which ranges from 55,077 to 110,924.

- 2.3 While the primary consideration under the Act is that the constituencies have an electorate within the specified range, the Boundary Commission for England (BCE), the independent non-departmental public body which is responsible for reviewing English constituency boundaries, may also give consideration to the following in its deliberations provided that the electorate for a constituency remains within the + / - 5% range of the electoral quota:
- Special geographical considerations, including the size, shape and accessibility of a constituency;
 - Local government boundaries as they existed on 6 May 2010;
 - Boundaries of existing constituencies;
 - Any local ties that would be broken by changes in constituencies; and
 - The inconveniences attendant on such changes.
- 2.4 It is these criteria that this Committee will have to be mindful of, in its deliberations, if it decides to make any recommendations to the BCE contrary to those outlined in the revised proposals.
- 2.5 The BCE review is required to report to the Government in 2013 on its proposals and must, under the Act, base its calculations on the national electorate total published two years and ten months prior to the date it submits its report. In this case, the base electorate for the review is that as at 1 December 2010. As this is a legislative requirement, any growth in the electorate of a constituency after 1 December 2010 cannot be taken into account, this will be considered at the time of the next review which will be five years after the date of the current review (i.e. 2018). This is also consistent with the new five year fixed term parliaments, which would see elections in 2015 and 2020.
- 2.6 The previous report attached at Appendix 1 sets out in detail the changes to the South East region which includes Kent. In summary, the BCE in its initial proposals planned to reduce the number of constituencies in the Kent & Medway sub-region from 25 to 24. The constituency which is in effect 'abolished' by the changes is Faversham and Mid Kent which is divided between the new constituencies of Canterbury and Tonbridge.
- 2.7 The initial proposals for the new Kent constituencies involved changes to all of the existing ones with the exception of Sittingbourne and Sheppey which was proposed to remain unchanged. In addition, under the initial proposals the changes to Ashford, Dartford, Dover, Folkestone & Hythe, Gillingham & Rainham, Gravesham and Rochester involved a change of two or fewer local authority wards.

Revised Proposals

- 2.8 The revised proposals do not change the total number of planned Kent constituencies (24) but include changes to the composition of the revised constituencies with the exception of the Sittingbourne and Sheppey CC (unchanged from 2010 boundaries) and Gravesham CC (unchanged from initial Gravesend BCE proposals).
- 2.9 For the revised proposals the difference from the electoral quota ranges from +3.56% in Canterbury and Faversham CC constituency to -4.61% in Tunbridge Wells CC, a

difference on 6,268 electors between the largest and smallest constituency in the county.

- 2.10 The proposed Kent constituencies are set out in greater detail in Appendices 2 and 3 of this report.

Dover

- 2.11 The existing Dover constituency has an electorate of 71,993 and is slightly smaller than the district council area, with the wards of Sandwich and Little Stour & Ashstone forming part of the South Thanet constituency. As the existing constituency is smaller than the electoral floor of 72,810 (5% below the electoral quota) the BCE initially proposed to add the Shepway District Council wards of Elham & Stelling Minnis (electorate of 1,761) and North East Downs (electorate of 6,529) to the Dover constituency, while the wards of Sandwich (electorate of 5,572) and Little Stour & Ashstone (electorate of 5,397) remained outside of the constituency, going to the Margate & Ramsgate constituency and the Herne Bay constituency respectively. This created a new Dover Constituency of 80,283 which was 190 electors below the maximum constituency size.
- 2.12 The revised proposals for the renamed Dover and Deal constituency have an electorate of 78,522. The revised proposal contains all of the existing Dover District Council wards with the exception of Little Stour & Ashstone and Sandwich wards which go to the revised East Thanet constituency and the addition of the Shepway District Council ward of North East Downs.
- 2.13 The BCE explains the change from the initial proposals of keeping Elham & Stelling Minnis with the Folkestone and Hythe constituency on the grounds of the strength of local representation concerning the wards links to Folkestone and that it better balances the sizes of the Folkestone and Hythe and Dover and Deal constituencies.
- 2.14 The BCE rejected representation from the Labour Party for the inclusion of Barham Down with the Dover and Deal constituency on the grounds of the strength of its ties with Canterbury and the attempts to respect the boundaries of existing constituencies where possible.
- 2.15 A similar justification is provided by the BCE for including the Little Stour & Ashstone and Sandwich wards in the East Thanet constituency as both wards are currently part of the South Thanet constituency. The BCE also identifies administrative benefits in its revised proposals as follows in terms of the local authorities covered by the constituencies:

Folkestone & Hythe CC - Ashford Borough Council/ Shepway District Council;

Dover & Deal CC – Shepway District Council / Dover District Council;

East Thanet CC – Dover District Council / Thanet District Council

Herne Bay CC – Thanet District Council / Canterbury City Council

- 2.16 For example, under the initial proposals the Dover constituency involved Dover District Council wards being spread across three constituencies whilst taking wards from Shepway District Council into the Dover constituency.

3. Identification of Options

- 3.1 The BCE launched a public consultation on its initial proposals for the 502 English constituencies on 13 September 2011 which ran for a twelve-week period ending 5 December 2011. The revised proposals form part of a similar consultation period ending 10 December 2012.
- 3.2 The Committee will therefore have to determine its consultation response, if any, by no later than 9 December 2012. This response will be submitted directly to the BCE as the Committee's view. The Council at its meeting to be held on 12 December 2012 will also be asked to consider the matter.
- 3.3 Option 1 – To decide not to respond to the consultation by the Boundary Commission for England.
- 3.4 Option 2 – To respond to the consultation in support of the Boundary Commission for England proposals for a new Dover & Deal CC constituency.
- 3.5 Option 3 - To respond to the consultation in support of the Boundary Commission for England proposals for a new Dover & Deal constituency but to make different recommendations.
- 3.6 In addition, the Committee may wish to consider whether the name of the new Dover & Deal constituency is a matter that they wish to make recommendations upon as the BCE is required under the Act to specify in its recommendations a name and designation for each proposed constituency.

4. Evaluation of Options

- 4.1 The question of where to draw parliamentary constituency boundaries is complex and fraught with questions of community identity and political advantage. Although the Act sets out a methodology for drawing the constituencies there is no single right answer and even the movement of one or two local authority wards can radically reshape the identity of a constituency. With this in mind, this report does not seek to make any recommendation to Members as to a preferred option but rather intends to highlight possible options and factors that Members should take into consideration in the formulation of any recommendations to the Council.
- 4.2 In evaluating possible options, it is useful to start with the proposals advanced by the BCE. The proposed new Dover & Deal constituency is relatively simple and involves minimal changes to the constituency, with the addition of one ward from neighbouring Shepway District Council.
- 4.3 The revised BCE proposals for the two Dover District wards outside of the Dover constituency avoids the creation of two 'orphan wards' whereas under the initial proposals it was planned that the Little Stour & Ashstone ward would become part of Herne Bay constituency and Sandwich ward would become part of Margate & Ramsgate constituency. An 'orphan ward' is a ward of one local authority which is in a constituency with no other wards drawn from that local authority and is often unlikely to have strong ties with the rest of the constituency.
- 4.4 However, the revised proposal does create a single 'orphan ward' in North East Downs which is moved to the Dover & Deal constituency. The size of the electorate for the North East Downs ward (6,529) means that were it to be included in the

Folkestone and Hythe constituency without any other adjustments it would create an electorate of 84,156 which exceeds the maximum size for a constituency of 80,473.

- 4.5 There exist a variety of other potential combinations achievable with only minor adjustments to the BCE proposed constituencies and Members may wish to evaluate other options that they feel could result in a more satisfactory outcome in terms of community identity, access / transportation links and administrative ease whilst preserving the primary consideration of an electoral quota.
- 4.6 In respect of the revised name for the Dover & Deal constituency, the guidance issued by the BCE is that the Act provides no guidance in respect of names other than making the BCE responsible for forming recommendations in respect of constituency names. In drafting any recommendations concerning the name of the Dover constituency (or others) the Committee should have regard to:
- The BCE considers the name should reflect the main population centre(s) contained within the constituency;
 - Where the constituency largely remains unchanged the BCE's policy is that the name be retained unless a suitable alternative name is proposed that generally commands greater support locally than that proposed by the BCE;
 - That compass point names are adopted where there is not a more suitable name. This takes the form of a prefix where the rest of the name refers to the county area or local council (i.e. South Thanet) and a suffix where the rest of the name refers to a population centre (i.e. Barnsley East).
- 4.7 It should be noted that the Dover constituency has historically, with the exception of the period 1974 to 1983 when it was known as the Dover and Deal constituency, been designated as the Dover constituency.

5. **Resource Implications**

- 5.1 Any changes to the parliamentary constituency boundaries for the Dover District may have implications for the administration of the election and the resultant costs arising from it. However, any expenditure incurred in the conduct of a Parliamentary election is recoverable from the government.

6. **Appendices**

- Appendix 1 – Report to the Electoral Matters Committee – 17 November 2011
- Appendix 2 – Comparison of Initial and Revised Proposals of the Boundary Commission England
- Appendix 3 - Breakdown of Boundary Commission England constituencies by local authority ward

7. **Background Papers**

Boundary Commission England – Initial Proposals

Boundary Commission England – Revised Proposals

Contact Officer: Rebecca Brough, Team Leader – Democratic Support 01304 872304

Subject:	REVIEW OF PARLIAMENTARY CONSTITUENCY BOUNDARIES
Meeting and Date:	Electoral Matters Committee – 17 November 2011
Report of:	Louise Cooke, Democratic Services Manager
Classification:	Unrestricted

Purpose of the report: The Boundary Commission for England has published its initial proposals for new parliamentary constituencies. The Committee is requested to consider these and alternative proposals for the purpose of formulating a response to the consultation.

Recommendation: To consider the proposals with a view to recommending to Council its response to the consultation, having regard to the statutory framework.

1. Summary

This report seeks to explain the methodology behind the proposals of the Boundary Commission for England for new parliamentary constituencies and identify the options available to the Committee for formulating a response to the consultation.

2. Introduction and Background

- 2.1 As part of the Coalition Agreement, the Government committed itself to “the creation of fewer and more equal sized constituencies”. The Parliamentary Voting System and Constituencies Act 2011 set out the legislative basis for this commitment, reducing the total number of Westminster parliamentary constituencies for the United Kingdom from 650 to 600. For England, this equated to a reduction of 31 constituencies from 533 to 502.
- 2.2 In addition to a reduction in the number of constituencies, the Act also sets minimum (72,810) and maximum (80,473) legal limits for the electorate of each constituency as part of the commitment to more equal sized constituencies. This is based on a + / - 5% range from the electoral quota of 76,641. The electoral quota figure is determined by dividing the total electorate for the United Kingdom minus the electorates for the Isle of Wight (2 constituencies), Orkney and Shetland, and Na h-Eileanan an Iar constituencies by the total number of constituencies minus the 4 constituencies previously mentioned. The resultant figure of 76,641 compares to the current electorate for parliamentary constituencies in England which ranges from 55,077 to 110,924.
- 2.3 While the primary consideration under the Act is that the constituencies have an electorate within the specified range, the Boundary Commission for England (BCE), the independent non-departmental public body which is responsible for reviewing English constituency boundaries, may also give consideration to the following in its deliberations provided that the electorate for a constituency remains within the + / - 5% range of the electoral quota:
- Special geographical considerations, including the size, shape and accessibility of a constituency;

- Local government boundaries as they existed on 6 May 2010;
 - Boundaries of existing constituencies;
 - Any local ties that would be broken by changes in constituencies; and
 - The inconveniences attendant on such changes.
- 2.4 It is these criteria that the Council will have to be mindful of in its deliberations if it decides to make any recommendations to the BCE contrary to those outlined in the initial proposals.
- 2.5 The BCE review is due to report to the Government in 2013 on its proposals and must, under the Act, base its calculations on the national electorate total published two years and ten months prior to the date it submits its report. In this case, the base electorate for the review is that as at 1 December 2010. As this is a legislative requirement, any growth in the electorate of a constituency after 1 December 2010 cannot be taken into account, this will be considered at the time of the next review which will be five years after the date of the current review (i.e. 2018). This is also consistent with the new five year fixed term parliaments, which would see elections in 2015 and 2020.

South East England Region

- 2.6 The initial proposals of the BCE allocate 83 constituencies to the South East England region (modelled on the European election region) which represents a reduction of 1 constituency overall. In practical terms however, as the Act increases the Isle of Wight constituency allocation from 1 to 2, there is a reduction of 2 constituencies throughout the rest of the South East. The BCE proposes that the largest two counties, Hampshire and Kent under the proportional allocation lose a constituency each, reducing the Hampshire, Portsmouth and Southampton sub-region from 18 to 17 constituencies and the Brighton & Hove, East Sussex and Kent & Medway sub-region from 25 to 24 constituencies.
- 2.7 Currently, only 10 of the 25 existing constituencies have electorates in this sub-region are within + / - 5% of the electoral quota. Of the remaining 15 constituencies, 13 are below the electoral quota and 2 above it.
- 2.8 While the majority, if not all, counties would in theory be able to be assigned a whole number of constituencies, the variation from the target electoral quota for East Sussex and Brighton & Hove is such that in the view of the BCE the most logical option is to group it into a sub-region with the neighbouring slightly oversized Kent county area.
- 2.9 In drafting its proposals for new constituencies, the BCE has avoided splitting existing local authority wards into parts. While this makes it more difficult in some cases to group electorates into geographically coherent blocks (i.e. separating urban and rural areas) it does have the advantage of making it easier for MP's, local councillors and constituents in identifying who represents them and administratively in terms of organising polling areas by allowing voters to continue to vote at the location they normally would.
- 2.10 As the table below illustrates, the electorate of Brighton & Hove is greater than the electoral quota (+ / - 5%) for 2 constituencies but smaller than for 3 constituencies. However, when combined with East Sussex via a third constituency straddling the

two areas (Lewes & Brighton East), it is possible to create a constituency within which quota can be achieved. However, the resultant combined East Sussex electorate area resulted in constituencies on average 4% below the electoral quota, which while within range was not seen as a preferable option.

Area	Electorate	Existing Constituency	Proportional Allocation of Constituency	Proposed Constituency
Brighton & Hove	195,038	3	2.54	-
East Sussex	394,183	5	5.14	-
Combined	589,221	8	7.69	8

- 2.11 The solution for this in the BCE proposals is to create a constituency called 'The Weald' which crosses the county boundary between Kent and East Sussex. The new constituency is composed of elements of the Bexhill & Battle constituency and Wealden constituency in East Sussex and elements of the Tunbridge Wells constituency in Kent.

	Electorate	Existing Constituency	Proportional Allocation of Constituency	Proposed Constituency
Combined East Sussex	589,221	8	7.69	8
Kent & Medway	1,235,505	17	16.12	16
Sub-Region	1,824,726	25	23.81	24

- 2.12 The proposed new Kent constituencies involve changes to all of the existing ones with the exception of Sittingbourne and Sheppey. However, the proposed changes to Ashford, Dartford, Dover, Folkestone & Hythe, Gillingham & Rainham, Gravesham and Rochester involve a change of two or fewer local authority wards. The constituency in effect 'abolished' by the changes is Faversham and Mid Kent which is divided between the new constituencies of Canterbury and Tonbridge.
- 2.13 The difference from the electoral quota ranges from +4.54% in Dover to -4.26% in Chatham & Aylesford, a difference on 6,777 electors between the largest and smallest seat in the county. A significant size bias exists towards East Kent, with 4 of the 6 biggest constituencies being located there and the remaining two (Ashford and Maidstone) have borders with East Kent constituencies.

Proposed Constituency	Constituency Electorate (01/12/2010)	Difference vs. Electoral Quota (Electors)	Difference vs. Electoral Quota (PCT)
Maximum Size	80,473	+3,832	+5.00%
Dover CC	80,283	+3,642	+4.54%

Proposed Constituency	Constituency Electorate (01/12/2010)	Difference vs. Electoral Quota (Electors)	Difference vs. Electoral Quota (PCT)
Ashford CC	80,027	+3,386	+4.23%
Herne Bay CC	78,999	+2,358	+2.98%
Electoral Quota	76,641	+0	+0.00
Canterbury CC	76,155	-486	-0.64%
Maidstone CC	76,020	-621	-0.82%
Folkestone & Hythe CC	75,866	-775	-1.02%
Gravesend CC	75,196	-1,445	-1.92%
Tonbridge CC	75,195	-1,446	-1.92%
Sittingbourne & Sheppey CC	74,796	-1,845	-2.47%
Rochester BC	74,184	-2,457	-3.31%
Tunbridge Wells CC	74,180	-2,461	-3.32%
Margate & Ramsgate CC	74,173	-2,468	-3.33%
Sevenoaks CC	73,888	-2,753	-3.73%
Gillingham & Rainham BC	73,797	-2,844	-3.85%
The Weald CC	73,724	-2,917	-3.96%
Dartford BC	73,622	-3,019	-4.10%
Chatham & Aylesford CC	73,506	-3,135	-4.26%
Minimum Size	72,810	-3,831	-5.00%

- 2.14 The proposed Kent constituencies are set out in greater detail in Appendix 1 of this report.

Dover Constituency

- 2.15 The existing Dover constituency has an electorate of 71,993 and is slightly smaller than the district council area, with the wards of Sandwich and Little Stour & Ashstone forming part of the South Thanet constituency. As the existing constituency is smaller than the electoral floor of 72,810 (5% below the electoral quota) the BCE proposes to add the Shepway District Council wards of Elham & Stelling Minnis (electorate of 1,761) and North East Downs (electorate of 6,529) to the Dover constituency, while the wards of Sandwich (electorate of 5,572) and Little Stour & Ashstone (electorate of 5,397) remain outside of the constituency, going to the Margate & Ramsgate constituency and the Herne Bay constituency respectively.
- 2.16 The proposed new Dover constituency will have a substantially larger electorate of 80,283, making it the largest in Kent at 4.54% higher than the electoral quota target and one of only three constituencies in the county above the electoral quota. Even

with only modest housing growth in the district it is likely that the constituency will have to be adjusted at the next review date to ensure the electorate remains below the maximum of 80,473.

Alternative Proposals

(a) Shepway District Council

2.17 Shepway District Council's Cabinet at its meeting held on 2 November 2011 agreed that the Council respond to the consultation with a recommendation that the Elham & Stelling Minnis Ward (electorate of 1,761) be incorporated back into the Folkestone and Hythe constituency. This would increase the electorate of the Folkestone and Hythe constituency from 75,866 to 77,627.

2.18 The justification for this decision was as follows:

- It provides the most practicable way forward in ensuring the least confusion to the electors in the district;
- It avoids unnecessary transference of electors from existing parliamentary constituency of Folkestone and Hythe to the neighbouring constituency of Dover; and
- The initial proposals from the BCE fail to take account of expected growth in the Hawkinge area within Shepway and the Whitfield area within Dover.

(b) Democratic Audit Boundary Model for South East England

2.19 Democratic Audit is a not-for-profit independent research organisation grant funded by the Joseph Rowntree Charitable Trust and based at the University of Liverpool undertook its own assessment of potential parliamentary constituencies based upon the methodology laid down in the Act. The resultant study offers an alternative model of constituencies that in places is quite different from the BCE proposals.

2.20 Although still reducing the number of constituencies in Kent from 17 to 16 and still retaining the cross-county border straddle constituency with East Sussex, the proposals for East Kent are subtly different.

2.21 The Democratic Audit proposed Dover constituency is smaller than the one advanced by the BCE with an electorate of 77,565 (compared to 80,283) but is more geographically coterminous with the boundaries of the Dover District and sees the addition of the Sandwich Ward to the constituency, bringing all three major towns in the district together in the same constituency. The Little Stour and Ashstone Ward is transferred from the old South Thanet constituency to Democratic Audits proposed new Whitstable constituency, which is largely analogous to the Herne Bay constituency proposed by the BCE.

2.22 Administratively, this is a simplest model as it doesn't involve the transfer of any wards outside of the district into the constituency. The one ward in the district outside of the constituency, Little Stour & Ashstone is currently part of the South Thanet constituency and would not present any undue difficulties in forming arrangements with a neighbouring authority for its electoral administration.

2.23 The Democratic Audit Kent constituencies are set out in greater detail in Appendix 2 of this report.

3. Identification of Options

- 3.1 The BCE launched a public consultation on its initial proposals for the 502 English constituencies on 13 September 2011 and it will run for a twelve-week period ending 5 December 2011.
- 3.2 The Council will therefore have to determine its consultation response, if any, at its meeting held on 30 November 2011 and the Committee will be required to consider what recommendations it wishes to make to it.
- 3.3 Option 1 – To recommend to Council that it makes no response to the consultation by the Boundary Commission for England.
- 3.4 Option 2 – To respond to the consultation in support of the Boundary Commission for England proposals for a new Dover constituency.
- 3.5 Option 3 - To respond to the consultation in support of the Boundary Commission for England proposals for a new Dover constituency but to make different recommendations concerning the Sandwich and Little Stour & Ashstone wards which are outside of the proposed Dover constituency.
- 3.6 Option 4 – To respond to the consultation advancing a different Dover constituency configuration. This may also include making a consultation response concerning the two proposed Shepway District Council wards that would become part of the Dover constituency and/or the two Dover District Council wards currently outside of the Dover constituency.
- 3.7 In addition, the Committee may wish to consider whether the name of the new Dover constituency is a matter that they wish to make recommendations upon as the BCE is required under the Act to specify in its recommendations a name and designation for each proposed constituency.

4. Evaluation of Options

- 4.1 The question of where to draw parliamentary constituency boundaries is complex and fraught with questions of community identity and political advantage. Although the Act sets out a methodology for drawing the constituencies there is no single right answer and even the movement of one or two local authority wards can radically reshape the identity of a constituency. With this in mind, this report does not seek to make any recommendation to Members as to a preferred option but rather intends to highlight possible options and factors that Members should take into consideration in the formulation of any recommendations to the Council.
- 4.2 In evaluating possible options, it is useful to start with the proposals advanced by the BCE. The proposed new Dover constituency is relatively simple and involves minimal changes to the constituency, with the addition of two wards from neighbouring Shepway District Council. Whilst it creates the largest constituency in Kent, and one that would undoubtedly need alteration at the next review, it does meet the legislative requirements for the 2013 review.
- 4.3 However, the BCE proposals for the two Dover District wards outside of the Dover constituency does rather undesirably create two 'orphan wards' in splitting Little Stour & Ashstone (to become part of Herne Bay constituency) and Sandwich (to become part of Margate & Ramsgate constituency), as currently, both wards are part of the South Thanet constituency. An 'orphan ward' is a ward of one local authority which is

in a constituency with no other wards drawn from that local authority and is often unlikely to have strong ties with the rest of the constituency. It is arguable as how strong the geographic, community and access / transportation ties are between Staple and Herne Bay for example.

- 4.4 This situation is also replicated in respect of the two Shepway District Council wards moved into the Dover constituency, which while geographically accessible to the Dover constituency does however raise significant questions about community ties in respect of the Dover constituency for Elham and Hawkinge. However, as currently constructed it is not possible to return both wards to the Folkestone and Hythe constituency without making adjustments to the Ashford constituency. It is however possible to return one Shepway District ward (Elham & Stelling Minnis) to the Folkestone & Hythe constituency and stay within the electoral quota range but this would create a third orphan ward in relation to the Dover district constituencies.
- 4.5 Finally, the BCE proposals would mean that residents of the Dover District would be served by one of three MP's (Herne Bay, Margate & Ramsgate and Dover) and the Dover MP would have to deal with two local authorities (Dover District Council and Shepway District Council).
- 4.6 In contrast, the Democratic Audit alternative proposals produce a more intuitively logical outcome. For the Dover constituency, it would mirror the Dover District Council administrative area far more closely and unify the three main towns of the district in a single constituency. For Sandwich this would be a significant strengthening of its existing community ties to the rest of the district. It would also see both of the Shepway District Council wards form part of the Folkestone and Hythe constituency.
- 4.7 The disadvantage of the Democratic Audit proposals is that the Little Stour & Ashstone ward still remains an orphan ward, unsatisfactorily attached to the Whitstable constituency.
- 4.8 There exist a variety of other potential combinations achievable with only minor adjustments to the BCE proposed constituencies and Members may wish to evaluate other options that result in a more satisfactory outcome in terms of community identity, access / transportation links and administrative ease whilst preserving the primary consideration of an electoral quota.
- 4.9 In respect of the name of the Dover constituency, the guidance issued by the BCE is that the Act provides no guidance in respect of names other than making the BCE responsible for forming recommendations in respect of constituency names. In drafting any recommendations concerning the name of the Dover constituency (or others) the Committee should have regard to:
 - The BCE considers the name should reflect the main population centre(s) contained within the constituency;
 - Where the constituency largely remains unchanged the BCE's policy is that the name be retained unless a suitable alternative name is proposed that generally commands greater support locally than that proposed by the BCE;
 - That compass point names are adopted where there is not a more suitable name. This takes the form of a prefix where the rest of the name refers to the county area or local council (i.e. South Thanet) and a suffix where the rest of the name refers to a population centre (i.e. Barnsley East).

4.10 It should be noted that the Dover constituency has historically, with the exception of the period 1974 to 1983 when it was known as the Dover and Deal constituency, been designated as the Dover constituency.

5. **Resource Implications**

5.1 Any changes to the parliamentary constituency boundaries for the Dover District may have implications for the administration of the election and the resultant costs arising from it. However, at this time it is not possible to quantify what costs, if any, may be arising from changes to the parliamentary constituencies for the Dover District.

6. **Appendices** [not enclosed for the purposes of this report]

Appendix 1 – Proposed Kent constituencies

Appendix 2 – Democratic Audit Kent constituencies

7. **Background Papers**

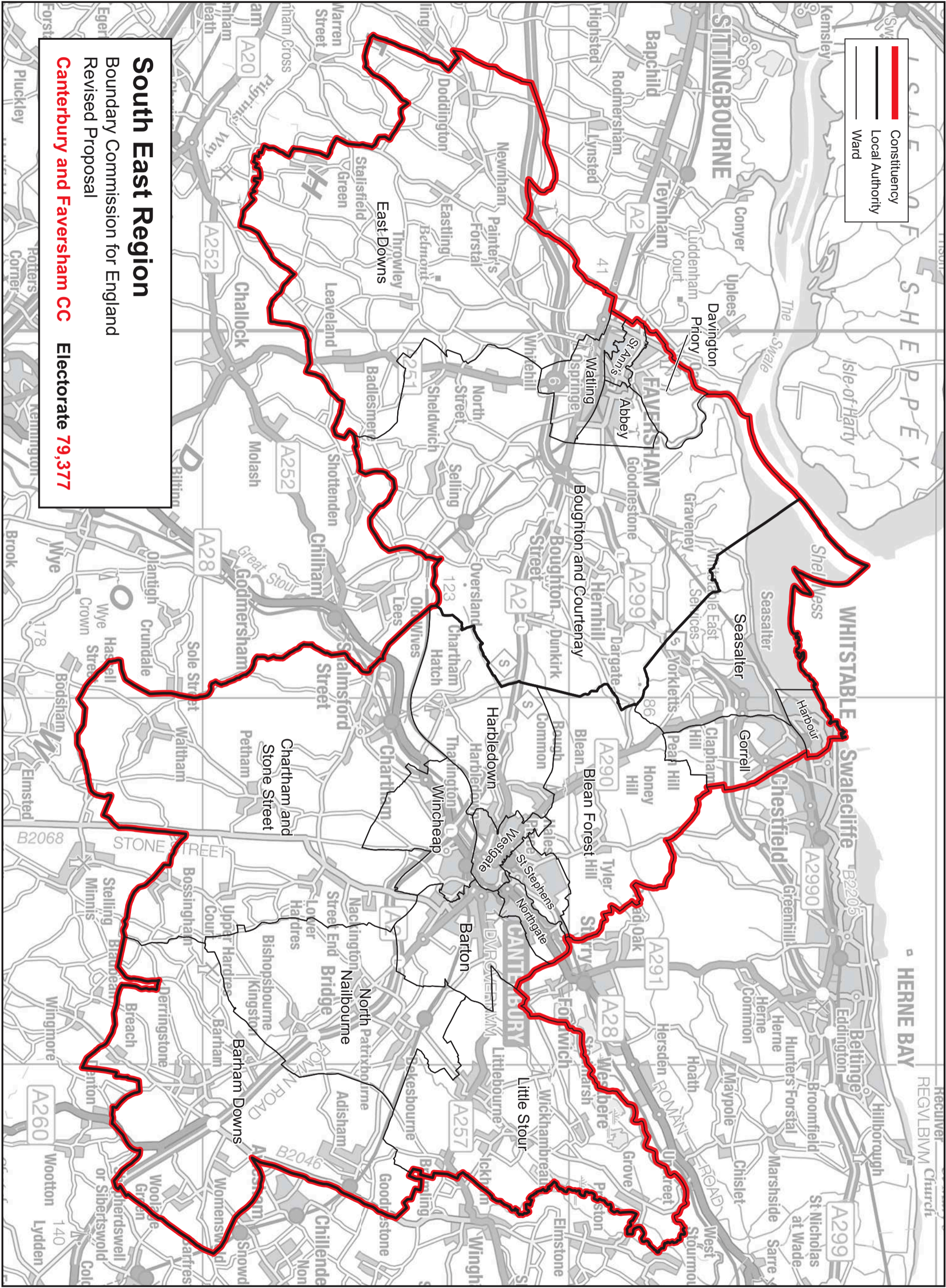
None.

Contact Officer: Louise Cooke, extension 2352

COMPARISON OF INITIAL AND REVISED CONSTITUENCY PROPOSALS

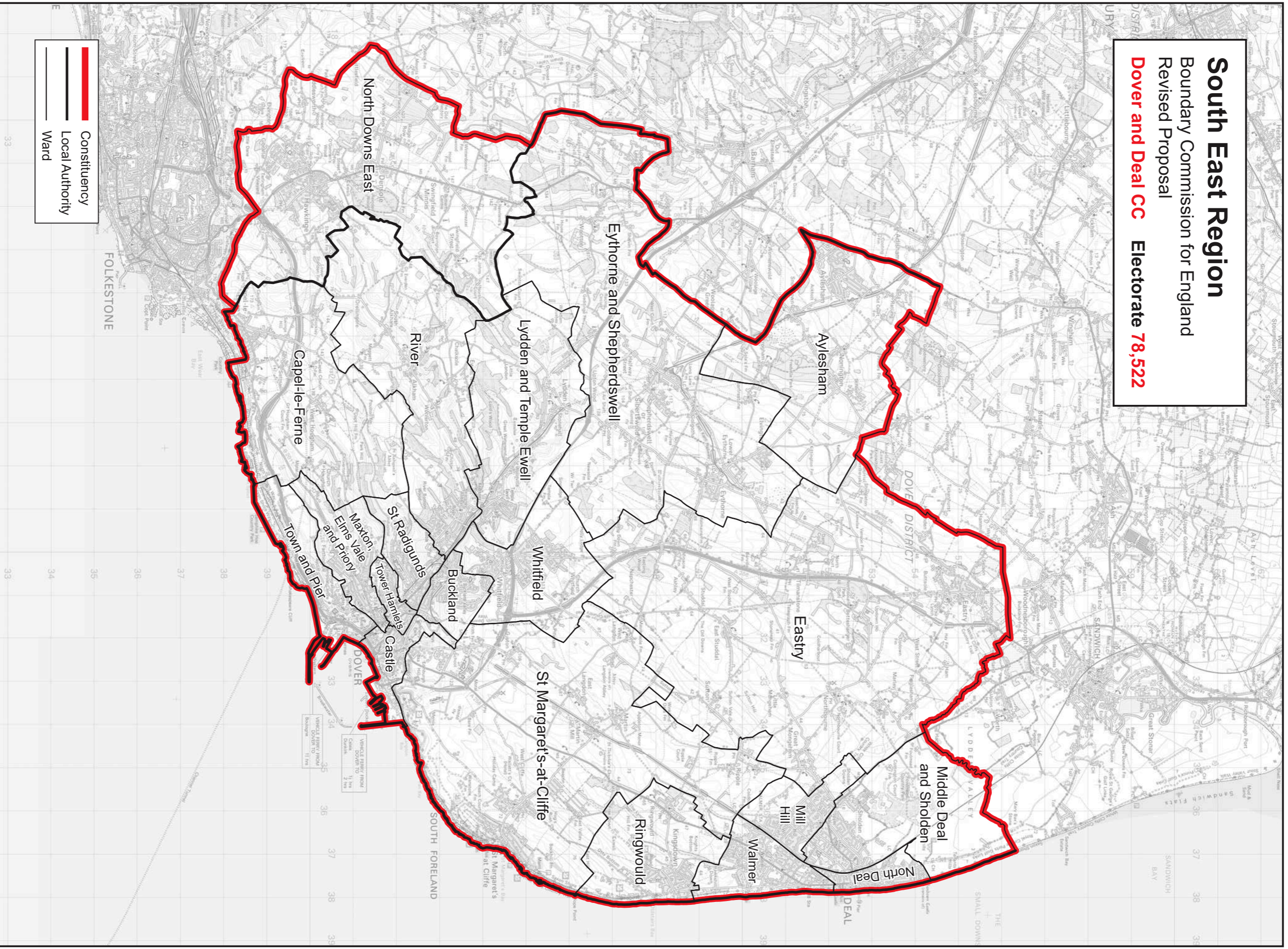
INITIAL PROPOSALS				REVISED PROPOSALS			
Proposed Constituency	Electorate at 01/12/2010	Difference vs Electoral Quota (Electors)	Difference vs Electoral Quota (PCT%)	Proposed Constituency <i>(Italics denote name change from initial proposals)</i>	Electorate 01/12/2010	Difference vs Electoral Quota (Electors)	Difference vs Electoral Quota (PCT%)
Maximum Size	80,473	+3,832	+5.00%	Maximum Size	80,473	+3,832	+5.00%
Dover CC	80,283	+3,642	+4.54%	<i>Canterbury & Faversham CC</i>	79,377	+2,736	+3.56%
Ashford CC	80,027	+3,386	+4.23%	<i>Dover & Deal CC</i>	78,522	+1,881	+2.45%
Herne Bay CC	78,999	+2,358	+2.98%	Gillingham & Rainham BC	78,013	+1,372	+1.79%
Electoral Quota	76,641	+0	+0.00	Maidstone CC	77,972	+1,331	+1.73%
Canterbury CC	76,155	-486	-0.64%	Ashford CC	77,925	+1,284	+1.67%
Maidstone CC	76,020	-621	-0.82%	Folkestone & Hythe CC	77,627	+986	+1.28%
Folkestone & Hythe CC	75,866	-775	-1.02%	Electoral Quota	76,641	+0	+0.00
Gravesend CC	75,196	-1,445	-1.92%	<i>East Thanet CC</i>	76,021	-620	-0.80%
Tonbridge CC	75,195	-1,446	-1.92%	<i>Gravesham CC</i>	75,196	-1,445	-1.88%
Sittingbourne & Sheppey CC	74,796	-1,845	-2.47%	Tonbridge CC	75,079	-1,562	-2.04%
Rochester BC	74,184	-2,457	-3.31%	<i>Rochester & Strood CC</i>	75,001	-1,640	-2.14%
Tunbridge Wells CC	74,180	-2,461	-3.32%	Sittingbourne & Sheppey CC	74,796	-1,845	-2.41%
Margate & Ramsgate CC	74,173	-2,468	-3.33%	The Weald CC	74,271	-2,370	-3.09%
Sevenoaks CC	73,888	-2,753	-3.73%	Herne Bay CC	73,929	-2,712	-3.54%

INITIAL PROPOSALS				REVISED PROPOSALS			
Proposed Constituency	Electorate at 01/12/2010	Difference vs Electoral Quota (Electors)	Difference vs Electoral Quota (PCT%)	Proposed Constituency <i>(Italics denote name change from initial proposals)</i>	Electorate 01/12/2010	Difference vs Electoral Quota (Electors)	Difference vs Electoral Quota (PCT%)
Gillingham & Rainham BC	73,797	-2,844	-3.85%	<i>Chatham & Malling CC</i>	73,695	-2,945	-3.84%
The Weald CC	73,724	-2,917	-3.96%	Dartford CC	73,346	-3,295	-4.30%
Dartford BC	73,622	-3,019	-4.10%	Sevenoaks CC	73,311	-3,330	-4.34%
Chatham & Aylesford CC	73,506	-3,135	-4.26%	Tunbridge Wells CC	73,109	-3,532	-4.61%
Minimum Size	72,810	-3,831	-5.00%	Minimum Size	72,810	-3,831	-5.00%



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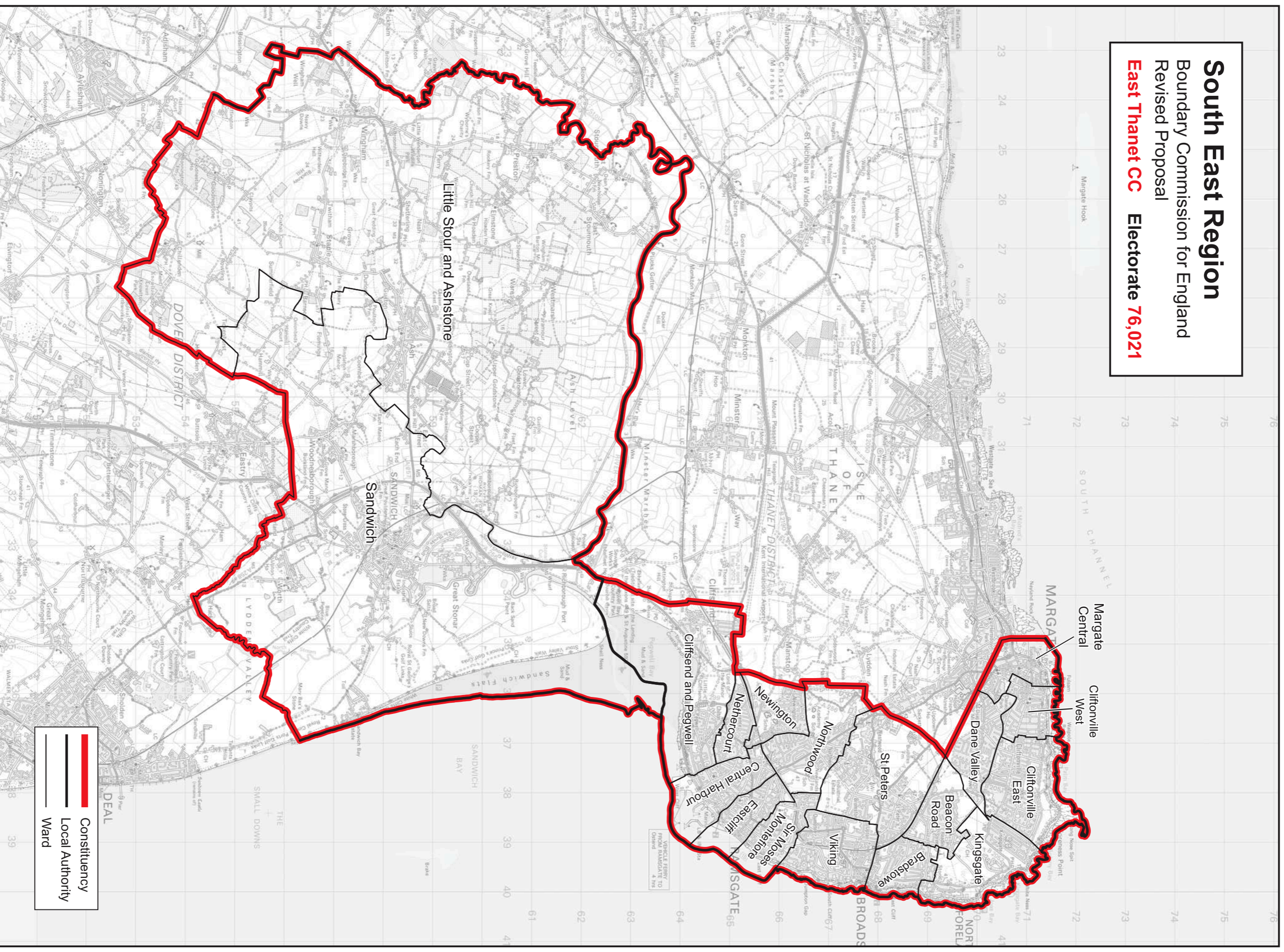
South East Region
 Boundary Commission for England
 Revised Proposal
Dover and Deal CC **Electorate 78,522**



— Constituency
 — Local Authority
 — Ward

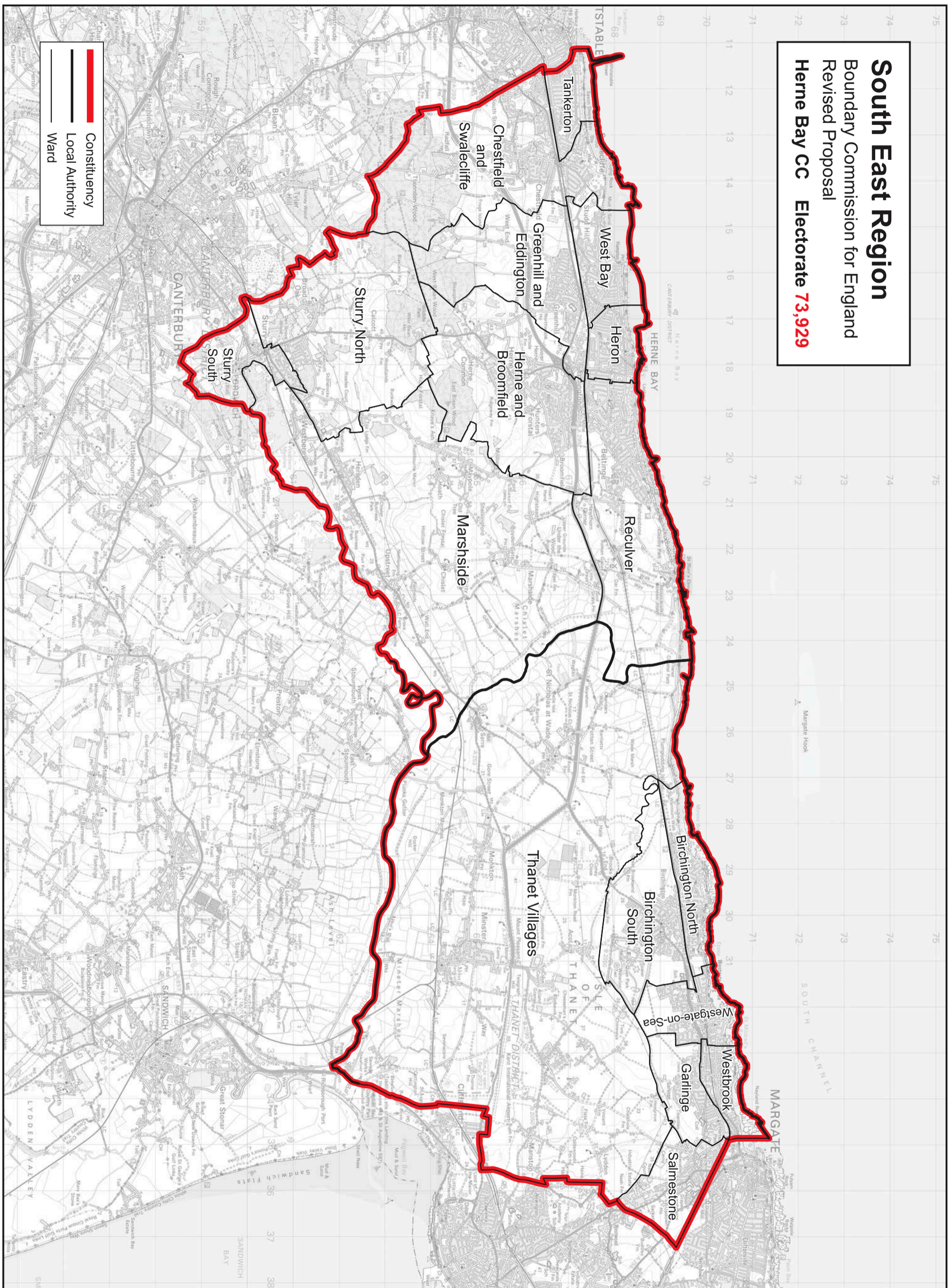
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South East Region
 Boundary Commission for England
 Revised Proposal
East Thanet CC Electorate **76,021**



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South East Region
 Boundary Commission for England
 Revised Proposal
Herne Bay CC Electorate 73,929



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Subject: REGULATION OF INVESTIGATORY POWERS ACT 2000 – JUDICIAL APPROVAL

Meeting and Date: Leader of the Council (in respect of Executive Functions)
 Licensing Committee – 20 November 2012 (in respect of their Statutory Functions)
 Council – 12 December 2012 (in respect of Non-Executive Functions)

Report of: Harvey Rudd, Solicitor to the Council

Decision Type: Non-Key

Classification: Unrestricted

Purpose of the report: To amend the scheme of officer delegations

Recommendation: That the arrangements for the discharge of executive functions set out in Section 6 of Part 3 of the Council’s constitution be amended by the insertion of the following delegation to the Solicitor to the Council and the Community Safety, CCTV and Parking Manager:
(Leader)

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions/Limitations/Notes
Regulation of Investigatory Powers Act 2000	To make any necessary application to a Justice of the Peace for an Order approving the grant of an authorisation under the Regulation of Investigatory Powers Act 2000	

Recommendation: That the arrangements for the discharge of council functions set out in Section 6 of Part 3 of the Council’s constitution be amended by the insertion of the following delegation to the Solicitor to the Council and the Community Safety, CCTV and Parking Manager:
(Council & Licensing Committee)

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/Exclusions/Limitations/Notes
Regulation of Investigatory Powers Act 2000	To make any necessary application to a Justice of the Peace for an Order approving	

	the grant of an authorisation under the Regulation of Investigatory Powers Act 2000	
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1. Summary

With effect from 1 November 2012, Local Authority Authorisations under the Regulation of Investigatory Powers Act 2000 (RIPA) will require approval by a Justice of the Peace. These amendments to RIPA are being made by the Protection of Freedoms Act 2012 and come into force on 1 November 2012.

2. Introduction and Background

2.1 RIPA sets out a regulatory framework for the use of covert investigatory techniques by public authorities. The legislation limits local authorities to using three covert techniques for the purpose of preventing or detecting crime – directed surveillance, covert human intelligence source (CHIS) and communications data. In practice, it is generally only directed surveillance which is used.

2.2 Currently, the authorisation process involves assessing necessity and proportionality, completing the RIPA authorisation form and seeking approval from the Chief Executive. These processes will remain the same but with effect from 1 November 2012, the local authority will also need to obtain an order approving the grant or renewal of an authorisation from a Justice of the Peace, before it can take effect. The JP will need to be satisfied that the statutory tests have been met and the use of surveillance is necessary and proportionate. The Home Office has published Guidance relating to the judicial approval process

2.3 From 1 November 2012, the serious crime threshold will also come into effect. This provides that local authorities will only be able to authorise directed surveillance under RIPA if the criminal offences it is being used to prevent or detect are punishable by maximum term of at least 6 months imprisonment or are related to the underage sale of alcohol or tobacco.

2.4 There has of course been a great deal of media coverage surrounding the inappropriate use of RIPA by some Local Authorities for the investigation of very low level offences. The Government has therefore introduced the measures above to prevent this. Members should be aware, however, that Dover District Council is not one of these authorities and has always had extremely robust processes for managing the use of RIPA.

2.5 The use of RIPA will usually be an executive function. However, given that it is possible that the offences being investigated may not be the responsibility of the executive, it is necessary for both the Council and the statutory licensing committee to approve the authorisation for the Solicitor to the Council and the Community Safety, CCTV and Parking Manager to apply for judicial approval.

2.6 The Solicitor to the Council is entitled to appear at the Court hearing by virtue of his rights of audience as a solicitor. Other officers of the Council are not so entitled unless they are solicitors or barristers. Section 223 of the Local Government Act 1972 addresses the difficulties which this can create by making provision for the Council to authorise other officers to appear in the court on its behalf. The function of authorising officers in this regard is already delegated to the Solicitor to the Council who would authorise officers to appear in Court to make the necessary applications.

2.7 In so far as the authorisations being requested in this report amend the Scheme of Officer Delegations in relation to executive functions, they are a matter for the Leader of the Council. The Council is entitled to amend the Scheme of Officer Delegations in relation to most non-executive functions save those which relate to the statutory licensing committee. Therefore, this report is being submitted to the Leader, the Council and the statutory licensing committee.

3. **Identification of Options**

3.1 Option 1: To approve the authorisation of the above officers in accordance with the recommendation

3.2 Option 2: To refuse the to authorise the above officers in accordance with the recommendation

4. **Evaluation of Options**

4.1 Option 1: This is the preferred option as is will allow the Council to follow procedures provided for by statute.

4.2 Option 2: This option is not recommended as a failure to put in place these authorisations would mean a need to seek Member approval each time there was an application to use RIPA and judicial authority was required.

5. **Appendices**

None

6. **Background Papers**

None

Contact Officer: Louise May, Senior Solicitor