

Public Document Pack



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18 November 2014

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 26 November 2014 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
J S Back	B Gardner	A S Pollitt
B W Bano	J H Goodwin	J A Rook
T J Bartlett	D Hannent	M A Russell
P M Beresford	P J Hawkins	F J W Scales
T A Bond	P G Heath	A R Smith
P M Brivio	G J Hood	C J Smith
B W Butcher	S J Jones	J M Smith
P I Carter	L A Keen	R J Thompson
S S Chandler	N S Kenton	J F Tranter
N J Collor	S M Le Chevalier	R S Walkden
M D Conolly	G Lymer	P Walker
G Cowan	S C Manion	P M Wallace
J A Cronk	K Mills	P A Watkins

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **MINUTES** (Pages 7 - 11)

To confirm the attached Minutes of the meeting held on 17 September 2014.

3 **DECLARATIONS OF INTEREST** (Page 12)

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

4 **ANNOUNCEMENTS**

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

5 **JOINT VISION FOR POLICING IN KENT**

To receive presentations from Mrs Ann Barnes, Kent Police and Crime Commissioner, and Mr Alan Pughsley, Chief Constable on the Joint Vision for Policing in Kent.

The order of business will be as follows:

- Presentation from Mrs Ann Barnes, Kent Police and Crime Commissioner (30 minutes)
- Presentation from Mr Alan Pughsley, Chief Constable (30 minutes)
- Joint Question and Answer Session

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 **POLLING DISTRICT REVIEW** (Pages 13 - 18)

To consider the attached report of the Head of Democratic Services.

The Electoral Matters Committee at its meeting held on 6 October 2014 made the following recommendation to the Council (Minute No. 11):

“That it be recommended to Council:

- (a) That each Polling District be designated as the Polling Place.

- (b) That where no suitable Polling Station was available the Head of Democratic Services be authorised to designate an adjoining Polling District for that Polling Place.”

9 **REVIEW OF THE CONSTITUTION 2014** (Pages 19 - 22)

To consider the attached report of the Director of Governance.

The Governance Committee at its meeting held on 2 October 2014 made the following recommendation to Council (Minute No. 31):

“That it be recommended to Council that the proposed changes in the Review of the Constitution 2014, and specifically the delegations in Part 3 that relate to Council functions be approved and incorporated into the Council’s Constitution.”

The Leader of the Council has approved the amendments for the Discharge of Executive Functions as it relates to the Scheme of Officer Delegations separately (Decision Notice 03/14)..

10 **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.

(a) **To Chairmen/Vice-Chairmen of Committees**

There were no questions submitted for Chairman/Vice-Chairman of Committees.

(b) **To the Executive**

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 A S Pollitt will ask the Portfolio Holder for Housing, Children’s Services and Safeguarding, Youth and Community Safety, Councillor S S Chandler:

“What and/or who were the priorities of the Portfolio Holder for Housing, Children’s Services and Safeguarding, Youth and Community Safety in setting up a community event at Freemans Way, Deal, on 28 October and on what basis did the Portfolio Holder choose not to provide the ward Councillors with a copy of the action plan for the area as requested?”

- (2) Councillor P J Hawkins will ask the Portfolio Holder for Corporate Resources and Performance, Councillor M D Conolly:

“On 27 November 2013, Council resolved: "That Dover District Council supports the work of credit unions and will investigate the feasibility, methods and costs of enabling Members and staff to save

through the payroll system if they wish." Can the Portfolio Holder for Finance inform the Council of the progress made so far on this?"

- (3) Councillor A S Pollitt will ask the Portfolio Holder for Corporate Resources and Performance, Councillor M D Conolly:

"Does the Portfolio Holder for Finance agree that all who benefit from public spending, including multinational companies, should contribute their fair share and does the Portfolio Holder support Action Aid's Towns Against Tax Dodging campaign?"

- (4) Councillor M R Eddy will ask the Leader of the Council, Councillor P A Watkins:

"Can the Leader of the Council outline how he views the future of Dover District Council in the light of the result of the Scottish independence referendum and proposals for the devolution of powers within England?"

- (5) Councillor B W Bano will ask the Portfolio Holder for Health, Wellbeing and Public Protection, Councillor P G Heath:

"Following the withdrawal of Concordia from its East Kent GP contracts, what steps has the Portfolio Holder for Health and Wellbeing taken to ensure that the patients currently on the lists of the Dover Medical Practice will continue to receive primary health care services with a GP of their choice?"

- (6) Councillor B W Bano will ask the Portfolio Holder for Housing, Children's Services and Safeguarding, Youth and Community Safety, Councillor S S Chandler:

"What response is DDC making to the proposals of KCC to reduce the number of Community Wardens by up to 50%?"

- (7) Councillor P Walker will ask the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton:

"Can the Portfolio Holder for Environment, Waste and Planning inform the Council how many housing units have been granted planning permission since 1 May 2011, and how many of these were affordable housing,

- (a) in developments of 1 to 12 units.
- (b) in developments of 13 to 40 units.
- (c) in large developments of over 40 units?"

11 **MOTIONS**

Motions for which notice has been given are listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it at a later meeting or withdraw it.

If a Motion set out in the agenda is not moved by the Member who gave notice thereof it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

A Motion must be about matters for which the Council has powers or duties or which affects the District.

- (1) In accordance with Council Procedure Rule 13, Councillor P M Brivio will move:

"In view of the successful voluntary schemes for the registration of private landlords, particularly in London and more locally in Thanet, this Council calls on Cabinet to draw up plans to implement a similar scheme in this district as soon as possible in order to drive up the quality of privately-rented housing available to our residents."

- (2) In accordance with Council Procedure Rule 13, Councillor G Cowan will move:

"Recognising the important contribution of 16 and 17 year olds to the recent Scottish independence referendum and believing that Dover District's young people should also play a role in determining the future of their towns and villages, this Council supports reducing the voting age to 16. As encouraging participation in the political process is an essential means of engaging young people in modern society, Council requests the Chairman of the Council to write to the Prime Minister on behalf of the Council to urge him to introduce legislation to reduce the voting age to 16 as soon as practicable."

- (3) In accordance with Council Procedure Rule 13, Councillor P M Wallace will move:

"Given the prediction that by the end of next year more road deaths will be caused by using a mobile phone than by drink driving, this council resolves to support the "Hands off" campaign to end the needless loss of life caused by motorists using mobile phones while driving, and this council requests the Community Safety Unit develops proposals for a campaign to raise awareness of this issue across the District."

- (4) In accordance with Council Procedure Rule 13, Councillor T J Bartlett will move:

"This Council notes that Lloyds Banking Group has signalled its intent to close 150 branches over the next 3 years. It's branch in Wingham is the last high street bank that remains in the village. This Council instructs the Chief Executive to write to the chairman of Lloyds, Lord Blackwell and it's CEO Antonia Horta Osario to ask that the Wingham branch, which serves both residents and local businesses, be saved from any closure programme."

12 **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.
- 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 Rebecca Brough, Team Leader - Democratic Support, telephone: (01304) 872304 or email: rebecca.brough@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, 17 September 2014 at 6.00 pm.

Present:

Chairman: Councillor S R Nicholas

Councillors:

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

Officers: Head of Democratic Services
Chief Executive
Director of Finance, Housing and Community
Director of Governance

38 **APOLOGIES**

Apologies for absence were received from Councillors B Gardner, J H Goodwin, G J Hood, J A Rook and J F Tranter.

39 **MINUTES**

The Minutes of the meeting held on 23 July 2014 were approved as a correct record and signed by the Chairman.

40 **DECLARATIONS OF INTEREST**

Councillor K Mills declared a Voluntary Announcement of Other Interest in Minute No.45 by reason of his wife's employment.

41 **ANNOUNCEMENTS**

Congratulations were extended to Deal who had come second out of 400 entries and been awarded Silver in the South East in Bloom competition.

LEADER'S TIME

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

- (a) Thanks to Councillors Eddy and Lymer for their part in the decision reached by KCC Highways to prevent the White Cliffs Business Park being used as a lorry park.
- (b) A public enquiry would commence on 30 September relating to the Compulsory Purchase Order for Dover Town Investment Zone. Following this a decision would be made by the Secretary of State.
- (c) The closure of Manston Airport being of strategic importance to Dover particularly in view of its proximity to Dover Enterprise Zone.
- (d) A meeting to be held later in the month relating to GP Practices following the removal of services by Concordia. Representations were being made on behalf of the Community by the Health and Wellbeing Board.
- (e) Kent Chamber of Commerce assisting businesses to understand the EU Funding bidding processes for ERDF and Interreg schemes
- (f) Port of Dover meeting on how the Community Fund will be dealt with. A decision on the Harbour Revision Order is still awaited.
- (g) Work of the East Kent Spatial Development Company. A number of forward funded Regeneration Projects are coming to fruition. Money is being recycled with £2.6m available.
- (h) Visit from the Police and Crime Commissioner where issues such as funding for the Community Safety Unit were discussed.

The Leader of the Opposition Group, Councillor M R Eddy, included the following matters in his report part of which was delivered by Councillor J A Cronk:

- (a) Whitfield parking by Lorries.
- (b) St James and other regeneration issues to be welcomed.
- (c) Visit by Andy Sawford, Shadow Minister for Communities and Local Government.
- (d) Shortage of GP's and the 5 years taken to train them.
- (e) Councillor Cronk raised concerns over the process adopted at the Planning Committee meeting recently when two large applications were presented together but were required to be decided individually of the merits of each application.

In response the Leader of the Council advised that he had attended the Planning Committee referred to by Councillor Cronk and shared his concerns. He further advised that he had taken the matter up with the Chief Executive.

43 QUESTIONS FROM THE PUBLIC

In accordance with Council Procedure Rule 11, Ms Anne Morgan asked the Portfolio Holder for Access and Waste Management, Councillor N J Collor, the following question:

"Could you please tell me what is being done to ensure that the residents living adjacent to Cooting Road in Aylesham can live in peace and free from noise, refuse and human waste caused by the lorry drivers who park in Cooting Road overnight just yards from our homes, especially at weekends. The situation is becoming intolerable?"

44 SEAT ALLOCATION AND GROUP APPOINTMENTS

There were no changes made to the existing allocations and appointments.

45 QUESTIONS FROM MEMBERS

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

- (1) Councillor P J Hawkins asked the Portfolio Holder for Access and Property Management, Councillor N J Collor:

"Local residents have raised concerns about the lack of progress in bringing the Regent Cinema on Deal Seafront back into use, seemingly caused in part by objections raised by KCC. Will the appropriate Cabinet Member clarify the current situation, including any action being taken by this Council to ensure the building is open and available for community use as soon as possible?"

- (2) Councillor B W Bano asked the Portfolio Holder for Access and Property Management, Councillor N J Collor:

"Will we ever see the introduction of 20 mph speed limits around our local schools?"

- (3) The question from Councillor L A Keen to the Portfolio Holder for Access and Property Management, Councillor N J Collor was withdrawn.

- (4) Councillor A S Pollitt asked the Portfolio Holder for Health, Well-being and Public Protection, Councillor P G Heath:

"Can the Portfolio Holder for Health, Well-Being and Public Protection inform the Council of how the usage of foodbanks has developed month by month over the last two years?"

- (5) Councillor M R Eddy asked the Leader of the Council, Councillor P A Watkins which was responded to by the Portfolio Holder for Corporate Resources and Performance, Councillor M Conolly:

“Is the Leader comfortable with the standard of service that East Kent Shared Services provides to this Council in the collection of Council Tax?”

- (6) Councillor P M Brivio asked the Portfolio Holder for Health, Wellbeing and Public Protection, Councillor P G Heath:

“Now that local authorities have a responsibility for public health, is it not time for the Portfolio Holder for Health and Well-Being to consider adopting a "Cumulative Impact Policy" regarding applications for licences in certain parts of the district (as adopted by Canterbury City Council)?”

- (7) Councillor P Walker asked the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton:

“In March this year, it was agreed that a working group should be set up to examine the impact of Mr Pickles’s changes to the process of determining the award of costs in planning appeals. When is this group actually going to meet?”

- (8) Councillor B W Bano asked the Portfolio Holder for Health, Well-being and Public Protection, Councillor P G Heath:

“Can the Portfolio Holder for Health and Well-Being outline what actions he has taken to ensure that the safe and effective services required of the East Kent Hospital University Foundation Trust, following the recent CQC inspection, will be supported by adequate funding from the Clinical Commissioning Group?”

46 MOTIONS

- (a) In accordance with Council Procedure Rule 13, Councillor K Mills gave notice of his intention to move the following Motion:

"This council agrees to identify what impact the changes imposed on the Young Person’s Travel Pass compared to the Freedom Pass have on young people within the district accessing youth provision, be it provided by CXK or the voluntary sector. These findings should be reported back to the Policy and Performance Scrutiny Committee.”

The Motion was duly seconded.

AMENDMENT moved by Councillor D Hannent and duly seconded that

The Policy and Performance Scrutiny Committee be asked to look in detail at the process to identify what impact the changes imposed on the Young

Person's Travel Pass compared to the Freedom Pass have on young people within the district accessing youth provision, be it provided by CXK or the voluntary sector.

On being put to the meeting, the Amendment was CARRIED.

On being put to the meeting the Substantive Motion was CARRIED and

RESOLVED that

The Policy and Performance Scrutiny Committee be asked to look in detail at the process to identify what impact the changes imposed on the Young Person's Travel Pass compared to the Freedom Pass have on young people within the district accessing youth provision, be it provided by CXK or the voluntary sector.

- (b) In accordance with Council Procedure Rule 13, Councillor G Cowan gave notice of his intention to a move a Motion but declined to do so at the meeting.

47 URGENT BUSINESS TIME

There were no items of urgent business.

The meeting ended at 7.25 pm

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered 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.

Other Significant Interest (OSI)

Where a Member is declaring an 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.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Subject: STATUTORY REVIEW OF POLLING DISTRICTS

Meeting and Date: Electoral Matters Committee – 4 AUGUST 2014

Report of: Head of Democratic Services

Decision Type: Non-Executive

Classification: Unrestricted

Purpose of the report: The Council is required to carry out a review of Polling Districts by 31 January 2015. This report details the requirements and seeks agreement on whether to carry out the statutory consultation on the existing Polling District Scheme or to propose amendments to the existing scheme for consultation purposes.

Recommendation: To approve the Polling District Scheme for consultation.

1. Summary

1.1 The legislation requires the Council to undertake a review of Polling Districts by 31 January 2015. The Committee will consider the existing scheme and determine whether any changes should be proposed prior to consulting on the scheme. Following the consultation process the Council will determine the Polling District Scheme to be used for Parliamentary and Local Government Elections and Referendum. The Electoral Registration Officer will make any changes agreed and publish the register reflecting the changes.

2. Introduction and Background

Designating Polling Districts

2.1 A Polling District is the geographical sub-division of an electoral area, eg UK Parliamentary constituency, a European Parliamentary electoral region, a ward or an electoral division.

2.2 The Council is responsible for dividing its area into polling districts for UK Parliamentary elections and for keeping the polling districts under review.

2.3 Although there is no requirement to sub-divide local government electoral wards into polling districts, it is recognised good practice to do so. When doing so, every effort must be made to ensure that the polling district scheme for Local Government elections mirrors as closely as possible that agreed for Parliamentary elections.

2.4 When designating polling districts, the Council must seek to ensure that all the electors in the Constituency have such reasonable facilities for voting as are practicable in the circumstances.

2.5 In addition, and unless there are special circumstances that lead the Council to determine otherwise, each parish must be in a separate polling district.

- 2.6 The Council must designate a polling place for every polling district in the District, unless the size or other circumstances of the polling district are such that the situation of the polling stations does not materially affect the convenience of the electorate.
- 2.7 The Council must keep the polling places under review.
- 2.8 The Council must:
- seek to ensure that all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances; and
 - seek to ensure that so far as is reasonable and practicable, the polling places they are responsible for are accessible to all electors, including those who are disabled, and when considering the designation of a polling place, must have regard to the accessibility needs of disabled persons.
- 2.9 In addition, the polling place for a polling district must be within the area of the district unless special circumstances make it desirable to designate an area either wholly or partly outside of the polling district.
- 2.10 A copy of the current Polling Districts Scheme including the current Parliamentary Electorate figures are attached at **Appendix 1** together with the maps depicting the current Polling District Scheme at **Appendix 2**.

Polling Place

- 2.11 A polling place is the building or area in which polling stations will be selected by the (Acting) Returning Officer. A polling place within a polling district must be designated so that polling stations are within easy reach of all electors from across the polling district.
- 2.12 The current Scheme designates the Polling Place as follows:-
- 2.13 Each Polling District be designated as the Polling Place. Where no suitable Polling Station is available the Head of Democratic Services be authorised to designate an adjoining Polling District for that Polling Place.

Polling Stations

- 2.14 A Polling Station is the actual area where the process of voting takes place, and must be located within the polling place designated for the particular polling district. This function is the responsibility of the Returning Officer.

Consultation

- 2.15 Representations will be invited on the Polling District Scheme. The Consultation will be included on the Council website in addition to consulting elected representatives. The Acting Returning Officer for the Dover Constituency and for the South Thanet Constituency and local disability groups will also be consulted.

3. Identification of Options

- 3.1 To undertake the statutory consultation utilising the existing Polling District Scheme

3.2 To propose changes to the existing Polling District Scheme and to undertake the statutory consultation on the proposed revised Polling District Scheme.

4. **Evaluation of Options**

4.1 Were any changes to be proposed and not included in the consultation process this would prevent the statutory and non-statutory consultees from commenting on the changes.

5. **Resource Implications**

There are no additional financial implications associated with this report. The consultation process and review will be conducted within existing budgets.

6. **Appendices**

Appendix 1 – Existing Polling District Schemes and current Parliamentary electorate.

Appendix 2 – Maps of existing Polling District Scheme

7. **Background Papers**

Electoral Administration Act 2006.

Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006.

The Electoral Registration and Administration Act 2013

Contact Officer: Louise Cooke – Head of Democratic Services

Review of Polling Districts and Polling Places in Dover District

No.	Individual/Public Body making representations	Area	Representation	Officer Response
1	Individual resident in Capel-le-Ferne	Capel-le-Ferne	Are there sufficient voters in Capel le Ferne to warrant a second polling station at the church hall in Albany Road, to cater for those living on the sea-side of the New Dover Road	Capel-le-Ferne Ward currently has two Parishes with a Polling District for each. PCF has 1634 electors for Capel-le-Ferne with 395 electors in PHM for West Hougham. 1634 electors does not warrant two Polling Districts.
2	Linda Keen Clerk Aylesham Parish Council	Eythorne	Aylesham PC wants another polling station at Elvington - perhaps the Community Centre - because it is too far up and down hills to the one in Eythorne.	Aylesham Parish Council are requesting consideration of an additional Polling District and Polling Station for Elvington that forms part of the Parish of Eythorne. The Parish of Eythorne is warded with a Parish Ward for Eythorne (1896 electors) and a Parish Ward for Barfreestone (43 electors). Unfortunately it has proved necessary for both Wards to be allocated the same Polling Station at The Resource Centre in Eythorne. The electors in Barfreestone have further to travel to the Polling Station than those in Elvington.
3	Mary Shaw Clerk to Sholden Parish Council	Sholden	Sholden Parish includes residents who live in the Golf Road / Greenacres / Chequers Inn area. Currently they have a long distance to travel in order to cast their votes. The polling station for Sholden is located in Sholden village at Scout HQ in The Street. Therefore, in order to allow these residents local access to a polling station, members suggest use of The Golf Road Centre as a polling station for 2 districts (North Deal and Sholden). Residents from this outlying part of Sholden Parish are more likely use their democratic right if they had access to a nearby polling station. Furthermore, it would make more sense to include	It is appreciated that this Parish and therefore Polling District is elongated. There are currently 930 electors served by this Polling Station. It would not be practical to have one Polling Station serving two different electoral areas. This would cause confusion for the electorate and would cause delays at the Polling Station.

No.	Individual/Public Body making representations	Area	Representation	Officer Response
			this part of Sholden parish into North Deal when the review of internal county boundaries is carried out later this year.	
4	Age UK DOVER	Castle Ward	Would like to offer the use of The Riverside Centre as use as a Polling Station in the future. The Riverside Centre has been used for this purpose in the past.	The Returning Officer welcomes the offer of the use of Age Concern as a Polling Station. This venue has been used in the past however, the existing venue is more suitable in terms of size. In the event that the current venue becomes unavailable then this venue would receive positive consideration.
5	Acting Returning Officer, Thanet District Council	Areas that fall within the South Thanet Parliamentary constituency	Whilst our Acting Returning Officer clearly has an interest in their disposition in so far as part of these areas fall within the Thanet South Parliamentary constituency, we are aware of no significant concerns on this matter arising from the 2010 Parliamentary election and thus do not feel that we would be in a better position than your Acting Returning Officer to assess their suitability in practice.	It is noted that the Acting Returning Officer is satisfied that the existing Polling District scheme has proved successful and that Polling Stations have been able to be allocated on that basis.
6	Wingham Parish Council	Wingham	<p>Thank you for your letter of 6 August enclosing the public notice of the Review of Polling Districts which has been shared with Wingham Parish Councillors.</p> <p>The Miles Room of Wingham Village Hall is currently used as the polling station for our parish which the council consider to be the only appropriate facility in the village and can suggest no alternative at this time. The Miles Room is accessible to all electors, including the disabled and has ample parking.</p>	No change to existing arrangements requested.
7	Lisa Jones Clerk to Ash Parish Council	Ash	I refer to the Notice of Review of Polling Districts and Polling Places and the	The Returning Officer welcomes the suggestion of an alternative venue for use

No.	Individual/Public Body making representations	Area	Representation	Officer Response
			<p>request for feedback by 09 September 2014.</p> <p>Council considers there may be an alternative venue available in Ash village, as a backup for the Ash Village Hall which is the usual and preferred venue for elections.</p> <p>The United Reform Church hall in The Street, Ash is the possible alternative. It offers a double door entry which opens fully, has a removable ramp for wheelchairs to ascend the one step into the Hall, has vehicle access (though tight) off The Street to allow disabled users to more readily gain access to the Hall, has toilets and a kitchen where water is available. Parking would be limited to on street opportunity in The Street and the DDC carpark in the retail centre of the village which is a short walk away from the URC hall.</p> <p>The use of the Hall is subject to it being consistent with the values of the Church (which for example excludes events where alcohol might otherwise be present).</p>	<p>as a Polling Station in the event that the current venue becomes unavailable.</p>
8	Acting Returning Officer, Dover District Council	Dover District Council area	<p>The existing Polling Districts have proved successful and I will not therefore be submitting any recommendations for changes. Where alternative Polling Stations have been suggested by consultees consideration will be given to those venues and a primary or secondary location.</p>	<p>It is noted that the Acting Returning Officer is satisfied that the existing Polling District scheme has proved successful and that Polling Stations have been able to be allocated on that basis.</p>

Subject:	REVIEW OF THE CONSTITUTION 2014
Meeting and Date:	Governance Committee – 2 October 2014 Council – 26 November 2014
Report of:	Director of Governance
Classification:	UNRESTRICTED

Purpose of the report: Article 15 of the Constitution requires the Monitoring Officer to conduct regular reviews of the Constitution.

Recommendation: That it be recommended to the Governance Committee:

- (a) That it note the Review of the Constitution 2014.
- (b) That it recommend to Council that the proposed changes in the Review of the Constitution 2014, and specifically the delegations in Part 3 that relate to Council functions, be approved and incorporated into the Council's Constitution.

That it be recommended to Council:

- (c) That the Review of the Constitution 2014, and specifically the delegations in Part 3 that relate to Council functions, be approved and the proposed changes be incorporated into the Council's Constitution.

(The Leader of the Council will be asked separately to approve any changes relating to the powers of the executive.)

1. Summary

1.1 Article 15 of the Council's Constitution makes provision for the regular review of the Constitution by the Monitoring Officer on an annual and ad-hoc basis. This review forms part of the annual review process and incorporates a number of changes reflecting legislative and organisational change, as well as some format changes intended to make the document more accessible.

2. Introduction and Background

2.1 Since the introduction of the first version of the Constitution in 2002, the Council has revised the Constitution seventeen times. The Review of the Constitution 2014, which has been undertaken by the Director of Governance / Monitoring Officer in conjunction with the Solicitor to the Council and supported by Democratic Services, will be the eighteenth revision resulting in the proposed draft version 19.

2.2 Due to the size of the Council's Constitution, it is not practical to conduct a detailed analysis of nearly 500 pages on an annual basis and instead specific areas are selected each year for review. This year's review has concerned itself with changes arising from to legislation, the Council's organisational structure and the collation of changes made by decision-making bodies such as the Cabinet or Council during the course of the previous year.

2.3 The key focus of this year's annual review was as follows:

- Part 3 Responsibility for Functions – incorporating amendments required as a consequence of legislative and organisational change and reorganising the delegations into a new easier to read format. This was the primary focus of the review.
- Part 4 Council Procedure Rules (Access to Information Rules)
- Part 4 Council Procedure Rules (Budget and Policy Framework Procedure Rules)
- Part 5 Codes and Protocols (Members’ Planning Code of Good Practice)

Approval of Amendments to the Constitution

2.4 The changes to the Constitution come in three types – changes requiring Executive approval, changes delegated to the Monitoring Officer to approve and changes requiring Council approval.

2.5 A summary of the key changes is set out below for information.

Council Procedure Rules

2.6 The Council Procedure Rules have been the subject to incremental changes over a number of years. The changes made to this rules as part of this review are largely housekeeping (such as updating references) with the exception of a small but significant change has been made to Rule 18 of the Council Procedure Rules as a consequence of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014. The Regulations introduce a requirement for a recorded vote at a meeting where a budget decision (as defined by the Regulations) is made.

Members’ Planning Code of Good Practice

2.7 A revised copy of the Planning Code was produced by Lawyers in Local Government (LLG), the successor body to the Association of Council Secretaries and Solicitors (ACSES) following legislative changes. This revised Planning Code forms the basis of the Dover Members’ Planning Code of Good Practice subject to a few local variations (such as the retention of the existing Dover Site Visit Procedure).

Access to Information Procedure Rules

2.8 The Access to Information Procedure Rules have been amended to reflect recent changes in legislation arising from the Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 concerning the recording of meetings, the Council’s publication scheme and the recording of officer and member decisions.

Budget and Policy Framework Procedure Rules

2.9 The amendments to the Budget and Policy Framework Procedure Rules were designed to remove redundant steps. It should be emphasised that this was a light touch review of the Rules ahead of a fundamental review in 2014/15 and that none of the changes alter the balance between Member and Officer decision-making responsibilities.

Responsibility for Functions

- 2.10 The Council's organisational structure has undergone a number of changes in the last few years and this has required amendments to the officer delegations in Part 3. Where these changes are as a result of changes in officer job titles the Monitoring Officer has delegated authority to make these changes to the Constitution and these are presented to Members for note.
- 2.11 The attention of Members is drawn to the revised format of the delegations in many places. The purpose of this change is to make it clearer as to the nature of the delegations granted to the officer and the limits on them. These changes follow from the work programme of 2014.
- 2.12 The delegations have also been reviewed in light of the recent *Pemberton International Ltd v London Borough of Lambeth (2014)* case to ensure that sub-delegations were only being made to those officers competent to exercise the function and with direct line management to the delegating Director.

Presentation and Printing of the Revised Constitution

- 2.13 The revised Constitution is nearly 500 pages long and as with last year's Review, rather than providing a paper copy, an electronic copy is available on the Council's website and attached as an appendix to this agenda through the Modern.Gov app accessible from Members' iPads.
- 2.14 The cost of printing and posting a single copy of the Constitution is estimated as being in excess of £17 and multiplied by 45 members has a significant cost implication. However, a printed copy of the Constitution is available on request by any member of the Council.
- 2.15 Members are requested to consult the electronic version of the draft Constitution in advance of the meetings of the Governance Committee and the Council. The Monitoring Officer will have an electronic version of the Constitution displayed at the meeting for Members to view.
- 2.16 The Monitoring Officer has drawn up a work programme for the 2015 Review of the Constitution based on areas that it is expected will need revision as follows:
- Budget and Policy Framework Procedure Rules
 - Financial Procedure Rules
 - Part 3 – Responsibility for Functions

3. Identification of Options

- 3.1 Option 1 – To approve the Review of the Constitution and note the proposed work programme for 2015.
- 3.2 Option 2 – To not approve the Review of the Constitution.

4. Evaluation of Options

- 4.1 Option 1 is the preferred option as it enables the efficient operation of the authority to continue.

4.2 Option 2 is not the preferred option as it will significantly impede the day-to-day operation of the authority as the Constitution will no longer be able to operate as a definitive reference for officers.

5. **Resource Implications**

There are no resource implications arising from the Review of the Constitution.

6. **Appendices**

Appendix A – Draft Constitution of the Council (Version 19)

7. **Background Papers**

Relevant Legislation

Lawyers in Local Government – Model Planning Code

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