



Annual Council Meeting

Council Offices
White Cliffs Business Park
Dover

Wednesday, 20 May 2015

Summons and Agenda

Nadeem Aziz
Chief Executive



Democratic Services
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12 May 2015

To the Members of the Council,

You are hereby summoned to attend the **ANNUAL MEETING** of the **COUNCIL** to be held in the Council Chamber at these Offices on Wednesday 20 May 2015 at 6.00 pm for the transaction of the business set out in the Agenda.



Chief Executive

Members of the Council:

J S Back	A Friend	S M Le Chevalier
S F Bannister	R J Frost	S C Manion
T J Bartlett	B Gardner	K Mills
P M Beresford	B Glayzer	K E Morris
T A Bond	D Hannent	D P Murphy
P M Brivio	P J Hawkins	M J Ovenden
B W Butcher	P G Heath	A S Pollitt
P I Carter	J M Heron	G Rapley
S S Chandler	S Hill	A F Richardson
N J Collor	M J Holloway	M Rose
M D Conolly	T P Johnstone	D A Sargent
M I Cosin	S J Jones	F J W Scales
D G Cronk	L A Keen	P Walker
N Dixon	N S Kenton	P M Wallace
M R Eddy	P S Le Chevalier	P A Watkins

AGENDA

1 **ELECTION OF A CHAIRMAN**

To elect a Chairman of the Council for the ensuing municipal year.

Upon election, the procedure will be followed:

- (a) The Chairman will sign the Declaration of Acceptance of Office.
- (b) The Chairman will address the Council.
- (c) The Retiring Chairman will be presented with the past Chairman's badge.
- (d) The Retiring Chairman will address the Council.

2 **APPOINTMENT OF A VICE-CHAIRMAN**

To appoint a Vice-Chairman of the Council for the ensuing municipal year. The Vice-Chairman will sign the Declaration of Acceptance of Office.

3 **APOLOGIES**

To receive any apologies for absence.

4 **MINUTES** (Pages 7 - 14)

To confirm the attached Minutes of the meeting held on 4 March 2015.

5 **DECLARATIONS OF INTEREST** (Page 15)

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

6 **ANNOUNCEMENTS**

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

7 **ELECTION OF THE LEADER OF THE COUNCIL**

To elect the Leader of the Council for a period of four years until the day of the next Annual Meeting of the Council following the ordinary election of all Councillors in 2019.

8 **APPOINTMENT OF DEPUTY LEADER**

To note the Leader of the Council's appointment of a Deputy Leader of the Council.

9 **COMPOSITION OF CABINET**

To note the number of Members to be appointed to the Cabinet.

The statutory maximum number of members of the Cabinet is ten members, including the Leader of the Council.

10 **APPOINTMENT OF CABINET**

- (a) To note the Members to the Cabinet (in accordance with the Executive Procedure Rules) to hold office for a period of one year until the next annual meeting.
- (b) To note the related portfolios.

11 **APPOINTMENT OF SHADOW CABINET**

To note the composition of the Shadow Cabinet by the Main Opposition Group.

The Shadow Cabinet must directly reflect the composition of the Cabinet in accordance with the Council Procedure Rules.

12 **ESTABLISHMENT AND COMPOSITION OF COMMITTEES** (Pages 16 - 25)

(a) Committees

To appoint the following Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions:

Dover Joint Transportation Board

East Kent Shared Services Committee

Electoral Matters Committee

General Purposes Committee

Governance Committee

Joint Health, Safety and Welfare Consultative Forum

Joint Staff Consultative Forum

Licensing Committee

Planning Committee

Regulatory Committee

Scrutiny (Community and Regeneration) Committee

Scrutiny (Policy and Performance) Committee

Standards Committee

(b) Review of Allocation of Seats to Political Groups

To determine the allocation of seats to political groups in accordance with Section 15 of the Local Government and Housing Act 1989. The attached report of the Chief Executive and Director of Governance sets out the recommended allocation of seats to political groups.

(c) Chairmen, Vice-Chairmen and Spokespersons of Committees

To appoint the Chairman, Vice-Chairman and Controlling Group Spokespersons and Deputy Controlling Group Spokespersons of the above Committees as appropriate.

13 **CALENDAR OF MEETINGS 2015/16** (Pages 26 - 29)

To approve a calendar of ordinary meetings of the Council for the ensuing year.

The Council, at its meeting on 28 January 2015, provisionally approved the programme subject to ratification at this meeting.

14 **ANNUAL REPORT ON SCRUTINY 2014/15** (Pages 30 - 43)

To consider the report of the Monitoring Officer.

15 **ANNUAL REPORT OF THE STANDARDS COMMITTEE 2014/15** (Pages 44 - 52)

To consider the report of the Monitoring Officer.

16 **ANNUAL REPORT OF THE GOVERNANCE COMMITTEE 2014/15** (Pages 53 - 69)

To consider the joint report of the Chairman of the Governance Committee and the Director of Governance.

17 **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 will be published on our website as soon as practicably possible after 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, 4 March 2015 at 6.00 pm.

Present:

Chairman: Councillor S R Nicholas

Councillors:

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

Officers: Chief Executive
 Director of Finance, Housing and Community
 Director of Governance
 Senior Accountant (Revenue and Treasury)
 Head of Democratic Services
 Team Leader – Democratic Support

78 APOLOGIES

Apologies for absence were received from Councillors B W Bano, J A Cronk, J H Goodwin, L A Keen, N S Kenton, K Mills and R S Walkden.

79 MINUTES

The Minutes of the meeting held on 28 January 2015 were approved as a correct record and signed by the Chairman.

80 DECLARATIONS OF INTEREST

The following declarations of interest were made by Members:

Councillor S S Chandler declared a Disposable Pecuniary Interest (DPI) in Minute No. 84 (Scrutiny Report on the Motion on Live Animal Exports) by reason of her husband being the director of a farming company that on occasion exported cattle for breeding purposes and withdrew from the meeting for the consideration of the item.

Councillor F J Scales declared a Disclosable Pecuniary Interest (DPI) in Minute No. 84 (Scrutiny Report on the Motion on Live Animal Exports) and withdrew from the meeting for the consideration of the item.

81 ANNOUNCEMENTS

There were no announcements.

82 LEADER'S TIME

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

- (a) That Councillor N S Kenton was at the 6th Annual Improvement and Efficiency Awards where Dover District Council was nominated for an award for Transformation in Waste and Environment.
- (b) That a decision had been made by the Secretary of State for Transport and the Secretary of State for Communities and Local Government to approve the Council's Compulsory Purchase Order for the Dover Town Investment Zone (DTIZ).

There would be surveys undertaken in preparation for the demolition and construction required on the site. The first item of demolition would be the multi-storey car park.

The risk of falling glass from Burlington House meant that St James' Street had been temporarily closed until it could be made safe.

There would continue to be meetings with key local stakeholders over how regeneration could continue to deliver in Dover post-DTIZ.

- (c) The three work streams of the Kent Resilience Group in respect of the effects of Operation Stack – (i) Freight, (ii) Lorry Park, and (iii) Traffic Management Issues arising from the volume of traffic – and how to deal with the impact on the local economy and the physical impact on Aycliffe residents. In addition, the Council was waiting on the Highways Agency for the dates set aside for highway verge maintenance (such as litter picking) which required lane closures of the M20 and A20.
- (d) That the Land Trust had taken over the Fort Burgoyne site with the potential for heritage skills apprentices in the future.

The Leader of the Opposition Group, Councillor M R Eddy, included the following matters in his report:

- (a) To welcome the news on the Council's recycling performance.
- (b) To welcome the progress on the Compulsory Purchase Order (CPO) progress for the Dover Town Investment Zone (DTIZ) and emphasise the importance of seeing the project to completion.
- (c) To join the Leader in expressing concern over the impact of Operation Stack and welcome the opportunity presented for the district by the appointment of a new Kent County Council Cabinet member for Environment and Transport, Councillor M Balfour.

- (d) To express support for local firms having access to the Port of Dover without having to travel to Maidstone to join the end of the queue for Operation Stack.
- (e) To suggest that the opportunity presented by Operation Stack to maintain the M20 / A20 verges as lanes were already closed be explored.
- (f) That with architectural conservation skills in great demand across the UK and Europe there was the potential for the district, which was first in Kent for heritage assets, to develop such a skill base locally.

In response the Leader of the Council stated:

- (a) That he welcomed the appointment of Councillor Balfour as the Kent County Council Cabinet Member for Environment and Transport.
- (b) That English Heritage was in a good position to develop heritage skills at Burgoyne Heights.
- (c) The importance of maintaining the momentum at Kent County Council level in addressing the traffic and economy issues arising from Operation Stack locally in the district.
- (d) The discussions taking place with NHS England over health and social care integration in Kent.

83 MOTION WITHOUT NOTICE TO CHANGE THE ORDER OF BUSINESS

Councillor S R Nicholas moved a Motion without notice in accordance with Council Procedure Rule 14 to change the order of business to make the Scrutiny Report on the Motion on Live Animal Exports the next item of business.

It was duly seconded and on being put to the vote it was:

RESOLVED: That the order of business be changed to make the Scrutiny Report on the Motion on Live Animal Exports the next item of business.

84 SCRUTINY REPORT ON THE MOTION ON LIVE ANIMALS EXPORTS

Councillor G J Hood introduced the scrutiny report on the Council Motion on Live Animal Exports.

It was moved by Councillor G J Hood and duly seconded

- (a) That the health and welfare of animals, including when in transport, be considered paramount.
- (b) That the Council write to the Secretary of State for Transport and the Secretary of State for Environment, Food and Rural Areas to urge an amendment to the Harbour, Docks and Piers Clause Act 1847 for the purpose of giving ports discretion in respect of accepting the transport of live animals for the purpose of slaughter.

By way of example it is suggested that a change to the Act along the following lines (as shown in *italics*) would facilitate this:

3. Interpretations in this and the special Act.

The word: "goods" shall include wares and merchandize of every description *except live animals*, and all articles in respect of which rates or duties are payable under the special Act.

33. Harbour, dock, and pier free to the public on payment of rate.

Upon payment of the rates made payable by this and the special Act, and subject to the other provisions thereof, the harbour, dock, and pier shall be open to all persons for the shipping and unshipping of goods, and the embarking and landing of passengers, *save that the undertakers have discretion to refuse use of the Harbour, Dock and Pier for the purpose of the export of live animals for slaughter.*

- (c) That the Council urge the responsible European and British authorities to better enforce existing regulations relating to the transport of live animals.
- (d) That the Council express its support for inspectors from the Royal Society for the Prevention of Cruelty to Animals (RSPCA) being granted access to work alongside officers from the Animal and Plant Health Agency (formerly the Animal Health and Veterinary Laboratories Agency) at all ports involving the export of live animals.

It was moved as an AMENDMENT by Councillor P A Watkins and duly seconded:

- (d) That the Council express its support for inspectors from the Royal Society for the Prevention of Cruelty to Animals (RSPCA) being granted access, *with agreement and under the supervision of* the Animal and Plant Health Agency (formerly the Animal Health and Veterinary Laboratories Agency) at all ports involving the export of live animals.

Councillor G J Hood, with the consent of his seconder and the meeting, agreed to accept the amendment.

It was put to the vote and

- RESOLVED:
- (a) That the health and welfare of animals, including when in transport, be considered paramount.
 - (b) That the Council write to the Secretary of State for Transport and the Secretary of State for Environment, Food and Rural Areas to urge an amendment to the Harbour, Docks and Piers Clause Act 1847 for the purpose of giving ports discretion in respect of accepting the transport of live animals for the purpose of slaughter.

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- (c) That the Council urge the responsible European and British authorities to better enforce existing regulations relating to the transport of live animals.
- (d) That the Council express its support for inspectors from the Royal Society for the Prevention of Cruelty to Animals (RSPCA) being granted access, with agreement and under the supervision of the Animal and Plant Health Agency (formerly the Animal Health and Veterinary Laboratories Agency) at all ports involving the export of live animals.

85 SEAT ALLOCATION AND GROUP APPOINTMENTS

There were no items of business.

86 QUESTIONS FROM THE PUBLIC

There were no questions received.

87 LONG SERVICE AWARD PRESENTATION

The Chief Executive presented Long Service Awards to the following Members:

- (a) Councillor G J Hood for 39 years of continuous service from 1976 to 2015.
- (b) Councillor S R Nicholas for 27 years of service from 1987 to 2015.
- (c) Councillor C J Smith for 23 years of service from 1987 to 2015.

The Leader of the Council, Councillor P A Watkins, and the Opposition Leader, Councillor M R Eddy, spoke to the service and character of each of the recipients.

RESOLVED: That the award of Long Service Awards be noted.

88 REVISIONS TO THE MEMBERS' ALLOWANCE SCHEME

The Team Leader – Democratic Support presented the report on Revisions to the Members Allowance Scheme.

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

RESOLVED: That the Members' Allowance Scheme 2015/16 as set out in Appendix 1 of the report be made.

89 PAY POLICY STATEMENT 2015/16

The Director of Governance presented the Pay Policy Statement 2015/16.

It was moved by Councillor S R Nicholas, duly seconded and

RESOLVED: That the Pay Policy Statement set out at Appendix 1 to this report be approved and published on the Council's website.

90 BUDGET

The Director of Finance, Housing and Community gave a presentation to the Council on the Budget and Medium Term Financial Plan.

It was moved by Councillor M D Conolly, duly seconded and

RESOLVED: (a) That the General Fund Revenue Budget, the Capital and Special Projects Programmes, the Housing Revenue Account Budget, the Council Tax Resolution and the content of the MTFP be approved.

(b) That the view of the Director of Finance, Housing & Community (Section 151 Officer) that the budget has been prepared in an appropriate and prudent manner and that, based upon the information available, the budgets are robust and the estimated General Fund and Housing Revenue Account balances and reserves are considered adequate for the Council's current spending plans be noted.

(c) That the various Council recommendations at the end of the sections within the attached budget and MTFP, and summarised in Annex 14 to Appendix 1, are approved as follows:

- (i) Approve the General Fund Revenue Budget for 2015/16 and the projected outturn for 2014/15.
- (ii) Approve the policies and protocols regarding the General Fund balances and earmarked reserves, and transfers between reserves as set out in Annex 6 of the report.
- (iii) Approve the 2014/15 Projected Outturn and the 2015/16 Housing Revenue Account budget at Annex 7 of the report.
- (iv) Delegate to Cabinet the approval of individual projects to be financed by the HIR.
- (v) Approve the Capital and Special Projects programmes.

- (vi) Approve that capital resources required to finance new projects are secured before new projects commence.
- (vii) Approve the Treasury Management Strategy, including the Prudential Indicators and Minimum Revenue Provision Statement.
- (viii) Approve the Council Tax Resolution as set out at Annex 10A of the report.
- (ix) That it be noted that, if the formal Council Tax Resolution at Annex 10A of the report is approved, the total Band D Council Tax will be as set out at Annex 14 of the report.

The manner of voting was as followed:

<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
J S Back	P M Brivio	S R Nicholas
T J Bartlett	G Cowan	
P M Beresford	M R Eddy	
T A Bond	B Gardner	
B W Butcher	P J Hawkins	
P I Carter	G J Hood	
S S Chandler	S J Jones	
N J Collor	A S Pollitt	
M D Conolly	A R Smith	
R J Frost	J M Smith	
D Hannent	R J Thompson	
P G Heath	P Walker	
P S Le Chevalier	P M Wallace	
S M Le Chevalier		
G Lymer		
S C Manion		
K E Morris		
M J Ovenden		
J A Rook		
M A Russell		
F J W Scales		
C J Smith		
P A Watkins		

91 URGENT BUSINESS TIME

There were no items of urgent business.

The meeting ended at 8.25 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:	REVIEW OF ALLOCATION OF SEATS TO POLITICAL GROUPS
Meeting and Date:	COUNCIL – 20 MAY 2015
Report of:	JOINT REPORT OF THE CHIEF EXECUTIVE AND THE DIRECTOR OF GOVERNANCE
Classification:	UNRESTRICTED

Purpose of the report: The prompt and correct allocation of committee seats is vital to maintaining an effective and transparent governance framework.

- Recommendation:** *That it be recommended to Council:*
- (a) *That the report setting out the recommended allocation of seats to political groups be adopted.*
 - (b) *That the Dover Joint Transportation Board and the two Overview and Scrutiny Committees be considered as Ordinary Committees for the purposes of calculating the allocation of seats for political groups.*
 - (c) *That the Council appoints its Committees with the sizes and allocation of seats between political groups as set out in Appendix 1 of the report, and invites the Group Leaders to make nominations to fill the seats on these Committees.*
 - (d) *That the Council appoints a Licensing Committee with 15 seats and, whilst noting that the duty to ensure political proportionality does not apply, resolves that the Licensing Committee should reflect the proportionality of the Council.*
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1. Summary

A review of the allocation of seats to political groups is required at, or as soon as practicable after, each Annual Meeting of the Council in accordance with the provisions of the Local Government and Housing Act 1989.

2. Introduction and Background

2.1 The political composition of the Council is 25 Conservative, 17 Labour and 3 United Kingdom Independence Party (UKIP). To be counted as a political group for the purposes of the political balance rules a party is required to have at least two members and have formally notified the authority that it is a political group.

2.2 Section 15 of the Local Government and Housing Act 1989 (specifically subsections (3) to (5)) prescribes the Council's duty to determine the allocation of seats which states the basic principles of seat allocation.

2.3 In summary, these principles of determination are that:

- (a) All the seats are not allocated to the same group;
- (b) The majority of the seats go to the group (if any) which has an overall majority on the Council (i.e. 23 or more seats);
- (c) Subject to the above two principles, that the number of seats on the total of all the ordinary committees allocated to each group bears the same proportion to the proportion on the full Council; and
- (d) Subject to (a) and (c), that the number of seats on each ordinary Committee and each Sub-Committee allocated to each group bears the same proportion to the proportion on the full Council.

Variations to Political Balance Principles

- 2.4 Prior to the allocation of seats, the Council may make variations to the principles of political balance in cases where a decision is taken to do so with no members voting against it.
- 2.5 If a political group fails to express its wishes within a period of three weeks of being notified of its allocation (which shall be taken as commencing from 20 May 2015, the date of the Council meeting where this report is considered), the Council at its first meeting after this period may make such appointment as it sees fit by majority vote regardless of the principles of political balance.

Definition of Ordinary Committees

- 2.6 The total number of seats on ordinary Committees of the Council is 65 seats if the Dover Joint Transportation Board and the two Overview and Scrutiny Committees are treated as an ordinary committee (as they have been historically) for the purposes of seat allocation.
- 2.7 It is necessary to treat the Dover Joint Transportation Board and the Overview and Scrutiny Committees as a "different provision ... approved by the authority" (Section 17 Local Government and Housing Act 1989) for the purposes of this report. If any Member of the authority votes against recommendation (b) of this report, the two Overview and Scrutiny Committees and the Dover Joint Transportation Board will be excluded from the list of ordinary Committees and the allocation recalculated without it.
- 2.8 For the purposes of this report it should be remembered that it is only the 7 district council seats on the Dover Joint Transportation Board that are included in the political balance calculations. The 7 Kent County Council seats (4 Labour, 3 Conservative as of 2 May 2013) are not included in any of the calculations.
- 2.9 It is the view of the Solicitor to the Council that Section 21 (11) of the Local Government Act 2000 (under which Scrutiny Committees are appointed), makes the Scrutiny Committees 'bodies' to which the political balance rules apply. However, what it does not do is to make them 'ordinary Committees' for the purposes of the political balance rules.
- 2.10 The preferred approach is include the Dover Joint Transportation Board and the 2 Overview and Scrutiny Committees as ordinary committees of the council as it codifies the approach that has traditionally been taken to the determination of seats on ordinary committees.

Allocation of Seats – Ordinary Committees

- 2.11 The process for allocating seats is set out in detail in the appendix to this report and in summary form below.
- 2.12 The first stage in the process is to calculate the proportional entitlement to seats of each political group based on the overall political composition of the council. The Conservative Group has 25 Councillors (55.5556% of the total number of councillors), the Labour Group has 17 Councillors (37.7778%) and the UKIP Group has 3 Councillors (6.6667%).
- 2.13 There are a total of 65 seats on Ordinary Committees of the Council to be allocated. Based on the percentage allocation in paragraph 2.12, this allocated to the Conservative Group an overall entitlement to 36.1111 seats (rounded to nearest whole number, 36 seats), to the Labour Group an entitlement of 24.5556 seats (rounded to nearest whole number 25 seats) and to UKIP an entitlement of 4.3333 seats (rounded to the nearest whole number, 4 seats), out of a total of 65 available seats on Ordinary Committees.

Table 1: Proportional Entitlement to Seats Based on Political Composition of Council

Party	Councillors	Percentage	Committee Seats		
Conservatives	25	55.5556%	36.1111	Equal to	36
Labour	17	37.7778%	24.5556	Equal to	25
UKIP	3	6.6667%	4.3333	Equal to	4
TOTAL	45	100.00%			65

- 2.14 The second stage in the process is to allocate the seats based on the proportional entitlement for each committee based on the four principles set out in paragraph 2.3, the calculations for which are set out in greater detail in Annex 1 of this report.
- 2.15 The initial application of the four principles of proportionality allocated 67 of the 65 Ordinary Committee seats (38 Conservative, 26 Labour and 3 UKIP), leaving an adjustment required of -2 Conservative, -1 Labour and +1 UKIP to meet the overall seat entitlement (set out in table 1) as a proportion of the Council.
- 2.16 In terms of Ordinary Committees, the initial allocation over-allocated by 1 seat on each of the Scrutiny (Policy and Performance) Committee, the Scrutiny (Community and Regeneration) Committee and the Planning Committee while under-allocating by 1 seat on the Governance Committee
- 2.17 In order to achieve the required overall proportional entitlement it is proposed that the adjustments set out in Annex 1, and repeated below, be made. The Conservative Group has the smallest number on whole number rounding (.5556 as opposed to .7778 for the Labour Group and .6667 for the UKIP Group) for the 3 Ordinary Committees with 10 members and must relinquish 2 seats to achieve the correct overall proportional entitlement. As a key function of the Scrutiny Committees is to hold the Executive to account it is proposed that the 2 seat adjustment for the Conservative Group be made to the two scrutiny committees (1 seat on each committee).

- 2.18 In keeping with the principles of proportionality set out in paragraph 2.3, the remaining adjustments are made to the Planning Committee (-1 Labour Seat) and the Governance Committee (+1 UKIP Seat). This ensures that the four committees that were under/over-allocated are now balanced in such a way that each group holds the correct number of seats overall while still ensuring a broad balance across committees in line with the overall proportional entitlement.

Table 2: Adjustment to Ordinary Committee Seats to meet overall Proportional Entitlement

Committee	CON	LAB	UKIP	Initial Total	Actual Seats	Adjustment
Scrutiny (Policy & Performance)	6	4	1	11	10	-1 CON
Scrutiny (Community & Regeneration)	6	4	1	11	10	-1 CON
Planning Committee	6	4	1	11	10	-1 LAB
Governance Committee	3	2	0	5	6	+1 UKIP

- 2.19 Further details of how these seats are assigned can be found in Appendix A of this report.

Allocation of Seats – Non-Ordinary Committees

- 2.20 In addition to the ordinary Committees of the Council, there are four non-ordinary Committees of the Council. Although these are not bound by the same requirements for political balance as the ordinary Committees it should be noted that they have historically been allocated on that principle where possible.
- 2.21 The non-Ordinary Committees allocated on the basis of political balance are the Licensing Committee, the Joint Staff Consultative Forum and the Joint Health, Safety and Welfare Consultative Forum.
- 2.22 The terms of reference of the fourth non-Ordinary Committee, East Kent Shared Services Committee, specify that its membership must be composed of the Leader and Deputy Leader of the Council. As less than three members are appointed by the Council, it is not required to be politically balanced.
- 2.23 Pursuant to Section 6 of the Licensing Act 2003, the Licensing Committee must have at least ten, but no more than fifteen, members. The current arrangement of fifteen members allows the Licensing Committee to appoint five broadly area-based sub-committees to conduct hearings and has functioned effectively since its introduction in 2003. Accordingly, this report recommends the continued appointment of 15 councillors to the Licensing Committee.
- 2.24 The Licensing Committee is not subject to the requirements of the Local Government and Housing Act 1989 with regard to political proportionality, although this principle has been applied in allocating the seats at the annual Council meetings held since May 2006. It is however at the discretion of the Council to set the size of the Licensing Committee and the allocation of seats, subject to the restriction mentioned above.

Allocation of Seats – Executive Committees

- 2.25 The allocation of seats on Executive Committees is a matter for the Cabinet and not covered by this report.

Allocation of Seats - South Kent Coast Health and Wellbeing Board

- 2.26 The South Kent Coast Health and Wellbeing Board is a sub-committee of Kent County Council's Health and Wellbeing Board, although the operation of the Board is administered by Dover District Council's Democratic Support team. As such the two Dover District Council members appointed to it are outside the scope of this report.

3. Identification of Options

- 3.1 Option 1 – To adopt the recommendations as set out in this report.
- 3.2 Option 2 – To not adopt the recommendations set out in the report and make an alternative proposal within the statutory framework.

4. Evaluation of Options

- 4.1 Option 1 is the preferred option as this would maintain the current arrangements with minor alterations.
- 4.2 Option 2 is not the preferred option as the allocation of seats set out in the report represents the best method of fulfilling the principles set out in paragraph 2.3 of the report. In the event that the Council wishes to make variations to the allocation that are contrary to the principles of political balance it would require the unanimous approval of Council.

5. Resource Implications

- 5.1 None.

6. Appendices

Appendix 1 – Summary of the Proposed Allocation of Seats (60 Ordinary Seats)

7. Background Papers

Localism Act 2011
Local Government Act 1972
Local Government and Housing Act 1989
Local Government Act 2000
Licensing Act 2003
Local Government and Public Involvement in Health Act 2007

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

**Allocation of Seats
Political Balance Arrangements
Local Government & Housing Act 1989**

65 ORDINARY COMMITTEE SEATS

Ordinary Committees

Total Membership of Committees:

Scrutiny (Policy & Performance) Committee	10 on 1 Committee	= 10
Scrutiny (Community & Regeneration) Committee	10 on 1 Committee	= 10
Planning Committee	10 on 1 Committee	= 10
Dover Joint Transportation Board	7 on 1 Committee	= 07
Governance Committee	6 on 1 Committee	= 06
Regulatory Committee	5 on 1 Committee	= 05
General Purposes Committee	5 on 1 Committee	= 05
Standards Committee	7 on 1 Committee	= 07
Electoral Matters Committee	5 on 1 Committee	= 05
Total Number of Seats on Committees		= 65

Membership of Political Parties as a % of Total Membership

	Number	PCT%
Conservative	25	55.56
Labour	17	37.78
UKIP	3	6.67
Total	45	100.00

Overall Entitlement to Seats

Conservative	55.56% of 65 seats equals 36.1111	Equals	36 seats
Labour	37.78% of 65 seats equals 24.5556	Equals	25 seats
UKIP	6.67% of 65 seats equals 4.3333	Equals	4 seats
Total			65

Allocation of Seats

The initial allocation of seats based on the principles of proportionality allocates 67 out of the 65 seats (38 Conservative Seats, 26 Labour Group seats and 3 UKIP seats). Having allocated seats to committees in accordance with the political balance rules any seats remaining unallocated are allocated to the group with the nearest whole number having regard to the overall proportionality (where possible).

Scrutiny (Policy and Performance) Committee (10 Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	5.5556 seats	Equal to	6
Labour	37.78%	Equals	3.7778 seats	Equal to	4
UKIP	6.67%	Equals	0.6667 seats	Equals to	1
Unallocated Seats					0
Total					11

The initial allocation based on proportionality allocates 11 of the 10 seats.

As the Conservative Group has the smallest whole number rounding (.5556 as opposed to .7778 and .6667 respectively) it is proposed that an adjustment be made to reduce the Conservative Group seats by -1 to 5 seats.

The proposed allocation of seats is therefore 5 Conservative, 4 Labour and 1 UKIP (total of 10 seats).

Scrutiny (Community & Regeneration) Committee (10 Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	5.5556 seats	Equal to	6
Labour	37.78%	Equals	3.7778 seats	Equal to	4
UKIP	6.67%	Equals	0.6667 seats	Equals to	1
Unallocated Seats					0
Total					11

The initial allocation based on proportionality allocates 11 of the 10 seats.

As the Conservative Group has the smallest whole number rounding (.5556 as opposed to .7778 and .6667 respectively) it is proposed that an adjustment be made to reduce the Conservative Group seats by -1 to 5 seats.

The proposed allocation of seats is therefore 5 Conservative, 4 Labour and 1 UKIP (total of 10 seats).

Planning Committee (10 Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	5.5556 seats	Equal to	6
Labour	37.78%	Equals	3.7778 seats	Equal to	4
UKIP	6.67%	Equals	0.6667 seats	Equals to	1
Unallocated Seats					0
Total					11

The initial allocation based on proportionality allocates 11 of the 10 seats.

As the Conservative Group seat allocation now matches its overall entitlement with the adjustment to the 2 scrutiny committees, the remaining negative seat adjustment can be made. It is proposed that an adjustment be made to reduce the Labour Group seats by -1 to 3 seats.

The proposed allocation of seats is therefore 6 Conservative, 3 Labour and 1 UKIP (total of 10 seats).

Governance Committee (6 Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	3.3333 seats	Equal to	3
Labour	37.78%	Equals	2.2667 seats	Equal to	2
UKIP	6.67%	Equals	0.4000 seats	Equal to	0
Unallocated Seats					1
Total					6

There is an adjustment of seats required for this committee to allocate the remaining unallocated seat. At .4000 the entitlement for the UKIP group is the nearest whole number when rounded and fulfils the requirement for the remaining adjustment to meet the overall political entitlement of seats.

The proposed allocation of seats is therefore 3 Conservative, 2 Labour and 1 UKIP (total of 6 seats).

Dover Joint Transportation Board (7 DDC Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	3.8889 seats	Equal to	4
Labour	37.78%	Equals	2.6444 seats	Equal to	3
UKIP	6.67%	Equals	0.4667 seats	Equal to	0
Unallocated Seats					0
Total					7

The initial allocation based on proportionality allocates 7 of the 7 seats.

Regulatory Committee (5 Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	2.7778 seats	Equal to	3
Labour	37.78%	Equals	1.8889 seats	Equal to	2
UKIP	6.67%	Equals	0.3333 seats	Equal to	0
Unallocated Seats					0
Total					5

The initial allocation based on proportionality allocates 5 of the 5 seats.

General Purposes Committee (5 Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	2.7778 seats	Equal to	3
Labour	37.78%	Equals	1.8889 seats	Equal to	2
UKIP	6.67%	Equals	0.3333 seats	Equal to	0
Unallocated Seats					0
Total					5

The initial allocation based on proportionality allocates 5 of the 5 seats.

Electoral Matters Committee (5 Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	2.7778 seats	Equal to	3
Labour	37.78%	Equals	1.8889 seats	Equal to	2
UKIP	6.67%	Equals	0.3333 seats	Equal to	0
Unallocated Seats					0
Total					5

The initial allocation based on proportionality allocates 5 of the 5 seats.

Standards Committee (7 seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	3.8889 seats	Equal to	4
Labour	37.78%	Equals	2.6444 seats	Equal to	3
UKIP	6.67%	Equals	0.4667 seats	Equal to	0
Unallocated Seats					0
Total					7

The initial allocation based on proportionality allocates 7 of the 7 seats.

Member Appointments Falling Outside Of The Political Balance Rules**(a) The Licensing Committee**

The Political Balance Rules do not apply to this Committee. In accordance with previous practice it is suggested that the following should be appointed:

Licensing Committee (15 Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	8.3333 seats	Equal to	8
Labour	37.78%	Equals	5.6667 seats	Equal to	6
UKIP	6.67%	Equals	1.0000 seats	Equal to	1
Total					15

(b) The East Kent Shared Services Committee

If proportionality were to be applied to this committee then it would split the seats between the two largest political groups. However, as the committee has no requirement to be politically balanced and the terms of reference of the committee require the appointment to be the Leader and Deputy Leader of the Council (as well as the Leader and Deputy Leader for Canterbury City Council and Thanet District Council), the appointments should be made as per the terms of reference.

The East Kent Shared Services Committee (2 seats)

Political Group		
Conservative	Equal to	2
Labour	Equal to	0
UKIP	Equal to	0
Total		2

(c) Other Bodies – Advisory Bodies Not Open to Public*Joint Staff Consultative Forums (5 seats)*

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	2.7778 seats	Equal to	3
Labour	37.78%	Equals	1.8889 seats	Equal to	2
UKIP	6.67%	Equals	0.3333 seats	Equal to	0
Unallocated Seats					0
Total					5

Joint Health, Safety and Welfare Consultative Forums (5 seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	2.7778 seats	Equal to	3
Labour	37.78%	Equals	1.8889 seats	Equal to	2
UKIP	6.67%	Equals	0.3333 seats	Equal to	0
Unallocated Seats					0
Total					5

Subject: CALENDAR OF MEETINGS 2015/16

Meeting and Date: Council – 20 MAY 2015

Report of: David Randall, Director of Governance

Classification: Unrestricted

Purpose of the report: The Constitution requires that the Calendar of Ordinary Meetings be set at the Annual Meeting of the Council.

Recommendation: Council is requested to ratify the Calendar of Ordinary Meetings for 2015/16.

1. Summary

In order to provide Members, Officers, other partner local authorities and the general public with as much notice as possible, a provisional Calendar of Meetings is presented to the Council in January each year prior to its final ratification at the Annual Meeting of the Council.

2. Introduction and Background

2.1 The Calendar of Ordinary Meetings for 2015/16 is based on a 6-8 week cycle that commences with a meeting of the Cabinet and ends with a meeting of the Council. In between those two points all other committee business takes place.

2.2 Wherever possible efforts have been made to avoid school holiday dates and political party conferences although this has not always been achievable.

2.3 Since the provisional Calendar was considered in January 2015, there have been two amendments made at the request of the Leader of the Council to alter the June 2015 and July 2015 Cabinet dates by one week each.

2.4 It should be emphasised that the calendar set out in Appendix 1 only applies to Committees with scheduled meetings. It does not apply to any Committees that are called on an ad-hoc basis as business warrants, such as the General Purposes Committee.

3. Identification of Options

3.1 There are three options available to the Council:

3.2 Option A – To approve the Calendar of Ordinary Meetings for 2015/16 as set out in Appendix 1.

3.3 Option B – To approve the Calendar of Ordinary Meetings for 2015/16 with amendments.

3.4 Option C – To not approve the Calendar of Ordinary Meetings for 2015/16.

4. Evaluation of Options

- 4.1 The recommended option is Option A as this supports the existing decision route cycle and avoids wherever possible school holidays.
- 4.2 Options B and C are not recommended as it may require adjustments to the existing decision route cycle.
- 4.3 In the event that any Member wishes to propose Option B, thereby changing the provisional Calendar of Meetings, they are asked to contact the Head of Democratic Services or the Team Leader – Democratic Services prior to the date of the meeting at which this report is considered in order that the feasibility of rearranging the meeting can be established.

5. **Resource Implications**

There are no resource implications arising from this report as set out. However, if significant changes were to be made to the Calendar of Meetings then this may need to be re-evaluated.

6. **Appendices**

Appendix 1 – Calendar of Meetings 2015/16

7. **Background Papers**

None.

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

CALENDAR OF COUNCIL MEETINGS 2015/16

Committee	Start at (A)	2015								2016				
		May (J)	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May (K)
Cabinet	11.00 am		15	13		7	5	2	7	11	1 ^(E) 29 ^(H)	7	11	9
Council	6.00 pm	20 ^(A)		22		30		25		27 ^(C)		2 ^(M)		18 ^(A)
Dover Joint Transportation Board	6.00 pm		4			10			10		18		14	
Governance Committee	6.00 pm		18			24 ^(D)			3			24		
Licensing Committee	5.00 pm		2 ^(L)	22				25				2		
Planning Committee	6.00 pm	28	25	23	20	17	22	19	17	21	25	17	21	26
Regulatory Committee	10.00 am		9			8			1		2		12	
Scrutiny (Community & Regeneration) Committee	6.00 pm		17	15		16	14	18	16	20	10	23	20	25
Scrutiny (Policy & Performance) Committee	6.00 pm		16	14		15	13	17	15	19	9 ^(F)	22	19	24
South Kent Coast Health and Wellbeing Board	3.00 pm		23			22		24		26		15		17
Standards Committee	10.00 am			15			7			13			6	
Joint Staff and Health & Safety Consultative Fora ^(G)	2.30 pm			29			21			13			13	
Scrutiny Call-In Meetings ^(I)	6.00 pm		23	21		22	27	24	*	5 26	23	*	26	*
Publication of Notice of Forthcoming Key Decisions	N/A	8	5	3	7	4	2	6	7 24	29	5	11	8	


Footnotes

- (A) Denotes the Annual General Meeting of Council.
- (B) All meetings generally commence at the times indicated but are subject to change
- (B) Denotes Budget and Council Tax Setting Meeting.
- (C) Council Tax Base.
- (D) Final Accounts.
- (E) Budget and Medium-Term Financial Plan.
- (F) Budget Scrutiny Meeting.
- (G) Denotes that these meetings are not open to the public.
- (H) Meeting to consider the scrutiny committee's budget recommendations.

- (I) These meetings will not be held unless an Executive decision is called in by the Chairman or Spokesperson of the Scrutiny (Policy & Performance) Committee or 3 members of the Council request a Call-In.
- (J) The date for the ordinary election of the Council is **Thursday 7 May 2015**.
- (K) The Kent Police and Crime Commissioner election is currently scheduled for **Thursday 5 May 2016**.
- (L) This meeting will appoint the number and composition of Licensing Sub-Committees.
- (M) To receive the recommendations of the Scrutiny (Policy & Performance) Committee in respect of the Budget and Medium Term Financial Plan.

CALENDAR OF COUNCIL MEETINGS 2015/16

These meetings will be held at the Council Offices, White Cliffs Business Park, Dover CT16 3PJ unless otherwise indicated

Access to Meetings and Information	Democratic Support
<p>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.</p> <p>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.</p> <p>Agenda papers are published five clear working days before the meeting and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Alternatively, a limited supply of agendas will be available at the meeting, free of charge.</p> <p>All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. The Council's website contains copies of most minutes and agendas from 2001 onwards.</p> <p>In addition to the Council's website, agendas and minutes can be downloaded to an Apple iPad or Android Device using the modern.gov App from the appropriate App Store and selecting Dover District Council from the list of authorities.</p>  <p>The reporting of meetings by social media, photography and/or use of audio/visual recording devices is permitted at Council, Cabinet and Committee meetings that are open to the public in accordance with the provisions of the Openness of Local Government Bodies Regulations 2014. We would ask that if you wish to take photographs or use any means of audio/visual recording you notify Democratic Services as a courtesy in advance of the meeting.</p> <p>Requests to speak at Council meetings where public speaking is permitted should be sent to:</p> <p>Democratic Services Telephone: (01304) 872303/872304/872305 Fax: (01304) 872452 Email: democratic.services@dover.gov.uk</p>	<p>The Director of Governance is David Randall.</p> <p>The Head of Democratic Services is Louise Cooke.</p> <p>If you require any further information about the contents of a Committee agenda or your right to gain access to agendas and minutes held by the Council, please contact a member of the Democratic Support team:</p> <p>Rebecca Brough Team Leader - Democratic Support Telephone: (01304) 872304 Email: rebecca.brough@dover.gov.uk</p> <p>Kate Batty-Smith Democratic Support Officer Telephone: (01304) 872303 Email: kate.batty-smith@dover.gov.uk</p> <p>Jemma Duffield Democratic Support Officer Telephone: (01304) 872305 Email: jemma.duffield@dover.gov.uk</p> <p>Diana Dugard Democratic Support Assistant (Leader and Chairman of the Council) Telephone: (01304) 872003 Email: diana.dugard@dover.gov.uk</p>

Subject: ANNUAL REPORT OF OVERVIEW AND SCRUTINY

Meeting and Date: Annual Council – 20 MAY 2015

Report of: David Randall, Director of Governance

Decision Type: Non-Key

Classification: Unrestricted

Purpose of the report: Under the Council's Constitution an Annual Report of Overview and Scrutiny is required to be presented to the Annual Meeting of the Council.

Recommendation: That Members note the report.

1. Summary

This report summarises the achievements of the Council's two Overview and Scrutiny Committees for the period 1 April 2014 to 31 March 2015.

2. Introduction and Background

3. Article 6 of the Constitution requires that an annual report be presented to Council on the workings of Overview and Scrutiny Committees, their future work programmes and any proposed amendments to working methods. Accordingly, the attached report provides the following information:

- (a) Statement by the Monitoring Officer.
- (b) Performance Review Statistics.
- (c) Future Work Programmes.
- (d) Amendments to Current Practices.

4. Identification of Options

- 4.1 To note the report.
- 4.2 To not note the report.

5. Evaluation of Options

5.1 The annual report on the activity of the Overview and Scrutiny Committees is for note. A sound governance arrangement, including an effective scrutiny process, underpins the achievement of all the Council's corporate objectives.

6. Resource Implications

6.1 None from this report

7. Appendices

Appendix 1 – Annual Report of Overview and Scrutiny Committee 2014/15

8. **Background Papers**

8.1 Agenda items of the Scrutiny (Policy & Performance) Committee 2014/15

8.2 Agenda items of the Scrutiny (Community & Regeneration) Committee 2014/15

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



Annual Report 2014/15

Overview and Scrutiny

Contents

1. **Monitoring Officer Statement**
2. **Roles and Responsibilities**
3. **Performance Review**
4. **Work Programme**

Monitoring Officer Statement

- 1.1 Article 6 of the Constitution requires that an annual report be presented to Council on the workings of Overview and Scrutiny Committees, their future work programmes and any proposed amendments to working methods. Accordingly, this report provides the following information:
- (a) Statement by the Monitoring Officer.
 - (b) Performance Review Statistics.
 - (c) Future Work Programmes.
 - (d) Amendments to Current Practices.
- 1.2 As the Monitoring Officer, I am satisfied that the statutory overview and scrutiny function is operating effectively and has been properly and lawfully exercised in accordance with the Constitution. In particular, the following parts of the overview and scrutiny function have been effectively delivered:
- (i) The Council has operated two Scrutiny Committees (the law requires one or more).
 - (ii) Work Programmes have been set and approved and carried out and reported to the Council.
 - (iii) More than 12 ordinary meetings in total of Overview and Scrutiny Committees have been held during the year.
 - (iv) Policy review and development has been undertaken in accordance with the Budget and Policy Framework Procedure Rules.
 - (v) Reports from Overview and Scrutiny Committees to the executive have been considered by the executive within 4 weeks.
 - (vi) Overview and Scrutiny Committees have exercised call-in.
 - (vii) The urgency procedures have been properly exercised and reported.
 - (viii) Officers and Members have attended Scrutiny Committees to give evidence when required.
- 1.3 The scrutiny function has operated in accordance with guidelines/protocols to assist in respect of:
- (a) The call-in procedure;
 - (b) Chairman's procedure for key question setting and chairmen's meetings;
 - (c) The key stages for topic reviews;
 - (d) Public submission of topics for review;
 - (e) Petitions
 - (f) Public speaking at committee; and
 - (g) Officer support.
- 1.4 The Scrutiny Co-ordination Sub-Committee was established to act in a co-ordination role for work programmes and scrutiny reviews and is called as necessary.

David Randall

Director of Governance and Monitoring Officer

The Role and Responsibilities of Scrutiny

- 2.1 The overview and scrutiny function is central to the constitution of the Council. It should act to promote accountability and transparency within the decision-making process.
- 2.2 The key agreed local principles forming the foundation of the overview and scrutiny function at Dover District Council are as follows:
- The focus for scrutiny must be based upon the achievement of outcomes rather than upon process and procedures in order to develop a function that can make a real difference to the Council and the district.
 - That Overview and Scrutiny be positive, objective and constructive, seeking to add value to any service that it considers. Scrutiny should acknowledge good practice where found and recommend improvements where necessary.
 - It is essential that the Council has an active and challenging scrutiny function that reflects corporate priorities regarding the provision of services.
- 2.3 The Council has two Overview and Scrutiny Committees – the Scrutiny (Policy and Performance) Committee and the Scrutiny (Community and Regeneration) Committee. The Scrutiny (Policy and Performance) Committee is predominantly customer focused, providing overview on the exercise and delivery of council services and functions. In contrast, the Scrutiny (Community and Regeneration) Committee is community focused, considering the impact of service delivery across the whole of the public and private sector on the local community.
- 2.4 The Overview and Scrutiny Committees are responsible for discharging the functions, some of which are conferred by legislation, in relation to the following matters:

Scrutiny (Policy and Performance) Committee

- (a) Budget and Major Policy
- (b) Call-in
- (c) Performance Monitoring and Improvement
- (d) Scrutiny Co-ordination (including the allocation of all overview and scrutiny functions not within the specific remit of the Scrutiny (Community and Regeneration) Committee)
- (e) Petitions referred to the scrutiny committees

Scrutiny (Community and Regeneration) Committee

- (a) Community Reviews and Accountability
- (b) Public Health
- (c) Major Projects
- (d) Crime and Disorder

Policy Development and Review

- 2.5 The Overview and Scrutiny Committees exercise the following functions in respect of policy development and review:
- (a) Assist the Council and the executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
 - (b) Conduct research and undertake community and other consultation in the analysis of policy issues and possible options;
 - (c) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - (d) Question members of the Executive and/or Committees and chief officers about their views on issues and proposals affecting the area; and
 - (e) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that collaborative working enhances the interests of local people.

Overview and Scrutiny

- 2.6 The Overview and Scrutiny Committees will within their terms of reference:
- (a) Review and scrutinise the decisions made by and performance of the Executive and/or Committees and Council officers both in relation to individual decisions and over time;
 - (b) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - (c) Consider any matter affecting the area or its inhabitants;
 - (d) Reconsider decisions made but not yet implemented by the Executive (following the exercise of the right of call-in).
 - (e) Question members of the Executive and/or Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or relation to particular decisions, initiatives or projects;
 - (f) Make recommendations to the Executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
 - (g) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and
 - (h) Question and gather evidence from any person (with their consent). Overview and Scrutiny Committee have powers conferred by legislation in

respect of requiring certain bodies such as the Executive or Community Safety Partnership members to attend for the purpose of providing evidence in respect of their functions.

Performance Review

- 3.1 If overview and scrutiny is to be successful it needs to achieve tangible outcomes. These can be achieved through influencing executive decision-making – whether through scheduled scrutiny through the work programme or call-in, influencing partners and outside bodies or raising awareness of issues with members of the council and the wider public.

Structure

- 3.2 Dover District Council maintains a multiple scrutiny committee model. The number of scrutiny committees maintained by the Council is in line with the national district council average of two scrutiny committees.

Scrutiny Recommendations

- 3.3 During the year a number of recommendations have been made by Scrutiny Committees to Cabinet and Council, and a summary of the outcomes is shown below:

Overview	Executive Business	Council Business	Total
Number of Scrutiny Recommendations	18	1	19

Executive Business	Approved	Amended	Rejected	Total
Number of Scrutiny Recommendations	18	0	1	19

Council Business	Approved	Amended	Rejected	Total
Number of Scrutiny Recommendations	1	0	0	1

- 3.4 The average approval level of recommendations from Scrutiny (both committees) by Cabinet was 94% (against a target of 80%) and by Council was 100% (against a target of 80%).

Frequency of Meetings

- 3.5 There have been a total of 13 meetings of the Scrutiny (Community and Regeneration) Committee (plus 2 key question setting meetings) and 13 meetings of the Scrutiny (Policy and Performance) Committee (plus 1 key question setting meeting) held during the municipal year. There have been no simultaneous co-located meeting of both scrutiny committees during the year.

Call-In

- 3.6 There has been 1 Executive Decisions called-in for scrutiny during the course of the municipal year, relating to Lifting of Overage Clauses at Station Field, Aylesham which was called-in by Councillor K Mills at the request of the Chairman of the Scrutiny (Community and Regeneration) Committee, Councillor Jim Hood.
- 3.7 It should be emphasised that the number of times the call-in power is exercised has no direction correlation with the efficiency of the Council's overview and scrutiny functions. For example, the use of programmed scrutiny in the decision-making process can ensure that Overview and Scrutiny Committees have less need to call-in

an item having already had the opportunity to express a view on a matter to the decision-maker.

Public Speaking at Overview and Scrutiny

- 3.8 The Council adopted a protocol for public speaking during the municipal year 2008/09. The conclusion drawn from the exercise of the public speaking protocol to date is that when combined with the power for members to request that items be added to the agendas of Overview and Scrutiny Committees it does provide a method by which members of the public can directly express their views to decision-makers. During the last municipal year no members of the public have registered to speak relating to an issue before a Committee. However, the Scrutiny (Policy and Performance) Committee has on several occasions allowed by resolution for members of the public in attendance to speak on matters relating to the Dover Town Investment Zone, including at the special meeting held in July 2014.

Scrutiny Agenda Setting

- 3.9 In accordance with Constitution any member of the Council can nominate an item within the remit of a scrutiny committee for the agenda, although the committee does not have to include any suggestions in its work programme. The Scrutiny (Policy and Performance) Committee included one item in its work programme that was suggested by a non-committee member (Council Tax Performance by Councillor B Gardner).

Public Petitions

- 3.10 The Scrutiny (Policy and Performance) Committee has received 3 petitions (out of a total of 6 submitted to the Council) during the preceding municipal year. The petition concerning the Dover Town Investment Zone (DTIZ) was initially referred to Council by virtue of the number of signatures and at the request of the petition organiser.
- 3.11 As it has been over four years since the current petition scheme was introduced and following changes to the statutory guidance underpinning the current scheme by the Coalition Government, a review of the petition scheme will be undertaken during the municipal year 2015/16.
- 3.12 The Scrutiny (Policy and Performance) Committee usually acts as the committee to receive petitions referred to Members by the Head of Democratic Services. The petitions received by the Committee during the last year were as follows (all petition text as per the petition document):

Petition Title	Dover Town Investment Zone
Petition	“We the undersigned petition the council to , in the persons of a) the Leader and Cabinet, b) the Scrutiny Committee and c) the Chief Executive and the Head of Regeneration, call a public meeting and present , within 8 weeks of the closure of this petition, a full and detailed summary of costs incurred, progress made and forward plans to secure the completion of the Dover Town Investment Zone. The presentation should allow questions from the floor without notice and provide full disclosure of status, costs (capitalised and expensed), plans, accountabilities, timeframes and reasons for past inabilities to deliver. We respect the existence of certain commercial in confidence factors which should not be used as a shield to full and proper disclosure.”
Signatures	2070 (mix of e-petition and paper)

Petition Dates 16/01/2014 to 22/05/2014 (changed from 15/01/2015)
Committee Date 14 May 2014 (Council) & 23 June 2014 (Discovery Centre)
Action Taken A meeting was held by the Scrutiny (Policy and Performance) Committee at the Discovery Centre – located close to the DTIZ site – on 23 June 2015. The Committee resolved to allow members of the public to ask questions of representatives from the Council and the Developer.

Since that meeting the Scrutiny (Policy and Performance) Committee has met with the Head of Inward Investment on several occasions to follow up on the progress.

Petition title Walmer Beach Huts
Petition "We the undersigned petition the council to reduce the number of beach huts on the beach opposite the Sea View Café on Walmer Green."
Signatures 459 (paper petition)
Petition Dates Petition received
Committee Date n/a
Action Taken The petition was withdrawn prior to consideration by the Committee.

Petition Title No to a badger cull on council land
Petition "We the undersigned petition the council to call on Dover District and surrounding areas owned by the council to prohibit the culling of badgers on council-owned land and invest in vaccination programmes locally. We ask this because we believe culling to be inhumane, inefficient and unscientific."
Signatures 69 (e-petition)
Petition Dates 11 March 2014
Committee Date
Action Taken Acknowledging the comments of the Director of Environment and Corporate Assets that the Council had no intentions to conduct a cull and that it wasn't legally permissible anyway, the Committee requested a report on additional information to be made to a future meeting.

Petition Title Swim School Programme – Tides Leisure Centre, Deal
Petition "This petition, signed by 237 parents (representing 472 children) who are clients of the swim school programme at Tides Leisure Centre in Deal, is to express our displeasure at the proposed changes to times of our children's swimming lessons and/or the obligation to take lessons during the school holidays. Some parents also feel that by closing the swimming pool at Tides between 5 and 7pm during the school holidays, as is proposed, to accommodate the swim school, will affect not only Tides members, but all those in the town and the area who use the pool for leisure. This is particularly important because the general public associate the pool at Tides, in contrast to Dover, as a leisure/holiday pool, because of its design."
Signatures 237 (Paper Only)
Petition Dates Petition received

Committee Date	13 January 2015 and on-going
Action Taken	The Committee has met with representatives of Your Leisure to discuss the consultation being undertaken in respect of Swim School. A further meeting will be held to follow up on the outcome of the consultation.
Petition Title	Lighting to Seven Post Alley, Sandwich
Petition	"We the undersigned petition the council to We the undersigned petition the Council to reinstate the lamp standard at the High Street end of Seven Post Alley for reasons of security and safety."
Signatures	119 (Paper Only)
Petition Dates	Petition Received 02/02/2015
Committee Date	n/a
Action Taken	Petition withdrawn prior to consideration by the Committee
Petition Title	Petition for Repairs and Improvements to Deal Tides Skatepark
Petition	"We the undersigned petition the council to Provide at the site of Deal Skatepark at Tides Leisure Centre the following: -Bins that are fit for purpose (i.e. metal or concrete with metal liners) - Repairs to lighting surrounding the Skatepark - General repairs to the ramps - Some form of shelter from rain and harsh weather (a covering over the seating area for example) - A drinking fountain"
Signatures	0 (E-Petition only)
Petition Dates	23/12/2014 to 23/03/2015
Committee Date	Not Applicable
Action Taken	As the petition did not achieve any signatures no action was taken.

3.13 Where petitions are withdrawn, this may be due to the petition being resolved by other measures such as direct discussions with officers.

Budget Scrutiny

3.14 The Scrutiny (Policy and Performance) Committee conducted its scrutiny of the budget at its 10 February 2015 meeting. The Committee received a detailed briefing from the Director of Finance, Housing and Community prior to setting its key questions.

Work Programme

4.1 Each Committee has developed a one-year work programme and scrutinised a number of issues.

Committee	Major Items within Work Programme
Scrutiny (Community and Regeneration) Committee	(*) Denotes work initiated by the Committee from its work programme
<p>Items considered during the course of the year include:</p> <ul style="list-style-type: none"> • Council's newsletter* • Council Motion on Live Animal Exports (led to a Review) • Tenant representative arrangements • Lifting of overage clauses at Station Field, Aylesham • Crime and Disorder Update (x2) • District Regeneration Update (x2) • Homelessness Strategy • 	

Committee	Major Items within Work Programme
Scrutiny (Policy and Performance) Committee	All Budget and Policy Framework Items and Selected Key Decisions within the Forward Plan
<p>(*) Denotes work initiated by the Committee from its work programme</p> <p>Items considered during the year include:</p> <ul style="list-style-type: none"> • Council budget and medium term financial plan • Petitions • Performance Report (x4) • Appointment of a representative on the LDF • Demolition of Centurion House and Future Plans for a 'Pay and Display' Car Park • Regeneration Communication Report • Review of On and Off-Street Parking Period • Badger Culling Petition – Follow Up Report* • Performance Report Targets • Kent Minerals and Waste Local Plan • Aycliffe Play Area • Sheltered Housing Service Review • Western Heights • Public Spaces Protection Order Consultation • Parking Strategy Review • Resident's Parking Permits* • Procurement of a Payroll System • DDC Annual Monitoring Report • Review of On and Off Street Parking Charges 	

Committee	Major Items within Work Programme
<ul style="list-style-type: none"> • Performance of Council Tax Service* • Playing Pitch and Outdoor Sports Facility Strategy • Dover Leisure Centre 	

4.2 There have been several external organisations or community groups involved in scrutiny (either as an interviewee or by providing documentary evidence) during the municipal year 2014/15, and in particular as part of the Review of Live Animal Exports and the DTIZ scrutiny.

4.3 Any items not completed during the 2014/15 work programmes will be presented to the first meeting of the Committee in 2015/16 for consideration in the rolling work programme.

4.4 The work programmes are subject to regular review by the individual Scrutiny Committees and possible revision in liaison with the Scrutiny Co-ordination Sub-Committee having regard to the corporate objectives and priorities, public consultation, and other events that may require the Scrutiny Committees to reappraise their work programmes.

New Legislation

4.5 Any new legislation affecting overview and scrutiny will be considered and implemented as required.



Annual Report 2014/15

Report of the Standards Committee

Contents

1. **Foreword**

Introduction on behalf of the Standards Committee by the Chairman

2. **Comment by the Monitoring Officer**

The view of the Monitoring Officer

3. **The Role of the Standards Committee**

An explanation of the role of the Standards Committee

4. **Local Assessment of Complaints**

Assessment of complaints received in 2014/15

Foreword by the Chairman

This has been the second full year of operation of the Standards regime introduced in 2012, and I am pleased to report that the system continues to work well.

Following changes adopted by Council in January 2014, including a provision which allows Members to declare non-financial interests, the Model Code of Conduct has been regularly reviewed in order to ensure that it remains fit for purpose. The ability to declare a non-financial interest was welcomed by Members and has been utilised on several occasions to ensure transparency in decision-making.

I would like to take this opportunity to thank the Monitoring Officer and his Deputy for all their hard work during the past year. I would also like to thank Bernard Dowley, the Independent Person, and Andrew Hayes, his substitute, who, as always, have fulfilled their roles with enthusiasm and professionalism.

I am pleased to commend this Annual Report of the Standards Committee to the Council.

Councillor Bernard Butcher
Chairman of the Standards Committee

Comment by the Monitoring Officer

This report summarises the achievements of the Standards Committee of Dover District against its Terms of Reference for the period 1 April 2014 to 31 March 2015.

Since changes to the Model Code of Conduct were adopted by Council in January 2014, we have continued to keep the Code under review through the Kent Secretaries working group. The group is due to meet in the Spring to look at several matters, including pre-hearing protocols and the time limit on submitting complaints. Looking forward to 2015/16, the local elections on 7 May will mean a busy start to the year in terms of providing Code of Conduct training for newly elected Members to ensure that high standards of conduct are maintained.

The new arrangements continue to operate effectively, and I am very grateful to Harvey Rudd, the Deputy Monitoring Officer; the Complaints and Corporate Resilience Officer; the Democratic Support team; Bernard Dowley, the Independent Person, and Andrew Hayes, the Deputy Independent Person, for all their support during 2014/2015.

Mr David Randall

Director of Governance and Monitoring Officer

The Role of the Standards Committee

ROLE AND RESPONSIBILITIES

2.1 The primary responsibility of the Standards Committee is to promote and maintain high standards of conduct amongst the 45 members of Dover District Council and (up to) 317 members of Town and Parish Councils in the District.

2.2 The principal functions of the Standards Committee are as follows:

- To promote and maintain high standards of conduct by District Councillors, Town and Parish Councillors and Co-Opted Members.
- To advise the District Council on the adoption of or revisions to its Code of Conduct.
- To monitor the effectiveness of the Code of Conduct and to review and manage the arrangements for dealing with Code of Conduct complaints.
- To maintain oversight of the District Council's arrangements for dealing with Code of Conduct complaints.
- To monitor complaints handling and Ombudsman investigations and to make payments or provide other benefits in cases of maladministration.
- To advise, train or arrange to train District Members, Co-opted Members and Town and Parish Councillors on matters relating to the Code of Conduct.
- To act as an advisory body in respect of any ethical governance matter and to advise on local ethical governance protocols and procedures.
- To appoint a Hearing Panel to deal with Code of Conduct complaints, following investigation.
- To deal with any alleged breaches by Members of local protocols adopted by the Council including the Protocol for Good Practice in Planning Procedure and the Protocol for Officers and Members for Dealing with Conflicts of Interest of Councillors in Professional Practice.

CODES AND PROTOCOLS

2.3 In addition to the above, the work of the Standards Committee also impinges upon the following codes and protocols of Dover District Council:

- Members' Kent Model Code of Conduct
- Members' Protocol for Good Practice in Planning Procedures
- Protocol for Relationships between Members and Officers of a Local Authority
- Protocol for Officers and Members for Dealing with Conflicts of Interest of Councillors in Professional Practice

MEMBERSHIP OF THE COMMITTEE

2.4 The Standards Committee is a group appointed by the Council to help maintain and promote high ethical standards in both the District Council and Town and Parish Councils in the District. The Committee comprises seven District Councillors.

2.5 The membership of the Standards Committee for 2014/15 was as follows:

Councillor B W Butcher
Councillor S C Manion
Councillor M A Russell
Councillor J M Smith

Councillor L A Keen
Councillor K Mills
Councillor C J Smith

The Standards Committee can only draw substitute District Councillors from the pool of named substitutes appointed by Council.

OFFICERS WHO SUPPORT THE STANDARDS COMMITTEE

2.6 The Standards Committee receives support from the Monitoring Officer (Director of Governance), the Solicitor to the Council (who is also the Deputy Monitoring Officer) and the Complaints and Corporate Resilience Officer. In addition, Democratic Support Officers support the Standards Committee and the activities of the Monitoring Officer as necessary.

2.7 The Monitoring Officer is a statutory appointment whose responsibility is to ensure the lawfulness and fairness of Council decision-making. The Monitoring Officer serves as the guardian of the Council's Constitution and ethical standards. As part of this the Monitoring Officer works closely with the Standards Committee to assist it in the role of promoting and maintaining high standards of conduct amongst Members of the District Council and Town and Parish Councils in the District.

STANDARDS ARRANGEMENTS

2.8 Having worked closely with other authorities in Kent, this Council adopted the Kent Model Code of Conduct on 26 June 2012 which prescribes the conduct that is expected of Members and co-opted Members of the authority when acting in that capacity. Provisions relating to registration and disclosure of pecuniary interests are included in the Code, with failure to register a pecuniary interest within 28 days of election or becoming aware of the interest being a criminal offence. The Code is also consistent with Nolan's Seven Principles of Public Life, i.e. selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Under the new regulations, the Monitoring Officer is required to establish and maintain a register of interests of Members and co-opted Members of the local authority and parishes in the authority's area.

2.9 Following the abolition of Standards for England on 31 March 2012, this authority assumed responsibility for dealing with and investigating all complaints relating to breaches of the Code, including those made against Parish Councillors in this district. Specific responsibility for assessing alleged breaches of the Code rests with the Monitoring Officer, in consultation with the Independent Person (appointed by Council on 25 June 2012). The Monitoring Officer is able to consider whether the complaint can be resolved informally at any stage. However, if the Monitoring Officer, in consultation with the Independent Person, considers that the complaint merits investigation, he will appoint an investigation officer to undertake the

investigation. Once the investigation has concluded, the Monitoring Officer may consider that informal resolution is appropriate. Alternatively, he may convene a meeting of the Hearing Panel (comprising members of the Standards Committee) to determine the outcome of the complaint. The range of sanctions that can be applied is limited, and the Hearing Panel has no powers to suspend or disqualify or to withdraw the allowances of the Member who is the subject of the complaint.

- 2.11 When adopting the new Code of Conduct, the Council requested that the Code and associated arrangements be kept under review. A working group of the Association of Kent Secretaries was established for this purpose and recommended revisions to the Code to Council in January 2014. These included the amendment of the definitions of 'Associated Person' and 'Member'. More significantly, the group also recommended that Members should be able to declare interests which are not financial or regulatory in nature in accordance with Nolan's Seven Principles of Public Life. This latter recommendation was made partly because, during the first year of operation of the new arrangements, a significant number of Members had, on several occasions, felt the need to make disclosures at meetings in the interests of transparency, even though these did not fall into the Disclosable Pecuniary Interest or Other Significant Interest classifications. Council duly adopted these changes and the Code now makes provision for Members to make a Voluntary Announcement of Other Interests.

2014/15 ACTIVITIES

(a) Corporate Complaints

- 2.12 The Standards Committee has a responsibility to oversee the Council's Corporate Complaints Procedures. The period 1 April 2014 to 31 March 2015 has seen 138 corporate complaints received by the Council, the same number as the previous financial year.
- 2.13 The Local Government Ombudsman received 29 complaints and enquiries against the Council during the 2013/14 municipal year compared to 21 complaints received in 2012/13. Of those complaints and enquires, three were upheld. Data relating to the municipal year 2014/15 will be available from the Local Government Ombudsman in due course.

(b) Training

- 2.14 No training sessions were held during 2014/15, but training on the Code of Conduct will be provided for new Members following the local elections on 7 May 2015.

(c) Dispensations

- 2.15 Section 33 of the Localism Act 2011 gives powers to the Monitoring Officer to grant dispensation to Members with a Disclosable Pecuniary Interest to participate in discussions and to vote. During the municipal year 2014/15 there were 44 requests for dispensation relating to the setting of Council Tax and the approval of the Council Budget and Members' Allowances which will apply until May 2015. There was one request for dispensation during the municipal year 2013/14 relating to the setting of Council Tax and the approval of the Council Budget and Members' Allowances.

(d) **Consultation**

2.16 The Standards Committee considered no consultations during the municipal year 2014/15.

2015/16 ACTIVITIES

(a) **Objectives**

2.17 The key objective for the Standards Committee in 2015/16 will be to ensure that Members elected on 7 May receive training on, and understand their obligations under, the Code of Conduct. In addition, the Committee will continue to review the operation of the Kent Model Code of Conduct and suggest areas for enhancement and further training.

Local Assessment of Complaints

- 3.1 The Localism Act 2011 represented a sea-change in the way that complaints are assessed by the Council, replacing the two sub-committees (Initial Assessment and Review) with a decision by the Monitoring Officer, taken in consultation with the Independent Person during a consideration meeting which is held in private.
- 3.2 The following information contains no details of the names of elected or co-opted members about whom complaints have been made, and is intended for use as a summary of activities only.

Complaints against Elected or Co-opted Members

- 3.3 The municipal year 2014/15 saw the Monitoring Officer receive 5 complaints. For comparison, the Monitoring Officer received 18 complaints during 2013/14. In addition, the Standards Committee Hearing Panel met once in public during 2014/15 to conduct a hearing into a complaint that had been the subject of an investigation.
- 3.4 The 5 complaints received in 2014/15 relate to members at 3 authorities.

Subject: ANNUAL REPORT OF THE GOVERNANCE COMMITTEE

Meeting and Date: Annual Council – 20 May 2015

Report of: David Randall, Director of Governance

Decision Type: Non-Key

Classification: Unrestricted

Purpose of the report: The Annual Report of the Governance Committee to be presented to the Annual Meeting of the Council on 20 May 2015

Recommendation: That Members note the report.

1. Summary

This report summarises the achievements of the Governance Committee against its Terms of Reference for the period 1 April 2014 to 31 March 2015 and details the impact that it has made on the overall system of internal control in operation for that period.

2. Introduction and Background

2.1 The purpose of the Council's Governance Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, provide an independent review of the Authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

3. Annual Report

3.1 The Annual Council meeting makes provision for the receipt of the Annual Report of the Governance Committee, detailing its work during the preceding year.

4. Identification of Options

4.1 To note the report.

4.2 To not note the report.

5. Evaluation of Options

5.1 The annual report on the activity of the Governance Committee is for note.

6. Resource Implications

6.1 None from this report

7. Appendices

Appendix 1 – Annual Report of the Governance Committee – 2014/15

8. **Background Papers**

8.1 Agenda items of the Governance Committee – 2014/15

Contact Officer: Jemma Duffield - Democratic Support Officer



Annual Report 2014/15

Governance Committee

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1. **Foreword**

Introduction by the Chairman on behalf of the Governance Committee.

Comment by the Director of Governance.

2. **Summary of the Role of the Governance Committee**

3. **Work undertaken by the Committee during 2014/15**

4. **Work Programme for 2015/16**

5. **Programme of meeting dates 2015/16**

6. **Leaflet – The Governance Committee**

A copy of a leaflet, for use by both members and non-members of the Committee giving guidance on the functions, role and activities of the Governance Committee.

Foreword by Chairman of the Committee

This report summarises the work of the Committee during the preceding year and concludes that once again it received clear, concise and relevant information together with timely reports and actions taken in response to Members' requests.

The Governance Committee continued to be assured of the integrity and reliability of data held in financial statements and the work undertaken by Internal and External Audit provided detailed assurance on those areas of the Council's work which were the subject of reports.

The assurances from the Director of Finance, Housing and Community, Director of Governance and Director of Environment and Corporate Assets and the work of Internal and External Audit together support the Committee in forming their opinion of the financial statements, enabling them to agree to sign them off in accordance with the regulations.

The submission of this Annual Report continues to enhance the effective communication between the Committee and all sections of the Council including the Executive, Statutory Officers, the Head of Internal Audit, External Audit and other stakeholders.

Councillor Trevor Bartlett
Chairman of the Governance Committee

Comment by Director of Governance

This report summarises the achievements of the Governance Committee against its Terms of Reference for the period 1 April 2014 to 31 March 2015 and details the impact that it has made on the overall system of internal control in operation for that period. In particular the Committee has effectively provided an independent assurance on the risk and control framework of this Council.

David Randall
Director of Governance and Monitoring Officer

The Role of the Governance Committee

The role of the Governance Committee is set out clearly in the Council's Constitution and is also presented in greater detail in the attached leaflet 'Membership of the Governance Committee: Guidance for Members and information for non-Members'. The six appointed members of the Council provide independent assurance of the adequacy of the risk management framework and the associated control environment together with independent review of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment. The Committee also oversees the financial reporting process by considering the final Statement of Accounts.

Work Undertaken During 2014/2015

1. The Accounts and Audit (England) Regulations 2011 require the Council to, at least annually, review the effectiveness of its System of Internal Control, and then publish a statement on internal control within the Annual Governance Assurance Statement. The Council's Corporate Management Team accepted the 2013/14 Annual Governance Assurance Statement and authorised the Chief Executive to sign it following consultation with the Council's S151 Officer and Monitoring Officer. On 2 June 2014 the Leader of the Council approved the 2013/14 Annual Governance Assurance Statement. The Statement included shared services such as East Kent Housing and EK Services in the Governance Framework.
2. During the year the Governance Committee received updates on progress against the agreed actions from the annual governance assurance process. The Committee was able to request service managers and, where necessary, the relevant portfolio holder to attend the committee to give an update on progress against agreed actions to reduce risk and/or improve governance.
3. The Committee considered the effectiveness of Internal Audit by reviewing the annual assessment of the Director of Finance, Housing and Community and Director of Governance (S151 Officer and Monitoring Officer), the view of External Audit; and the quality of reports, actions and follow up through the quarterly reports submitted throughout the year to Committee. The quarterly Internal Audit reports have included the following Council services or topics:

Audit Area	Assurance Level
Performance Management	Substantial
Main Accounting System	Substantial
EK Services – Housing Benefit Fraud	Substantial
EK Services – Housing Benefit Overpayments	Substantial
EK Services – Business Rates	Reasonable/ Limited
EK Services – ICT Change Controls	Limited
EK Services – Housing Benefit Quarterly Testing (Qtr 4 of 2013/14)	Not Applicable
Homelessness	Substantial/ Limited

Audit Area	Assurance Level
EKS – Debtors	Substantial
Monitoring of Complaints, Comments and Compliments	Substantial
East Kent Housing – Rent Collection & Debt Management	Reasonable
Employee Benefits-in-Kind	Limited
East Kent Housing – Tenant Health & Safety	Split Assurance
EKS – Housing Benefit Payments	Substantial
Anti-Money Laundering	Substantial
Contract Standing Order Compliance	Reasonable
HMO Licensing	Reasonable
White Cliffs Countryside and Up on the Downs Partnerships	Reasonable
Waste Management	Reasonable
Planning and s.106 Agreements	Substantial/ Limited/Limited
Safeguarding Children and Vulnerable Groups	Limited
Pest Control	Substantial
EK Services – Council Tax	Substantial
EK Services – Housing Benefit Administration & Assessment	Substantial
EK Services – Customer Services	Substantial
EK Services – ICT Physical & Environmental Controls	Reasonable
EK Services – ICT Internet & Email	Reasonable
East Kent Housing – Leasehold Services	Limited
EK Services – Quarterly Housing Benefit Testing (Quarter 1 of 2014-15)	

Follow up reviews completed throughout the year are shown in the following table:

Audit Area	Original Assurance level	Revised Assurance level	Original Number of Recs			No of Recs Outstanding	
			H	M	L	H	M
Insurance and Inventories of Portable Assets	Substantial/ Reasonable	Substantial/ Reasonable	H	1		H	0
			M	3		M	1
			L	2		L	0
Treasury Management	Substantial	Substantial	H	0		H	0
			M	0		M	0
			L	1		L	1
FOI, Data Protection and Information Management	Reasonable	Reasonable	H	2		H	1
			M	0		M	0
			L	1		L	1
Environmental Protection	Reasonable	Reasonable	H	0		H	0
			M	0		M	0
			L	1		L	1
EKS – ICT Software Licences	Limited	Limited	H	4		H	4
			M	0		M	1
			L	0		L	1
EKS – Business Rates	Reasonable	Reasonable	H	4		H	0
			M	0		M	0
			L	0		L	0
Monitoring and Management of Complaints	Substantial	Substantial	H	0		H	0
			M	4		M	1
			L	0		L	0

Capital	Substantial	Substantial	H M L	0 1 0	H M L	0 1 0
Cemeteries	Reasonable / Limited	Reasonable	H M L	2 4 0	H M L	0 2 0
EKS – Housing Benefit Fraud	Substantial	Substantial	H M L	0 2 0	H M L	0 0 0
EKS – Sundry Debtors	Substantial	Substantial	H M L	0 3 0	H M L	0 0 0
Right to Buy	Reasonable	Reasonable	H M L	1 1 0	H M L	0 0 0
Coastal Management	Substantial	Substantial	H M L	0 0 2	H M L	0 0 0
East Kent Housing – Rent Collection and debt Management	Reasonable	Reasonable	H M L	1 5 1	H M L	1 1 0
EK Services – Housing Benefit Payments	Substantial	Substantial	H M L	0 1 1	H M L	0 0 0

4. The Committee received the Final Accounts with an unqualified audit opinion at its meeting in September 2014, presented by the External Auditors, Grant Thornton.

Work Programme for 2015/16

2015/16 Governance Committee	
Date	Main Agenda Items
June 2015	Internal Audit Annual Report Internal Audit Quarterly Progress Report Annual Governance Assurance Statement Grant Thornton's Quarterly update
September 2015	Final Annual Accounts 2014/15 Internal Audit Quarterly Progress Report Grant Thornton's Quarterly update
December 2015	Internal Audit Quarterly Progress Report Annual Governance Assurance Statement Action Plan – progress report Grant Thornton's Quarterly update Risk Management and Value for Money Update
March 2016	Internal Audit Annual Plan 2016/17

2015/16 Governance Committee	
Date	Main Agenda Items
	Internal Audit Quarterly Progress Report Grant Thornton's Quarterly update Governance Committee Programme for 2016/17

Programme of Meeting Dates 2015/16

(to be confirmed at Annual Council on 20 May 2015)

18 June 2015
24 September 2015 (Final Accounts)
3 December 2015
24 March 2016



Membership of the
Governance Committee:
Guidance for Members
and information for non-Members

March 2012

Governance Committee – Mission Statement

Why is it important to have a Governance/Audit Committee?

Corporate Governance is all about doing the right thing in the right way.

The Governance Committee is the Council's Audit Committee monitoring to ensure Dover District Council delivers effective decision making, value for money in all expenditure and conducts itself in an open, ethical and transparent manner which displays the highest levels of integrity.

Introduction

The aim of this Guidance is to tell those who are not members of Dover District Council's Governance Committee about the importance of its work not only to the Council as a whole but also to the communities of Dover District who benefit from good governance in their local authority.

It will also inform any potential or existing elected Member of the District Council as to what will be expected of them should they be appointed to serve on the Governance Committee.

Finally it serves as a reminder to those Councillors who already fulfil the role of member of the Governance Committee, helping them to explain their function, assess their own performance and benchmark with others in similar positions.

Statement of Purpose

The purpose of the Governance Committee is to provide independent assurance of the adequacy of the Council's risk management framework and its associated control environment; independent examination of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment; and to oversee the financial reporting process.

The Governance Committee is an essential element of good governance and is best delivered by a Committee which is independent of the Executive (Cabinet) and Scrutiny functions. An effective Governance Committee can help to raise the profile and importance of internal control, risk management and financial reporting arrangements within the Council. It can also act as a forum for discussing issues raised by internal (East Kent Audit Partnership) and external (Audit Commission) audit.

The Audit Commission challenges local authorities to ensure that their Audit or Governance Committees work effectively. In particular a sound system of internal control is in place which includes effectively delivering the core functions of an Audit Committee that provides challenge to the Executive when required; and provides for effective leadership on governance, financial reporting and audit issues.

Core Functions

The main issues with which the Governance Committee can deal are:

- Consider the effectiveness of the Council's risk management arrangements, the control environment and associated counter fraud and corruption arrangements;
- Seek assurances that action is being taken on risk-related issues identified by auditors and inspectors;

- Be satisfied that the Council's assurance statements, including the Governance Statement properly reflect the risk environment and any actions required to improve it;
- Approve (but not direct) internal audit's strategies and plans;
- Review summary internal audit reports and the main issues arising and seek assurances that action has been taken where necessary;
- Receive the annual report of the head of internal audit;
- Consider the reports of external audit and inspection agencies;
- Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies and that the value of the audit process is actively promoted;
- Review the financial statements, external auditor's opinion and reports to Members and monitor management action in response to the issues raised by external audit.

Features

Good Governance Committees are characterised by strong chairmanship – displaying a depth of skills and interest. An interest and level of knowledge in financial and risk management, accounting concepts and standards and the regulatory regime are also essential. There needs to be unbiased attitudes – treating auditors, Cabinet and Corporate Management Team (CMT) equally, as well as having the ability to challenge the Cabinet/CMT where required. The membership of the Governance Committee should be balanced, objective, independent of mind and knowledgeable.

Other features of an effective Committee include:

- meetings characterised by free and open discussion by all members without political influence being displayed;
- prompt decisions on all matters put before the Committee;
- financial understanding displayed by one or more of the Members when considering issues;
- monitoring and, where necessary, supporting managers to secure successful outcomes to audit recommendations.

Structure and Administration

Although no single Committee model is prescribed it should be independent of the Executive and Scrutiny functions. It should have clear reporting lines and rights of access to other committees and functions.

There must be terms of reference which are reviewed on an annual basis taking into account relevant governance developments and how the Governance Committee integrates with other committees of the Council.

Regular attendees to Governance Committee meetings should include the Chief Executive, Director of Governance & Monitoring Officer, Director of Finance, Housing and Community (with S151 responsibility), Head of Internal Audit and the Audit Commission. The Committee should also have the right to call on any other officers or agencies of the Council as required.

The Benefits

The Governance Committee will bring the following benefits to the Council:

- reduce the risks of illegal or improper acts;
- reinforce the importance and independence of internal and external Audit;
- increase confidence in the objectivity and fairness of financial reporting.

Stricter internal control and the establishment of a Governance Committee can never eliminate the risks of serious fraud, misconduct or misrepresentation of the financial position. However it will:

- give additional assurance through a process of independent and objective review; and
- raise awareness of the need for internal control and the implementation of audit recommendations.

Committee authority

The Governance Committee is vested with sufficient authority to act with independence. It is constituted as a committee of the Council and the terms of Reference are contained within the Council's Constitution. The Committee has explicit authority to receive full access to information and the ability to investigate any matters within its Terms of Reference.

Frequency of meetings

The frequency of meetings needs to be driven by the nature and timing of the business to be considered, any complementary work conducted by other committees and any work that can be carried out between meetings. This all needs to be determined at the outset of the financial year so that the Committee is not considering unnecessary issues, reacting to foreseeable events or commenting on matters that can no longer be influenced.

It is expected that the Governance Committee will meet 4 times per year but the Committee can decide to increase this if it is felt necessary to ensure that the Committee meets its Terms of Reference. The quorum for the meeting will be 50% of the Members.

Assurance Framework

The majority of assurances to the Committee should come from management and auditors who provide a critical element of independence and assurance. In this context robust systems of risk management and application of an Assurance Framework should be at the core of any Committee's review process.

Therefore the Governance Committee will need to liaise closely with management and other committees dealing with and managing risk in order to minimise any duplication or overlap. The Governance Committee's role is not to manage risks but rather to ensure that the overall system is in place and effective.

Key Questions

This list of questions is not intended to be exhaustive or restrictive, nor should it be treated as a tick list substituting for detailed consideration of the issues it raises. Rather it is intended to act as a "prompt" to help the Governance Committee ensure that their work is comprehensive.

Strategic processes

- How is the organisational risk management culture generated and is it appropriate?
- Is there a comprehensive process for identifying and evaluating risk and for deciding what levels of risk are tolerable?
- Is the Risk Register an appropriate reflection of the risks facing the organisation?
- Is appropriate ownership of risk in place?
- How are these risks being managed?
- What are the areas of greatest risk to the achievement of the Committee's aims and objectives?
- What areas in the internal control system give management the greatest concern and why?
- How does management know how effective internal control is?
- Is risk management carried out in a way that really benefits the organisation or is it treated as a box ticking exercise?
- Is the organisation as a whole aware of the importance of risk management and of the organisation's risk priorities?
- Does the system of internal control provide indicators of things going wrong?
- How meaningful is the Annual Governance Assurance Statement and what evidence underpins it?
- Does the Governance Statement appropriately disclose action to deal with material problems?
- Have the implications of the results of the effectiveness review been discussed at Management team level?
- Have any major changes been made in internal controls in the past year? Were these made in order to improve existing controls or were they new controls established due to changes in operating systems?
- Are appropriate procedures in place to ensure adequate user involvement in the development of new systems and major system changes, including the design of control checks and balances?

- What were the most significant internal control weaknesses uncovered by internal and external auditors during the period?
- What is the auditors' view on the balance between the risk of error in the present internal control system and the cost of additional controls?

Planned activity

- Is the internal audit strategy appropriate for delivery of a positive reasonable assurance on the whole of risk control and governance?
- Will the annual audit plan achieve the objectives of the internal audit strategy and in particular is it adequate to facilitate a positive, reasonable assurance?
- Does internal audit have appropriate resources, including skills, to deliver its objectives?
- Are there any issues arising from management not accepting internal audit recommendations and are agreed internal audit recommendations appropriately actioned?
- What assurance is there about the quality of internal audit's work?
- Is there appropriate co-operation between the internal and external auditors?

Policies of the organisation

- Is there an appropriate counter fraud policy in place and are losses suitable recorded?
- Are suitable processes in place to ensure accurate financial records are kept?
- Does financial control, including the structure of delegations, enable the organisation to achieve its objectives with good value for money?
- Have any cases of fraud or illegal, questionable or unethical activities been uncovered which might affect the accounts or which could cause embarrassment?
- Are issues raised by the external auditors given appropriate attention?

Response to audit activity

- Are agreed procedures in place for monitoring progress with the implementation of recommendations?
- If management reject audits recommendations, which the auditor stand by, are suitable resolution procedures in place?

Assurances

- Do the assurances available facilitate the drafting of a meaningful Governance Statement?

- Do those producing the assurances understand fully the scope of the assurance they are being asked to provide and the purpose to which it will be put?
- What mechanisms are in place to ensure the assurances are reliable?
- Are the assurances 'positively' stated (ie – premised on sufficient, relevant evidence to support them)?
- Do the assurances draw out material weaknesses or losses, which should be addressed?

The Governance Committee itself

- How does the Governance Committee know if it is being effective in achieving its terms of reference and adding value to corporate governance and control systems of the organisation?
- Is the Committee content that it has received sufficient training and has the appropriate skills mix?
- Is the Committee content with its level of understanding of the purpose of the work of the organisation?
- Is the Committee content that it has sufficient time to give proper consideration to its business?
- Is the Committee content that it is avoiding any conflict of interest?
- Is there any evidence of the Committee's advice having an impact on the organisation?

Terms of Reference

The Committee comprises 6 members of the Authority.

Purpose

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

Functions

1. Agree and then periodically review the Terms of Reference in relation to the Internal Audit Function.
2. Ensure effective internal audit and internal control arrangements.
3. Receive the Internal Audit Annual Programme of Work.
4. Receive audit activity reports and assurances contained therein relating to the level of internal control and risk management across the Council.

5. Ensure that audit recommendations agreed by management are implemented effectively.
6. Consider external audit reports and make recommendations to the Council.
7. Ensure effectiveness of the Council's risk management arrangements.
8. Seek assurances that effective action is being taken on risk and internal control related areas of weakness.
9. Receive the Governance Assurance Statement and monitor implementation of the action plan.
10. Approve the Council's audited Annual Statement of Accounts, income and expenditure and balance sheet prior to 30 September.
11. Monitor and review the Constitution and make recommendations to Council.
12. Consider electoral matters and Boundary Reviews and make recommendations to Council.
13. Consider reports of the Joint Independent Remuneration Panel and make recommendations to Council.
14. Independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control information.

Role and responsibilities of Governance Committee members

Members of the Governance Committee and nominated substitutes are required to:

- scrutinise draft and final accounts in September each year
- consider audit reports on Council services
- receive and approve the Internal Audit action plan
- receive and consider the Annual Audit and Inspection letter
- consider risk assessment and management
- review the Council's Constitution and recommend changes
- make recommendations to Council
- receive regular training and updating on relevant matters.

Skills and competencies required

- attention to detail
- understanding of Council functions and services
- understanding of audit processes
- familiarity with Council's statement of accounts and supporting processes
- familiarity with the Council's Constitution
- understanding of corporate risk and its management

NB: These skills and competencies are in addition to those required to be an elected Member of the Council.

Programme of meeting dates (to be confirmed at Annual Council on 20 May 2015)

18 June 2015
 24 September 2015 (Final Accounts)
 3 December 2015
 24 March 2016