



# **Council Meeting**

**Council Offices  
White Cliffs Business Park  
Dover**

Wednesday, 25 January 2017

Summons and Agenda

**Nadeem Aziz**  
Chief Executive





Democratic Services  
White Cliffs Business Park

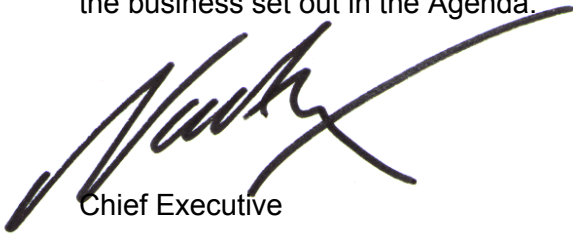
Dover  
Kent CT16 3PJ

Telephone: (01304) 821199  
Fax: (01304) 872452  
DX: 6312  
Minicom: (01304) 820115  
Website: [www.dover.gov.uk](http://www.dover.gov.uk)  
e-mail: [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk)

17 January 2017

To the Members of the Council,

You are hereby summoned to attend a meeting of the **COUNCIL** to be held in the Council Chamber at these Offices on Wednesday 25 January 2017 at 6.00 pm for the transaction of the business set out in the Agenda.



Chief Executive

Members of the Council:

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

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **MINUTES** (Pages 8 - 15)

To confirm the attached Minutes of the meeting held on 30 November 2016.

3 **DECLARATIONS OF INTEREST** (Page 16)

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

4 **ANNOUNCEMENTS**

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

5 **LEADER'S TIME**

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

In accordance with Council Procedure Rule 10 (Leader's Time):

- (a) The Leader (and Cabinet) shall have up to 15 minutes to make within this report any statements that they wish on any topic or subject that they feel should be drawn to the attention of the Council.
- (b) The Leader (or their nominee) of the Major Opposition Group (Labour Group) shall be allowed up to 10 minutes to respond.
- (c) The Leader (or their nominee) of the Other Opposition Group (UKIP Group) shall be allowed up to 5 minutes to respond.
- (d) The Leader of the Council shall be allowed up to 5 minutes to exercise a right of reply (or 25% of the time given to the Opposition Group Leaders, whichever is the greatest).

6 **SEAT ALLOCATION AND GROUP APPOINTMENTS**

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

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

7 **QUESTIONS FROM THE PUBLIC**

To receive answers in respect of questions from the public to Members of the Executive asked in accordance with Rule 11 of the Council Procedure Rules.

- (a) Questions will be asked in the order in which notice of them was received, except that the Chairman may group together similar questions.
- (b) The period for questions by the public shall be limited so that no further questions shall be put after the elapse of 15 minutes from the commencement of the first question.
- (c) A maximum of three minutes is allowed for the each question to be read.
- (d) A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of

the original question or the reply.

- (e) Afterwards, any other Member at the Chairman's discretion may speak for up to two minutes on a question or reply.

### **Questions from the Public**

There were no questions from the public received within the notice period.

## **8 QUESTIONS FROM MEMBERS**

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

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

To receive answers in respect of questions from Members of the Council to the Chairman or Vice-Chairman of the Council or the Chairman of any Committee or Sub-Committee asked in accordance with Rule 12 of the Council Procedure Rules.

There were no questions received.

### **(b) To the Executive**

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

There were no questions received.

## **9 MOTIONS**

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

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

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

In accordance with Council Procedure Rule 13, Councillor M R Eddy will move:

"While recognising the sterling efforts of the staff to take the East Kent University Hospitals Trust out of special measures, this Council views with serious concern the emerging proposals under the draft Sustainability and Transformation Plan to remove 300 acute beds from hospitals in East Kent. This Council firmly believes such proposals will prove detrimental to health care in this district, exacerbating the existing difficulties within the interdependent health and social services, and calls on Government to increase its funding to the NHS and to Kent

County Council's social services while at least maintaining current funding to the rest of local government."

10 **COUNCIL TAX BASE 2017/18** (Pages 17 - 22)

To consider the attached report of the Director of Finance, Housing and Community.

In accordance with Council Procedure Rule 16.6 a recorded vote will be held in respect of this item.

11 **ADOPTION OF A SCHEME OF ENROLMENT FOR AN HONORARY ALDERMAN**  
(Pages 23 - 35)

To consider the attached report of the Director of Governance.

12 **CALENDAR OF MEETINGS 2017/18** (Pages 36 - 40)

To consider the attached report of the Director of Governance.

13 **MEMBERS' ALLOWANCES SCHEME 2017/18** (Pages 41 - 58)

To consider the attached report of the Director of Governance.

14 **REVIEW OF THE CONSTITUTION 2016/17** (Pages 59 - 62)

To consider the attached report of the Director of Governance.

Due to the number of pages in the attachment it has been created as a supplementary paper to the agenda.

For information, The Leader of the Council amended the Scheme of Officer Delegations in relation to Executive Functions on 21 December 2016.

15 **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](http://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](mailto: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, 30 November 2016 at 6.00 pm.

Present:

Chairman: Councillor S S Chandler

Councillors:

|               |                  |                  |
|---------------|------------------|------------------|
| S F Bannister | R J Frost        | S M Le Chevalier |
| T J Bartlett  | B Gardner        | K Mills          |
| P M Beresford | B J 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         |
| M D Conolly   | S Hill           | M Rose           |
| M I Cosin     | M J Holloway     | D A Sargent      |
| D G Cronk     | S J Jones        | F J W Scales     |
| N Dixon       | L A Keen         | P Walker         |
| M R Eddy      | N S Kenton       | P M Wallace      |
| A Friend      | P S Le Chevalier | P A Watkins      |

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

37 APOLOGIES

Apologies for absence were received from Councillors J S Back, N J Collor, S C Manion and A F Richardson.

38 MINUTES

The Minutes of the meetings held on 20 July 2016 and 21 September 2016 were approved as a correct record and signed by the Chairman.

39 DECLARATIONS OF INTEREST

Councillor A S Pollitt made a Voluntary Announcement of Other Interest (VAOI) in Minute No. 46 (Motions) due to his brother being a former mine worker.

40 ANNOUNCEMENTS

The Chairman of the Council made the following announcements:

- (a) The death of former Councillor J M Munt



The Chairman announced the sad news of the death of former Councillor J M Munt. She had served on the Council from 1997 until 2011 representing initially the Priory Ward and later the Maxton, Elms Vale and Priory Ward. She had been a former Cabinet and Shadow Cabinet member for the Labour Group.

The Chairman called upon the group leaders present to speak and they paid tribute to the service and character of Councillor Munt. Councillor S F Bannister also spoke about Councillor Munt praising her commitment to Dover's heritage and environment.

The Council stood in silence as a mark of respect.

#### 41 LEADER'S TIME

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

- (a) The on-going discussions on an East Kent 5 authority merger as a result of the financial pressures on 4 of the 5 authorities. The business case report was expected to be ready in January 2017 and it would go to Cabinet, Scrutiny and an extraordinary Council in March 2017.

The Chief Executives had visited other authorities looking at mergers and there had been a meeting with Kent Association of Local Council representatives to discuss the implications of a merger for the parishes. There had also been meetings with the business community and the 6 local Members of Parliament.

The proposals would not include a unitary authority for East Kent as it wouldn't be supported by the Government.

Any devolution of powers from Kent County Council would have to be appended separately and would need to be linked with finance.

- (b) The Council was waiting to see if the Autumn Statement had provision for infrastructure funding as the dualling of the A2 had not been included in the latest transport infrastructure projects.
- (c) Master Planning for the Dover Town area was underway covering the waterfront, Bench street and through to the Town Hall. The consultation had so far identified similar issues from respondents.
- (d) The St James' site had the foundations going down for the cinema and hotel and steel frames would be going up in early January.

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

- (a) That the East Kent merger proposals had a huge impact on local residents. While he could see some of the advantages of the proposals in respect of highways and waste there was concern that the new authority would end up responsible for pot holes but not strategic highways planning.

There was a need for new revenue streams as Government finance for local government was reduced and this put pressure on local charitable services.

There were also implications for parish councils if services were passed to them without sufficient funding arrangements.

- (b) To welcome the progress being made on the St James' development and to express the hope that it would help with the Council's finances.

In the absence of the Leader of the Minority Opposition UK Independence Party Group, Councillor A F Richardson, no report was given.

The Leader of the Council exercised his right of reply.

#### 42 SEAT ALLOCATION AND GROUP APPOINTMENTS

Councillor P A Watkins advised that Councillors N J Collor and K E Morris were to be appointed as the designated substitute members on the East Kent Services Committee for the remainder of the municipal year 2016/17.

RESOLVED: That the appointment of Councillors N J Collor and K E Morris as the designated substitute members on the East Kent Services Committee for the remainder of the municipal year 2016/17 be noted.

#### 43 THANET PARKWAY PRESENTATION

The Chairman announced that the Thanet Parkway Presentation had been withdrawn.

#### 44 QUESTIONS FROM THE PUBLIC

There were no questions from the public received within the notice period.

#### 45 QUESTIONS FROM MEMBERS

In accordance with Rule 12(1) of the Council Procedure Rules, Members of the Cabinet responded to the following questions:

- (1) Councillor P M Brivio asked the Leader of the Council, Councillor P A Watkins:

“Last year this Council agreed to accommodate twelve Syrian refugee families in line with Government policy. How many families have been accommodated in the district and can the Leader outline the process of integration?”

In response, the Portfolio Holder for Housing, Health and Wellbeing, Councillor P M Beresford advised that 2 families had been housed in the district and the Council was continuing to try and identify additional suitable housing in the private sector that was suitable. A comprehensive support package co-ordinated by Migrant Help was in place which include improving

their English language skills and registering them with GPs and local schools.

In accordance with Council Procedure Rule 12.5, Councillor P M Brivio exercised her right to ask one supplementary question.

- (2) Councillor A S Pollitt asked the Leader of the Council, Councillor P A Watkins:

“Can the Leader inform the Council what progress has been made towards providing a cinema again in the Regent Cinema building?”

In response the Portfolio Holder for Property Management and Public Protection, Councillor T J Bartlett, advised that the developers had been made aware of the Cabinet decision in October 2016 and he encouraged them to submit a planning application without further delay.

In accordance with Council Procedure Rule 12.5, Councillor A S Pollitt exercised his right to ask one supplementary question and asked for a written copy of the answer.

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

“Can the Portfolio Holder for Environment, Waste and Planning state in detail why the Dover Soup Kitchen has been banished from the Pencester Gardens Car Park site and what arrangements, if any, have been made by the Council to aid the Soup Kitchen's relocation?”

In response the Portfolio Holder for Property Management and Public Protection, Councillor T J Bartlett, thanked the Dover Soup Kitchen for the work they did and advised that a new site had been identified in Adrian Street.

In accordance with Council Procedure Rule 12.5, Councillor P Walker exercised his right to ask one supplementary question.

- (4) Councillor D A Sargent asked the Portfolio Holder for Access and Licensing, Councillor N J Collor:

“Can the Portfolio Holder for Access inform the Council of the reasons for the continued delay by Government in installing interactive speed signs on the A20 between Folkestone and Dover?”

In the absence of Councillor N J Collor the Leader of the Council, Councillor P A Watkins, advised that the Council had been lobbying decision makers to install the promised interactive speed signs without further delay and hoped that Highways England did not listen to those agencies objecting to the signage.

Councillor D A Sargent declined his opportunity to ask a supplementary question.

- (5) Councillor M R Eddy asked the Portfolio Holder for Housing, Health and Wellbeing, Councillor P M Beresford:

“Can the Portfolio for Housing, Health and Wellbeing inform the Council of the Council's involvement in the NHS's Sustainability and Transformation Plan [STP] for Kent and Medway and are there any concerns about what the STP may mean for future health care in this area?”

In response the Leader of the Council, Councillor P A Watkins, advised that the aim of the STP was to put the NHS on a sound financial footing by 2020. A wide range of groups from health and social care were involved in developing the STP. The plans also included proposals for a new Accident and Emergency Centre located at a site identified in the Canterbury Local Plan.

The Council had been updated on the progress of the STP through the South Kent Coast Health and Wellbeing Board.

In accordance with Council Procedure Rule 12.5, Councillor M R Eddy exercised his right to ask one supplementary question.

#### 46 MOTIONS

- (1) In accordance with Council Procedure Rule 13, Councillor M R Eddy gave notice of his intention to move the following Motion:

“This Council views with concern the injustice whereby the Treasury receives 50% of surpluses from the Mineworkers Pension Scheme, accumulating over £3 billion to date. This Council requests that the Public Accounts Committee conduct an independent review of the situation to address this unfair arrangement and calls upon MPs to take up the case for further action in Parliament.”

The Motion was duly seconded by Councillor P J Hawkins.

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

RESOLVED: This Council views with concern the injustice whereby the Treasury receives 50% of surpluses from the Mineworkers Pension Scheme, accumulating over £3 billion to date. This Council requests that the Public Accounts Committee conduct an independent review of the situation to address this unfair arrangement and calls upon MPs to take up the case for further action in Parliament.

#### 47 RESTORATION OF MAISON DIEU

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

RESOLVED: That the budget and policy framework be amended to increase the monies allocated to the restoration of Maison Dieu project from £2 million to £3 million in the capital programme.

48 APPOINTMENT OF THE COUNCIL'S EXTERNAL AUDITORS

The Director of Finance, Housing and Community presented the report on the Appointment of the Council's External Auditors.

It was moved by Councillor P G Heath, duly seconded and

RESOLVED: That the Council accept the invitation from Public Sector Auditor Appointments (PSAA) to be an "opted in authority" to enable the PSAA to appoint an auditor for the Council for each of the five financial years beginning from 1 April 2018.

49 COUNCIL TAX REDUCTION SCHEME 2017/18

The Director of Finance, Housing and Community presented the report on the Council Tax Reduction Scheme 2017/18.

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

RESOLVED: That the following revisions to the current Council Tax Reduction Scheme (in respect of working age Council Tax payers) for the financial year 2017/18 be approved:

- (a) That the current minimum contribution towards their Council Tax made by recipients of Council Tax Support be increased from 6.0% to 10.0%.
- (b) That the maximum savings that a council tax payer liable to pay council tax can have and still claim Council Tax Support be reduced from £16,000 to £6,000.
- (c) That a minimum income be used within the calculation for Self-Employed Council Tax payers after 12 months of self-employment.
- (d) That the maximum level of Council Tax support is restricted to the equivalent of a Band D property charge.
- (e) That only the first two children in a family will be included in the calculation for children born after April 2017. (Some exceptions will apply).
- (f) That the Family Premium is not included in the calculation of Council Tax Support for all new working age Council Tax payers.
- (g) That the period for which a late claim can be backdated is reduced to one month.
- (h) That the period for which a Council Tax payer can be absent from Great Britain and still claim Council tax Support be reduced to 4 weeks (with some exclusions for certain occupations).

- (i) That the element of the work related component of Employment and Support Allowance not be included in the Council Tax Support Calculation.
- (j) That DDC works towards making determinations pursuant to section 17A(7) Local Government Finance Act 1992 of classes of cases in which the amount of council tax which a person is liable to pay will be reduced in accordance with section 13 A(1)(c) Local Government Finance Act 1992 from April 2017, in order to provide a safety net for council tax payers experiencing extreme difficulty paying their Council Tax.
- (k) That Members note the Equalities Impact Assessment as detailed in Annex 4.

50 REVISED 2016/17 TREASURY MANAGEMENT STRATEGY

The Director of Finance, Housing and Community presented the report on the Revised 2016/17 Treasury Management Strategy.

The Chairman advised that any discussions relating to the Property Investment Strategy would need to be conducted under that item in the agenda.

The consensus of opinion was that it would be helpful to discuss the Property Investment Strategy first and Members agreed to vary the order of the agenda to take that item next.

51 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor D Hannent, duly seconded and

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

52 PROPERTY INVESTMENT STRATEGY

The Director of Finance, Housing and Community presented the report on the Property Investment Strategy.

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

RESOLVED: (a) That a supplementary capital budget of £200 million, for the acquisition of commercial and residential assets for the economic regeneration and well-being of the district and for investment purposes, be approved.

- (b) That a supplementary revenue budget of £200,000 from the Regeneration Reserve, for the use of appropriate external

professional support to establish a framework and assist with acquiring properties, be approved.

- (c) That the implementation of the Investment Property Strategy, and the investment strategy criteria set out at Appendix 1 of the report, be adopted.

(Councillor D Hannent requested that his abstention from voting be recorded in accordance with Council Procedure Rule 18.5)

(Councillor R J Frost requested that his vote against be recorded in accordance with Council Procedure Rule 18.5)

53 READMISSION OF THE PRESS AND PUBLIC

RESOLVED: That the press and public be readmitted to the meeting for the remaining items of business.

54 REVISED 2016/17 TREASURY MANAGEMENT STRATEGY

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

RESOLVED: That the revised 2016/17 Treasury Management Strategy be approved.

(Councillor R J Frost requested that his vote against be recorded in accordance with Council Procedure Rule 18.5)

55 URGENT BUSINESS TIME

There were no items of urgent business.

The meeting ended at 8.50 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.



---

|                          |  |
|--------------------------|--|
| <b>Subject:</b>          | <b>COUNCIL TAX BASE 2017/18</b>  |
| <b>Meeting and Date:</b> | <b>Council – 25<sup>th</sup> January 2017</b>  |
| <b>Report of:</b>        | <b>Mike Davis, Director of Finance, Housing and Community</b>                            |
| <b>Portfolio Holder:</b> | <b>Councillor Mike Conolly, Portfolio Holder for Corporate Resources and Performance</b> |
| <b>Classification:</b>   | <b>Unrestricted</b>  |

---

**Purpose of the report:** To formally determine not to revise the reduction of Council Tax Discounts.

To set the Council Tax base for 2017/18 by 31 January 2017, in accordance with the Local Government Finance Act 1992.

---

**Recommendation:** It is recommended that Council:

1. Determine that for the financial year 2017/18, the empty homes discount is reduced to 0% for Class C empty properties, and remove the 2<sup>nd</sup> homes discount so that Council Tax will be payable in full on these properties.
2. Approve the District's Council Tax Base for 2017/18 as **37,204.40** and the tax base for the towns and parishes in the Council's administrative area, as set out in the table at Appendix 2.

---

## 1. Summary

1.1 The Council Tax base for the coming year is set by DDC, and is used by Kent County Council, the Police and Crime Commissioner for Kent, Kent and Medway Fire and Rescue Authority and the various town and parish councils when setting their Council Tax and their precepts.

## 2. Introduction and Background

2.1 The Council is required to set its tax base by 31 January every year, for the following financial year. The taxbase is defined mainly in terms of the number of Band D equivalent properties, but it is then adjusted to reflect various discounts.

2.2 The Council is also required on an annual basis:

- (a) To determine whether and, if so, the extent to which it will reduce or remove any Council Tax Discounts;

- 2.3 The tax base for 2017/18 has been prepared in accordance with the current regulations<sup>1</sup> which came into force on 30 November 2012. The calculations are shown in Appendix 1.
- 2.4 As the Council Tax base is defined in terms of “Band D equivalent” dwellings, and Band D dwellings are treated as “average” houses, all other properties are defined as a ratio against Band D houses, and pay Council Tax in accordance with that ratio.
- 2.5 The table below illustrates how this works.

| <b>Council Tax Band</b> | <b>Ratio to Band D</b> | <b>Number of Dwellings (based on the Valuation Office list)<sup>2</sup></b> |
|-------------------------|------------------------|---|
| Band A                  | 6/9                    | 6,976   |
| Band B                  | 7/9                    | 16,344  |
| Band C                  | 8/9                    | 13,653  |
| Band D                  | 9/9                    | 6,927   |
| Band E                  | 11/9                   | 4,202   |
| Band F                  | 13/9                   | 2,292   |
| Band G                  | 15/9                   | 1,411   |
| Band H                  | 18/9                   | 70  |

- 2.6 The basis of the calculation is to multiply the number of dwellings in each band by their respective ratio, then add the totals together to produce a “Band D equivalent” total. This is followed by a number of adjustments for factors such as single person discounts, people in receipt of Council Tax Reduction Scheme discounts, etc. The total is then adjusted for the anticipated collection rate, in order to determine the tax base.
- 2.7 Based on these factors it is recommended that the tax base for 2017/18 is set at **37,204.40**

### 3. Identification of Options For the Setting of the Council Tax Base

- 3.1 There is some discretion in setting the level of discounts, expected new builds, CTRS scheme growth and the assumed collection rate when setting the tax base. Beyond these, setting of the Council Tax base is mainly a mechanical process based on the projected number of properties, level of discounts and collection rates, and does not produce options for Members to consider.

### 4. Reduction of Council Tax Discounts

- 4.1 From the year 2013/2014 and subsequently, the Council removed the following Council Tax Discounts in order to meet the cost of operating the chosen Council Tax Reduction Scheme:

<sup>1</sup> “Local Authorities (Calculation of Council Tax Base) Regulations 2012 (SI:2012:2194)”

<sup>2</sup> In the actual calculation this is adjusted for anticipated new build, demolitions, etc. expected during the year

- (a) Second Home discount of 10% removed;
  - (b) Empty property exemption (Class C) removed.
- 4.2 Reductions in Council Tax Discounts are required to be determined on an annual basis, and it is recommended that the existing Council Tax reductions/removals are continued for the year 2017/18.

## 5. Council Tax Reduction Scheme

- 5.1 The Welfare Reform Act 2012 abolished Council Tax Benefit from April 2013 and, in accordance with Section 13A of the Local Government Finance Act 1992 the Council approved a local council tax reduction scheme, with effect from 1 April 2014, adopting, as the scheme, the document cited as “the Local Council Tax Support Scheme – Dover District Council 2015 (‘the 2015 scheme’).
- 5.2 The revised scheme for 2017 was agreed and approved at full council on 30<sup>th</sup> November 2016 and the tax base has been calculated in accordance with the revised scheme.

## 6. Identification and Evaluation of Options For the Reduction of Council Tax Discounts

- 6.1 The reduction of Council Tax discounts is a separate decision from the decision already taken to replace the Council Tax Reduction Scheme. However, the additional income from the reduction in discounts, is used to offset some of the costs of the Council Tax Reduction Scheme.

- 5.3 The options identified are:

- (a) Reinstatement of the Second Home discount of 10% and / or the empty property exemption (Class C).
- (b) Maintain the removal of the Second Home discount of 10% and the empty property exemption (Class C)

- 5.4 Option (a) would require the Council to review the level of support provided in the Council Tax Reduction Scheme and / or make reductions in the budgets for other services. The operation of the scheme is continuously monitored, and is summarised in the Quarter 3 Performance Report included in the published Cabinet agenda for 6<sup>th</sup> February 2017.

## 6. Corporate Implications

- 6.1 Comment from the Director of Finance, Housing and Community:

The Director of Finance has been consulted and has no further comments to make (MD).

- 6.2 Comment from the Solicitor to the Council:

The Solicitor to the Council has been consulted and has no further comments to make.

- 6.3 Comment from the Equalities Officer:

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

7. **Appendices**

Appendix 1 – The Council Tax Base Calculation for 2017/18

Appendix 2 – The Council Tax Base for the Towns and Parishes

8. **Background Papers**

- Local Authorities (Calculation of Council Tax Base) Regulations 2012 (SI: 2012:2914)
- Detailed calculations for District and Parish/Town Council Tax Bases

Contact Officer: Mandie Kerry, Income Manager, EK Services

**The Council Tax Base Calculation for 2017/18**

Council Tax Base = A x B:

- (i) A is the total of the "relevant amounts" (or Band D equivalents) for that year for each of the valuation bands which is shown or is likely to be shown for any day in that year in the authority's valuation list as applicable to one or more dwellings situated in this area.
- (ii) B is the authority's estimate of its collection rate for that year (97.50%)
- (iii) The "relevant amount" for a valuation band is the amount found by applying the formula:  $(H - Q + E + J) \times (F/G)$
- (iv) H is the number of chargeable dwellings in the area of the Council (as billing authority) on calculated in accordance with the regulations at 30<sup>th</sup> November 2012
- (v) Q is the factor to take account of the discounts to which the amount of council tax payable was subject to that band, estimated in accordance with the regulations at 30<sup>th</sup> November 2012
- (vi) E is a factor to take into account any premiums, if any, to which the council tax payable was subject to that band, estimated in accordance with the regulations at 30<sup>th</sup> November 2012
- (vii) J is the estimated adjustments due to change in the number of dwellings, exemptions and discounts.
- (viii) Z is the total amount that the authorities estimates will be applied in relation to the Authorities council tax reduction scheme in relation to the band, expressed as an equivalent number of chargeable dwellings in the band.
- (ix) F is the number which is the proportion of dwellings in that band.
- (x) G is the number that, in that proportion, is applicable to dwellings in band D.

The amount calculated for Dover District Council's Council Tax Base in 2017/18 is 37,204.40 save for the following parts of the Council's administrative area where its Council Tax Base shall be the amounts shown against each part respectively.

Collection rate has been reviewed with regard to the changes, Council Tax Support discounts and exemptions and a rate of 97.50% has been estimated.

| <b>Parish</b>              | <b>2016/17 Tax Base - using collection rate</b> | <b>2017/18 Tax Base using collection rate</b> |
|----------------------------|---|---|
| Alkham                     | 298.68  | 306.43  |
| Ash                        | 1095.02   | 1120.04                                       |
| Aylesham                   | 1024.03   | 1103.18                                       |
| Capel-Le-Ferne             | 617.71  | 626.51  |
| Deal                       | 6,477.35  | 6,594.87                                      |
| Denton-with-Wootton        | 167.40  | 172.20  |
| Dover                      | 7,679.07  | 7,924.76                                      |
| Eastry                     | 754.48  | 779.46  |
| Eythorne                   | 771.20  | 775.78  |
| Goodnestone                | 166.59  | 173.67  |
| Great Mongeham             | 264.10  | 268.30  |
| Guston                     | 379.08  | 374.32  |
| Hougham-Without            | 179.88  | 181.32  |
| Langdon                    | 226.57  | 227.85  |
| Lydden                     | 247.63  | 253.51  |
| Nonington                  | 293.91  | 295.17  |
| Northbourne                | 264.67  | 269.79  |
| Preston                    | 257.35  | 302.76  |
| Ringwould-with-Kingsdown   | 1,018.35  | 1,013.04                                      |
| Ripple                     | 149.51  | 150.81  |
| River                      | 1,481.45  | 1,497.88                                      |
| St Margarets-at-Cliffe     | 1,256.81  | 1,283.08                                      |
| Sandwich                   | 1,875.75  | 1,925.51                                      |
| Shepherdswell-with-Coldred | 731.93  | 738.74  |
| Sholden                    | 547.05  | 670.64  |
| Staple                     | 227.89  | 228.32  |
| Stourmouth                 | 110.80  | 111.50  |
| Sutton-by-Dover            | 296.68  | 305.59  |
| Temple Ewell               | 640.31  | 639.36  |
| Tilmanstone                | 151.87  | 153.23  |
| Walmer                     | 3,261.05  | 3,277.47                                      |
| Whitfield                  | 1,821.38  | 1,899.84                                      |
| Wingham                    | 664.23  | 672.16  |
| Woodnesborough             | 415.20  | 442.87  |
| Worth                      | 436.93  | 444.44  |
| <b>Total</b>               | <b>36,251.91</b>                                | <b>37,204.40</b>                              |

---

|                          |   |
|--------------------------|---|
| <b>Subject:</b>          | <b>ADOPTION OF A SCHEME OF ENROLMENT FOR AN HONORARY ALDERMAN OR ALDERWOMAN</b> |
| <b>Meeting and Date:</b> | <b>COUNCIL – 25 JANUARY 2017</b>  |
| <b>Report of:</b>        | <b>DIRECTOR OF GOVERNANCE</b>   |
| <b>Portfolio Holder:</b> | <b>LEADER OF THE COUNCIL</b>  |
| <b>Decision Type:</b>    | <b>COUNCIL FUNCTION</b>   |
| <b>Classification:</b>   | <b>UNRESTRICTED</b>   |

---

**Purpose of the report:** To consider adopting the Scheme of Enrolment for Honorary Aldermen and Honorary Alderwomen of Dover District Council as set out in Appendix 2 of this report.

---

**Recommendation:** ***Repeal of existing scheme***

- (a) That the Council repeal the 'Policy for Long Service Awards to Elected Members of Dover District Council.
- (b) That any Members who were eligible for the award at the time of its repeal and who haven't received an award be given the choice of receiving an award recognising their service.

***Adoption of new scheme***

- (c) That the Council adopt the Scheme of Enrolment, including the rights and privileges, for Honorary Aldermen and Alderwomen as set out in Appendix 2.
  - (d) That on conferment of the courtesy title of Honorary Alderman or Honorary Alderwoman, the recipient be provided with a commemorative scroll and badge.
- 

## 1. Summary

This report sets out a process by which the Council could award the courtesy title of Honorary Alderman or Alderwoman in accordance with the provisions of Section 249 of the Local Government Act 1972.

## 2. Introduction and Background

2.1 In July 2015 the Council adopted a 'Policy for Long Service Awards to Elected Members of Dover District Council' as part of regularising the position in respect of recognising long service. The Council had previously issued awards for long service to three members who had stood down at the May 2015 elections and had a combined service of eighty-nine years between them.

2.2 While the current policy recognises duration of service, the majority of eligible members have indicated that they would prefer to wait until after their time in office

before receiving such award despite it being based on a qualifying period of 20 years non-continuous service and being open to existing Members. An alternative would be to consider a more flexible policy that recognised the quality of contribution by Members regardless of length of service and was awarded at the end of a Members service on the Council either due to retirement or failure to be returned at an election.

- 2.3 The Local Government Act 1972 makes provision for a local authority to award the titles of Honorary Alderman (or Alderwoman) and/or Honorary Freeman (or Freewoman) based on contribution to the council or community respectively. This report focuses on the option of replacing the existing 'Policy for Long Service Awards to Elected Members of Dover District Council' with a policy for the conferment of Honorary Alderman and Alderwoman upon former members of the Council.

### **3. Eligibility Criteria for Honorary Aldermen and Alderwomen**

- 3.1 Section 249 of the Local Government Act 1972 permits a local authority to confer the title of Honorary Alderman (or Alderwoman) upon persons who have, in the opinion of the Council, "rendered eminent services to the council as past members of that council, but who are not then members of the council". It is for the Council to determine who in its judgement has rendered 'eminent services' and the legislation does not define the term further.
- 3.2 It is worth noting that the legislation makes provision that any former Member who is conferred the status of Honorary Alderman (or Alderwoman) and who is subsequently re-elected to the Council shall have their status as Alderman (or Alderwoman) placed in abeyance for the time that they hold office and may not be referred to as Alderman (or Alderwoman) or exercise any of the associated privileges.

### **4. Rights and Privileges of an Honorary Alderman or Alderwoman**

- 4.1 Section 249(4) of the Local Government Act 1972 states that:

"An honorary alderman [or honorary alderwoman] of a principal council may attend and take part in such civic ceremonies as the council may from time to time decide, but shall not, as such, have the right—

- (a) to attend meetings of the council or a committee of the council (including a joint committee upon which they are represented); or
- (b) to receive any such allowances or other payments as are payable under sections 173 to 176 [of the Local Government Act 1972]."

- 4.2 Honorary Aldermen and Alderwomen would of course still be able to attend those meetings of the Council that were open to the public in the capacity of a member of the public.

- 4.3 While the courtesy title of 'Honorary Alderman' or 'Honorary Alderwoman' is the only privilege that aldermanic status confers under the legislation, the majority of authorities that confer aldermanic status tend to confer additional rights and privileges such as:

- (a) The right to wear the badge of office of Honorary Alderman or Alderwoman on civic occasions (where such badge is awarded);



- (b) Invitations to civic events organised by the Council;
  - (c) Representing the Council at civic/ceremonial events where the Chairman and Vice-Chairman are absent; and/or
  - (d) Having the Council's Civic Flag (not the Union Flag) flown at half-mast upon their death
- 4.4 The attached document at Appendix 2 sets out the proposed rights and privileges for Dover District Council Honorary Alderman and Alderwoman.

#### **Scroll for Honorary Aldermen or Alderwomen**

- 4.5 Many authorities award a scroll in a presentation case and/or badge for Honorary Aldermen and Alderwomen. The cost of purchasing a scroll can range from £100 upwards depending on whether it is hand illuminated (the most expensive option) or computer produced (the cheaper option). However, as an alternative the Council's in-house design studio and print room could also be used to produce a scroll at a more nominal cost. The scrolls can be framed, presented tied with a ribbon or presented in a scroll case.
- 4.6 An Honorary Alderman or Alderwoman's badge would need to be a custom design and the cost would vary depending on how elaborate a badge was required.
- 4.7 A Roll of Honorary Aldermen and Alderwomen would be established for those conferred the title and a list of such members with a brief biography of their service on the Council would be maintained on the council's website.

#### **5. Process for Nomination of an Honorary Alderman**

- 5.1 As the conferment of the title of Honorary Alderman or Alderwoman is a matter upon which Members have the final decision, it is proposed that the process of nominating former members of the council for consideration be undertaken by Members rather than officers. To ensure that there is support for the nomination it is proposed that the nomination should be made in writing using the agreed form and each nomination should be proposed and seconded by serving Members of the Council.
- 5.2 Nominations would be submitted to the Director of Governance who would screen the nominations for eligibility (as per the scheme) and submit a report with all qualifying nominations to the appropriate council body for consideration.
- 5.3 The candidates for nomination would then be considered by a committee and that Committee would in turn make recommendations for Honorary Aldermen and Alderwomen to the full Council, where the final decision would be made. This could be a committee of the Council specifically created for such a purpose or an existing non-executive committee such as the General Purposes Committee (the preferred option).
- 5.4 The title of Honorary Alderman (or Alderwoman) can only be conferred by a "resolution of not less than two-thirds of the members voting thereon at a meeting of the council specifically convened for the purpose".
- 5.5 It is proposed that the ceremony at which the title of Honorary Alderman or Alderwoman is conferred should be held on the date of the first Council meeting after the successful conferment vote.

## **6. Revocation of the Title of Honorary Alderman or Alderwoman**

- 6.1 The legislation does not make provision for the withdrawal of the title of Honorary Alderman or Alderwoman once it is conferred.
- 6.2 Some authorities have a clause in their scheme of enrolment which purports to allow the Council to withdraw recognition of the conferment Honorary Alderman or Alderwoman in exceptional circumstances. The Solicitor to the Council doubts that such a provision is lawful and therefore the proposed scheme of enrolment does not contain such a provision. Section 298(4) of the Local Government Act provides that the right to take part in civic ceremonies is a right to take part in those which the council “may from time to time decide”. Therefore it is proposed that should circumstances arise which would call into question the suitability of an Alderman or Alderwoman to continue in that role, that rights or privileges could be withdrawn although not the honorary title itself.

## **7. Identification of Options**

- 7.1 While a scheme of enrolment is not required for a Council to confer aldermanic status upon a former member, the adoption of a scheme would provide transparency to both elected members and members of the public. A suggested policy is attached at Appendix 2.
- 7.2 There are 3 options identified for this matter – (i) to proceed with the scheme as set out in Appendix 2 of the report, (ii) to amend the proposed scheme or (iii) not to proceed further and keep the existing long service award.
- 7.3 If option (i) or (ii) is adopted then it would be intended to award a scroll and a badge to the Honorary Alderman or Alderwoman unless the Council specifies otherwise. The preferred approach would be for the scroll to be designed and produced in-house to minimise costs. The badge would have to be produced externally.
- 7.4 It is proposed that rather than create a new committee for the purpose, if Option 8.1 or 8.2 is adopted then the General Purposes Committee should be designated to receive the nominations report of the Director of Governance and be charged with making recommendations to the full Council as to whether in its view the nomination should be accepted.

## **8. Evaluation of Options**

- 8.1 To adopt the Scheme of Enrolment for Honorary Aldermen and Honorary Alderwomen of Dover District Council as set out in Appendix 2 of this report.

This is the preferred option and there are minimal resource implications when compared to the previous scheme and it offers a process by which notable service by former councillors can be recognised.

- 8.2 To amend the Scheme of Enrolment for Honorary Aldermen and Honorary Alderwomen of Dover District Council proposed at Appendix 2 of this report.

This is not the recommended option as the proposed Scheme as drafted is consistent with legislation and best practice. In addition, depending on the nature of the amendments a further report may be required setting out any resource implications.

- 8.3 To not adopt a Scheme of Enrolment for Honorary Aldermen and Honorary Alderwomen of Dover District Council and 'Policy for Long Service Awards to Elected Members of Dover District Council'.

This is not the preferred option.

9. **Resource Implications**

- 9.1 Section 249(4A) of the Local Government Act 1972 permits a principal council, in this case Dover District Council, to 'spend such reasonable sum as they think fit for the purpose of presenting an address, or a casket containing an address, to a person on whom they have conferred the title of Honorary Alderman or Honorary Alderwoman'.

- 9.2 As it is for Members to determine who in their opinion is suitable to be have the title of Honorary Alderman or Honorary Alderwoman it is difficult to quantify the number of awards to be given in any given year. However, reviews of other authorities who have adopted a policy indicate that the level of conferment beyond the first year when a number of historical contributions might be recognised is likely to be a small number and predominantly in the period following the period immediately after the ordinary elections of the Council every four years (i.e. May 2019, May 2023, etc.).

10. **Appendices**

Appendix 1 – Section 249 of the Local Government Act 1972

Appendix 2 – Scheme of Enrolment for Honorary Aldermen and Alderwomen of Dover District Council

Appendix 3 - Nomination Form

11. **Background Papers**

None

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

Status:  Law In Force

**Local Government Act 1972 c. 70**  
**Part XII MISCELLANEOUS AND GENERAL**

**Status, etc.**

This version in force from: **April 30, 2012 to present**

(version 5 of 5)

**249.— [Honorary titles] <sup>1</sup>**

.

(1) A principal council may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, confer the title of honorary aldermen [ or honorary alderwomen] <sup>2</sup>

on persons who have, in the opinion of the council, rendered eminent services to the council as past members of that council, but who are not then [members] <sup>3</sup> of the council.

(2) No honorary alderman [ or honorary alderwoman] <sup>4</sup>

shall, while serving as a [member] <sup>5</sup>

of the council, be entitled to be addressed as alderman [ or alderwoman] <sup>6</sup>

or to attend or take part in any civic ceremonies of the council as an alderman [ or alderwoman] <sup>7</sup>

.

(3) Services rendered to the council of an existing county, county borough, borough or urban or rural district the area of which becomes wholly or partly included in a new county or district shall be treated for the purposes of subsection (1) above as services rendered to the council of the new county or district, as the case may be.

(4) An honorary alderman [ or honorary alderwoman] <sup>8</sup>

of a principal council may attend and take part in such civic ceremonies as the council may from time to time decide, but shall not, as such, have the right—

(a) to attend meetings of the council or a committee of the council (including a joint committee upon which they are represented); or

(b) to receive any such allowances or other payments as are payable under [sections 173 to 176](#) above [ or [Part 8](#) of the [Local Government \(Wales\) Measure 2011](#)] <sup>9</sup>

.

[(4A) A principal council may spend such reasonable sum as they think fit for the purpose of presenting an address, or a casket containing an address, to a person on whom they have

conferred the title of honorary alderman or honorary alderwoman.

] <sup>10</sup>

[(5) Subject as follows, a relevant authority may admit to be honorary freemen or honorary freewomen of the place or area for which it is the authority—

(a) persons of distinction, and

(b) persons who have, in the opinion of the authority, rendered eminent services to that place or area.

(6) In this section “*relevant authority*” means—

(a) a principal council;

(b) a parish or community council;

(c) charter trustees in England constituted—

(i) under [section 246](#) of the [Local Government Act 1972](#),

(ii) by the [Charter Trustees Regulations 1996](#) (SI 1996/263), or

(iii) under [Part 1](#) of the [Local Government and Public Involvement in Health Act 2007](#).

(7) The power in subsection (5) above is exercisable by resolution of the relevant authority.

(8) A resolution under subsection (7) above must be passed—

(a) at a meeting of the relevant authority which is specially convened for the purpose and where notice of the object of the meeting has been given; and

(b) by not less than two-thirds of the members of the relevant authority (or, in the case of charter trustees, of the trustees) who vote on it.

(9) A relevant authority may spend such reasonable sum as it thinks fit for the purpose of presenting an address or a casket containing an address to a person on whom the authority has conferred the title of honorary freeman or honorary freewoman under subsection (5) above.

(10) The admission of a person as honorary freeman or honorary freewoman does not confer on that person any of the rights referred to in [section 248\(4\)](#) above.

] <sup>11</sup>

## Notes

1. Words substituted by Local Democracy, Economic Development and Construction Act 2009 c. 20 [Pt 1 c.5 s.29\(2\)](#) (January 12, 2010)
2. Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 [Pt 1 c.5 s.29\(3\)](#) (January 12, 2010)
3. Word substituted by Local Government and Public Involvement in Health Act 2007 c. 28 [Sch.3 para.9\(2\)](#) (December 30, 2007)
4. Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 [Pt 1 c.5 s.29\(4\)\(a\)](#) (January 12, 2010)
5. Word substituted by Local Government and Public Involvement in Health Act 2007 c. 28 [Sch.3 para.9\(3\)](#) (December 30, 2007)
6. Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 [Pt 1 c.5 s.29\(4\)\(b\)](#) (January 12, 2010)
7. Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 [Pt 1 c.5 s.29\(4\)\(c\)](#) (January 12, 2010)
8. Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 [Pt 1 c.5 s.29\(5\)](#) (January 12, 2010)
9. Words inserted by Local Government (Wales) Measure 2011 c. 04 [Sch.3 para.1\(5\)](#) (April 30, 2012)
10. Added by Local Democracy, Economic Development and Construction Act 2009 c. 20 [Pt 1 c.5 s.29\(6\)](#) (January 12, 2010)
11. S.249(5)-(10) substituted for s.249(5)-(9) by Local Democracy, Economic Development and Construction Act 2009 c. 20 [Pt 1 c.5 s.29\(7\)](#) (January 12, 2010)

## Modifications

|                  |   |
|------------------|---|
| Whole Document   | Modified in relation to the transfer of functions to the National Assembly of Wales by <a href="#">National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 para. 1</a>                     |
| Pt XII s. 249(1) | Modified in relation to a principal council which is a predecessor council by <a href="#">Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008/2867, Pt 8 reg. 32(1)</a> |
|                  | Modified in relation to a principal council which is to be wound up and dissolved by <a href="#">Local Government Changes for England (Miscellaneous Provision) Regulations 1996/330, Pt III reg. 6(2)</a>    |

Crown Copyright material is reproduced with the permission of the Controller of HMSO and the Queen's Printer for Scotland

**Subject:** Local government **Other related subjects:** Peerages and dignities

**Keywords:** Appointments; Councillors; Local authorities' powers and duties; Peerages and dignities; Principal councils

## Annotation

### Section 249

#### Introduction

This section is about the titles of honorary alderman and honorary freeman.

#### Note:

This section was amended (or inserted) by the [Local Democracy, Economic Development and Construction Act 2009](#): the Government's Explanatory Notes for that Act (see Key Legal Concept: [Explanatory Notes](#)) say as follows:

“[Section 29](#) amends section 249 of the [Local Government Act 1972](#) in respect of both honorary freemen and honorary aldermen. The title of ‘honorary freeman’ is different from the status of freeman. As the name suggests, the status is purely honorary in nature, and confers no rights on the person so recognised.

“Section 249 as originally enacted allows certain local authorities to confer the title ‘honorary freeman’ on persons of distinction and persons who have rendered eminent services to the local area. The local authorities who could exercise this power are the council of a London borough or a district having the status of a city, borough or royal borough or any parish or community having by grant under the royal prerogative the status of city and any parish or community entitled by such grant to be called and styled a royal town. The power is also exercisable by principal councils in Wales.

“The amendments made to section 249 by [section 29](#) extend the power to confer the title ‘honorary freeman’ under section 249 to all principal councils, parish and community councils, and charter trustees in England. The amendments also allow councils to confer the title ‘honorary freewoman’ where appropriate.

“Section 249 also contains a power for principal councils to confer the title ‘honorary alderman’ on former members of the council who have rendered eminent services to that council. [Section 29](#) amends section 249 to enable principal councils who are exercising that power to confer the title ‘honorary alderwoman’ where appropriate.”

#### Subsection (1)

Principal councils — see [s.270](#).

See Key Legal Concept: [Person](#).

#### Subsection (3)

County — see [s.270](#). District — see [s.270](#). New — see [s.270](#).

#### Subsection (7)

Wales — see [s.269](#).

© 2016 Sweet & Maxwell





## **SCHEME OF ENROLMENT FOR HONORARY ALDERMEN AND ALDERWOMEN OF DOVER DISTRICT COUNCIL**

### **Qualifications Required for Enrolment**

- 1.1 A former elected member of Dover District Council shall be eligible for consideration to be nominated to the position of Honorary Alderman or Alderwoman in accordance with the provisions of Section 249 of the Local Government Act 1972 if he or she has rendered:
- (i) A total of 20 years' service as a Member of Dover District Council which is calculated on a cumulative basis. In exceptional circumstances less than 20 years' service may be considered; and
  - (ii) 'Eminent services' to the council as past members of that council.
- 1.2 This will generally be in the form of, but not limited to, service as the Chairman of the Council, Leader of the Council, Leader of a Political Group, Chairman of a major Council Committee or by holding one or more senior positions on the council.

### **Method of Enrolment**

- 2.1 Applications for nomination as an Honorary Alderman or Alderwoman shall be made by 2 serving Members of the Council and submitted in writing to the Director of Governance on the approved form. The Director of Governance will then submit a report
- 2.2 Prior to the submission of any application for nomination the person nominated shall be asked by the Members nominating him or her if he or she is willing to accept nomination for enrolment as an Honorary Alderman or Alderwoman and he or she shall have indicated a willingness to accept the nomination.
- 2.3 The Director of Governance will screen the nominations for eligibility (as per the qualification provisions of this scheme) and submit a report with all qualifying nominations to the General Purposes Committee for consideration and, if it so decides, onwards recommendation to a meeting of the full Council.
- 2.4 Election to the position of Honorary Alderman or Alderwoman shall be by a resolution of the Council by not less than two-thirds of the Members voting thereon at a meeting of the Council specially convened for that purpose with notice of the object.
- 2.5 Following the election of a person to the position of Honorary Alderman or Alderwoman, the Director of Governance will arrange:
- (i) For the name of the person to be admitted to the Roll of Honorary Aldermen and Alderwomen, which shall be established for such purpose.



- (ii) For the title of Honorary Alderman or Alderwoman to be conferred on the persons nominated at a meeting of the Council together with the presentation of a scroll.

### **Rights and Privileges**

3.1 Subject to 3.2, an Honorary Alderman shall be entitled to the following rights and privileges:

- (i) To enjoy the courtesy title of “Honorary Alderman” or “Honorary Alderwoman” and to be addressed as such.
- (ii) To attend as an observer at meetings of the Council or any other meetings to which the press and public are admitted and to have a seat reserved for this purpose.
- (iii) To receive invitations to all civic events to which Members of the Council are invited.
- (iv) To walk in any civic processions in a position immediately senior to serving Members.
- (v) To receive a copy of the Council’s Year Book on request.
- (vi) On death, to have the Civic flag flown at the Council Offices, Whitfield at half-mast.

3.2 The Council may decide to alter, amend, supplement or withdraw the rights and privileges set out in 3.1 above either generally or, in the case of an individual Honorary Alderman or Alderwoman.

3.3 In the event of an Honorary Alderman or Alderwoman resuming membership of the Council, he or she shall cease to be entitled to be addressed as Honorary Alderman or Honorary Alderwoman or to attend or take part in any civic ceremonies of the Council as an Honorary Alderman or Honorary Alderwoman.



**DOVER DISTRICT COUNCIL**

**Honorary Alderman or Alderwoman Nomination Form**

Please provide the following details about the former councillor that you wish to nominate for Honorary Alderman or Honorary Alderwoman.

|   |  |
|---|--|
| Name of Nominee:                        |  |
| Address of Nominee:                     |  |
| Telephone Number of Nominee: (if known) |  |
| Email Address of Nominee: (if known)    |  |

Does the nominee agree for their name to be put forward for consideration?

YES

NO

The Scheme of Enrolment sets out the eligibility criteria and you should ensure that you have read it before nominating a former member of the Council for consideration.

Name of Nominating Councillor

---

Signature of Nominating Councillor

---

Date

---

Name of Seconding Councillor

---

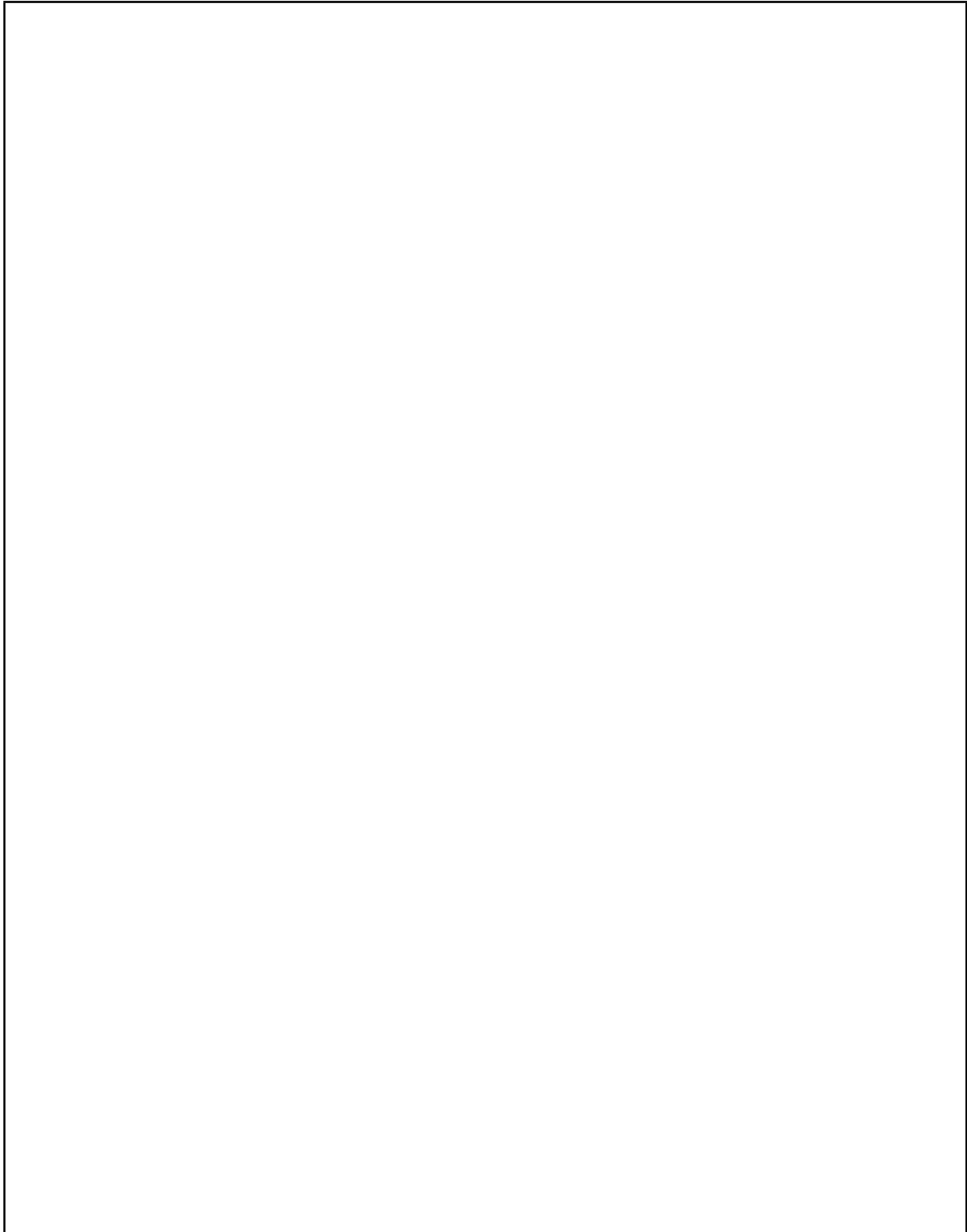
Signature of Seconding Councillor

---

Date

---

Please detail what 'eminent service' the nominee has rendered to the Dover District. Please give specific details and you may continue on a separate sheet if necessary.

A large, empty rectangular box with a thin black border, intended for the user to provide specific details of the nominee's 'eminent service' to the Dover District. The box occupies most of the page's vertical space below the instruction.

Please return to the Director of Governance, c/o Democratic Services, Council Offices, White Cliffs Business Park, Dover, Kent CT16 3PJ

---

**Subject:** DRAFT CALENDAR OF ORDINARY MEETINGS 2017/18

**Meeting and Date:** Council – 25 JANUARY 2017

**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 2017/18.

---

**1. Summary**

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

**2. Introduction and Background**

2.1 The Programme of Ordinary Meetings for 2017/18 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.

2.3 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, or any sub-committees.

2.4 A draft of the Calendar of Meetings was circulated to the three political group leaders in December 2015 for comment.

**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 2017/18 as set out in Appendix 1.

3.3 Option B – To approve the Calendar of Ordinary Meetings for 2017/18 with amendments.

3.4 Option C – To not approve the Calendar of Ordinary Meetings for 2017/18.

**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 and political party conferences.

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 Ordinary 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 Ordinary Meetings then this may need to be re-evaluated.

6. **Appendices**

Appendix 1 – Calendar of Ordinary Meetings 2017/18

Appendix 2 – List of School Holidays and Party Political Conference Dates 2017/18

7. **Background Papers**

None

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

## DRAFT CALENDAR OF COUNCIL MEETINGS 2017/18

| Committee  | Start at<br>(B)       | 2017              |      |      |     |                   |     |     |     | 2018              |                   |                  |       |                   |
|--|-----------------------|-------------------|------|------|-----|-------------------|-----|-----|-----|-------------------|-------------------|------------------|-------|-------------------|
|  |                       | May<br>(I)        | June | July | Aug | Sept              | Oct | Nov | Dec | Jan               | Feb               | Mar              | April | May               |
| Cabinet  | 11.00am               | 8                 | 5    | 3    |     | 4                 | 2   | 6   | 4   | 15                | 5                 | 5 <sup>(H)</sup> | 16    | 14                |
| Council  | 6.00pm                | 17 <sup>(A)</sup> |      | 19   |     | 18                |     |     |     | 31 <sup>(D)</sup> |                   | 7 <sup>(C)</sup> |       | 23 <sup>(A)</sup> |
| Dover Joint Transportation Board   | 6.00pm                |                   | 15   |      |     | 14                |     |     | 7   |                   |                   | 15               |       |                   |
| Governance Committee   | 6.00pm                |                   | 29   |      |     | 28 <sup>(E)</sup> |     |     | 7   |                   |                   | 8                |       |                   |
| Licensing Committee  | varies <sup>(K)</sup> | 17 <sup>(J)</sup> |      |      |     |                   |     | 21  |     |                   |                   | 7                |       | 23 <sup>(J)</sup> |
| Planning Committee   | 6.00pm                | 25                | 22   | 20   | 24  | 21                | 19  | 16  | 14  | 25                | 22                | 22               | 19    | 17                |
| Regulatory Committee   | 10.00am               | 16                |      | 18   |     | 19                |     | 21  |     | 23                |                   | 20               |       | 15                |
| Scrutiny (Community & Regeneration) Committee  | 6.00pm                | 24                | 14   | 12   |     | 13                | 11  | 15  | 13  | 17                | 28                | 14               | 25    | 16                |
| Scrutiny (Policy & Performance) Committee  | 6.00pm                | 23                | 13   | 11   |     | 12                | 10  | 14  | 12  | 16                | 27 <sup>(F)</sup> | 13               | 24    | 15                |
| South Kent Coast Health and Wellbeing Board  | 3.00pm                | 16                |      | 4    |     | 5                 |     | 7   |     | 9                 |                   | 6                |       | 1                 |
| Standards Committee  | 10.00am               |                   |      | 12   |     |                   |     |     |     | 24                |                   |                  |       |                   |
| Joint Health, Safety & Welfare Consultative Forum<br>Joint Staff Consultative Forum <sup>(L)</sup> | 2.30pm <sup>(G)</sup> |                   | 21   |      |     | 27                |     |     | 13  |                   |                   | 21               |       |                   |
| Publication of Notice of Forthcoming Key Decisions   | N/A                   | 5                 | 2    | 7    | 4   | 1                 | 6   | 3   | 11  | 5                 | 2                 | 16               | 13    |                   |

### Footnotes

- (A) Denotes the Annual General Meeting of Council  
 (B) All meetings generally commence at the times indicated but are subject to change.  
 (C) Denotes Budget and Council Tax Setting Meeting  
 (D) Council Tax Base  
 (E) Final Accounts  
 (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) The Kent County Council elections are currently scheduled for **Thursday 4 May 2017**  
 (J) This meeting will be held upon the rising of the preceding Council meeting.  
 (K) Licensing Committee start times to be agreed with the Chairman depending on the business to be conducted.  
 (L) Meetings are only held as required. The meetings of the Joint Staff Consultative Forum will be held immediately upon the rising of the Joint Health, Safety and Welfare Consultative Forum if called.

## DRAFT CALENDAR OF COUNCIL MEETINGS 2017/18

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 <a href="http://www.dover.gov.uk">www.dover.gov.uk</a>. 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><b>Democratic Services</b><br/>Telephone: (01304) 872303 / 872304 / 872305<br/>Fax: (01304) 872452<br/>Email: <a href="mailto:democratic.services@dover.gov.uk">democratic.services@dover.gov.uk</a></p> | <p>The Director of Governance and Monitoring Officer 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<br/>Team Leader - Democratic Support<br/>Telephone: (01304) 872304<br/>Email: <a href="mailto:rebecca.brough@dover.gov.uk">rebecca.brough@dover.gov.uk</a></p> <p>Kate Batty-Smith<br/>Democratic Support Officer<br/>Telephone: (01304) 872303<br/>Email: <a href="mailto:kate.batty-smith@dover.gov.uk">kate.batty-smith@dover.gov.uk</a></p> <p>Jemma Duffield<br/>Democratic Support Officer<br/>Telephone: (01304) 872305<br/>Email: <a href="mailto:jemma.duffield@dover.gov.uk">jemma.duffield@dover.gov.uk</a></p> <p>Diana Dugard<br/>Democratic Support Assistant (Leader and Chairman of the Council)<br/>Telephone: (01304) 872003<br/>Email: <a href="mailto:diana.dugard@dover.gov.uk">diana.dugard@dover.gov.uk</a></p> |

## List of School Holiday and Party Political Conference Dates 2017/18

### School Holiday Dates 2017/18

| Start (inclusive) | End (inclusive) | Holiday           |
|-------------------|-----------------|-------------------|
| 29/05/17          | 02/06/17        | Half Term         |
| 24/07/17          | 01/09/17        | Summer Holiday    |
| 23/10/17          | 27/10/17        | Half Term         |
| 21/12/17          | 03/01/18        | Christmas Holiday |
| 12/02/18          | 16/02/18        | Half Term         |
| 30/03/18          | 13/04/18        | Easter Holiday    |
| 28/05/18          | 01/06/18        | Half Term         |

### Party Political Conference Dates 2017/18

| Political Party                   | Location   | Dates (inclusive)   |
|-----------------------------------|------------|---------------------|
| Labour Party                      | Brighton   | 24/09/17 – 27/09/17 |
| Conservative Party                | Manchester | 01/10/17 – 04/10/17 |
| United Kingdom Independence Party | tba        | tba                 |



---

**Subject:** MEMBERS' ALLOWANCES SCHEME 2017/18

**Meeting and Date:** Council – 25 January 2017

**Report of:** Director of Governance

**Classification:** UNRESTRICTED

---

**Purpose of the report:** To consider the Members' Allowances Scheme for 2017/18.

---

**Recommendation:** To make the Members' Allowances Scheme for 2017/18.

---

**1. Summary**

Under Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003/1021 the Council is required to make a scheme for the payment of allowances to Members.

**2. Introduction and Background**

2.1 The Council's Members' Allowance Scheme provides for the following allowances:

- Basic Allowance (received by all Members of the Council);
- Special Responsibility Allowances (for specific positions);
- Independent Person and Substitute Independent Person Allowances
- Travel and Subsistence Expenses
- Dependent Carers Allowance
- Co-Optees' Allowance

2.2 The levels of allowance for the Chairman and Vice-Chairman are set out in the Scheme for transparency but do not form part of it.

2.3 The Council removed the arrangements for the Index Linking of Members' Allowances at its meeting held on 4 March 2015 to reflect the freeze in allowance levels..

2.4 The Council is required to make its scheme annually. In making any Scheme the Council must give consideration to the non-binding recommendations of the East Kent Joint Independent Remuneration Panel, a joint body formed by Canterbury City Council, Dover District Council and Thanet District Council. The recommendations of the Panel are set out in Appendix 2 of the report.

2.5 A draft Members' Allowance Scheme for 2017/18 based on the 2016/17 levels is attached as Appendix 1 of the report.

**3. Identification of Options**

3.1 Option 1: To make the Members' Allowances Scheme 2017/18 at the levels of 2016/17, as set out in Appendix 1. This would result in no changes to the allowance scheme.

Members would make the Members' Allowances Scheme as set out in Appendix 1 for the municipal year 2017/18.

- 3.2 Option 2: To make the Members' Allowance Scheme 2017/18 at the levels of 2016/17, as set out in Appendix 2, subject to an increase in the Dependent Carers Allowance to £7.50 per hour in line with the National Living Wage from April 2017.

Members would make the Members' Allowances Scheme as set out in Appendix 1, subject to the amendment to the Dependent Carers Allowance.

- 3.3 Option 3: To make the Members' Allowances Scheme set out in Appendix 1 with amendments. This might include changes to the Basic Allowance, Special Responsibility Allowance and/or the Travel and Subsistence Allowances.

Members could make the Members' Allowances Scheme as set out in Appendix 1 subject to minor changes. In the event of a more significant change it is recommended that Members request a further report setting out the changes and the resource implications arising.

#### 4. **Evaluation of Options**

- 4.1 Option 1 is cost neutral and would result in no direct resource implications or changes to the existing Members' Allowances Scheme. Although this option does reject the non-binding recommended increase by the Panel in respect of the Dependent Carers Allowance it should be noted that in their recommendation the Panel recognises "that in light of budgetary pressures on local authorities the Council may not choose to implement this" (i.e. the recommended increases).

- 4.2 Option 2 would result in minimal resource implications. It amends the draft Scheme to increase the Dependent Carers Allowance from £5.93 to £7.50 per hour. On the basis of the historic number of claims per annum against the Dependent Carers Allowance over the last 5 municipal years (less than 1 per year) this would be sustainable within the current budget provision.

- 4.3 Option 3 would potentially impact on the required 2017/18 budgetary provision. The proposed Members' Allowances Scheme set out in Appendix 1 is cost neutral and any amendment to increase the levels of the Members' Allowances Scheme would impact on the required 2017/18 budget provision.

#### 5. **Resource Implications**

- 5.1 There are no direct resource implications if Option 1 is adopted and Option 2 incurs minimal resource implications that can be funded from within the existing budget provision.

- 5.2 If Members wish to make significant changes the Members' Allowances Scheme it is recommended that this be subject to a further report setting out the financial implications of the changes. For example, if the Members' Allowance Scheme was to be increased in line with the Panel's non-binding target levels set out in its last review, this would increase the Basic Allowance budget by a total of £162,450 and Special Responsibility Allowances budget by a total of £106,715.

#### 6. **Corporate Implications**

- 6.1 The Council is required to make arrangements for a Members' Allowances Scheme.

#### 7. **Appendices**

Appendix 1 – Draft Members' Allowances Scheme 2017/18

Appendix 2 – East Kent Joint Independent Remuneration Panel Recommendations in respect of the draft Members' Allowances Scheme 2017/18

Appendix 3 – Comparison of the draft Members' Allowance Scheme 2017/18 against the last Quadrennial Review of the East Kent Joint Independent Remuneration Panel

8. **Background Papers**

Constitution of the Council – Issue 20

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

**Part 6**  
**Members' Allowances Scheme**  
**2017/18**

DRAFT

*[This page intentionally left blank.]*

DRAFT

# **Members' Allowances Scheme**

## **1. Introduction**

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) requires local authorities to prepare schemes for the payment of allowances to their members.
- 1.2 The 2003 Regulations (as amended) stated that authorities must establish a scheme of allowances under those Regulations by 31 December 2003. Authorities making schemes are required to make provision for the payment of basic allowances and may also provide for the payment of special responsibility allowances, dependants' carers allowances, travelling and subsistence allowance and co-optees' allowances.
- 1.3 The Council has established an Independent Remuneration Panel in conjunction with Canterbury City Council and Thanet District Council. Authorities must have regard to the recommendations made by an independent remuneration panel before making or amending a scheme in accordance with the Local Authorities (Members Allowances) (England) Regulations 2003.
- 1.4 At the meeting of the Council held on 25 January 2017 the Council duly made its Members' Allowance Scheme as set out below.

## **2. Commencement and Period of Scheme**

- 2.1 This Scheme is made by Dover District Council pursuant to Section 18 of the Local Government and Housing Act 1989 (as amended by Section 99 of the Local Government Act 2000) and the Local Authorities (Members' Allowances) Regulations 2003.
- 2.2 This Scheme has effect from 1 April 2017 and applies to the payment of members' allowances from 1 April 2017 until 31 March 2018 and subsequent years thereafter (subject to any revocation or amendment).
- 2.3 The Scheme shall remain in force unless and until revoked by the Council with effect from the beginning of a year.
- 2.4 The Scheme may be amended at any time provided that regard is had to the recommendations of the independent remuneration panel.

## **3. Revocation of Previous Schemes**

- 3.1 All previous schemes made by the Council for the payment of members' allowances were revoked with effect from 1 April 2017.

## **4. Basic Allowances**

- 4.1 A Basic Allowance shall be paid to each Member of the authority who is a councillor in the amount set out in Schedule 1.

4.2 The Basic Allowance is intended to cover the full range of work expected of a ward councillor together with incidental expenditure on matters such as stationery, postage, telephone and broadband costs.

4.3 Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his/her term of office as Member and councillor subsists bears to the number of days in that year.

## 5. **Special Responsibility Allowances**

5.1 Special Responsibility Allowances shall be payable to those Members of the authority who are councillors as hold those offices (which have special responsibilities in relation to the authority) as are specified in Schedule 2.

5.2 The amount of each Special Responsibility Allowance shall be as specified in Schedule 2.

5.3 Where a Member does not have throughout the whole of a year any such special responsibilities as entitle him/her to a Special Responsibility Allowance, his/her entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.

5.5 No Member shall be entitled to more than one Special Responsibility Allowance. Where a Member holds more than one office, then the higher of the Special Responsibility Allowances shall apply.

## 6. **Appropriate Adjustments**

6.1 The Section 151 Officer shall be authorised to make provision for any appropriate adjustment if necessary in respect of any Basic Allowance or Special Responsibility Allowance which:

- (a) has already been paid under the previous scheme in respect of the remainder of the year from which this Scheme has effect; or
- (b) is to be paid in respect of any part of the year during which the previous scheme had effect.

## 7. **Travelling and Subsistence Allowance**

7.1 Travelling and Subsistence Allowance shall be available to Members of the Council (including Co-opted members) in such amount or amounts as may be specified in Schedule 5 and subject to such conditions as are set out therein and below.

7.2 Travelling and Subsistence Allowance shall only be payable to Members in respect of actual expenditure incurred in connection with or relating to the approved duties shown below. The scheme does not allow for travelling expenses to be paid to Members arranging meetings with officers or attending to Ward work as this is deemed to be part of the Member's role and Members' allowances paid are calculated to reflect these extra duties.

- 7.3 For the purposes of the payment of travel expenses, all travel will be deemed to have commenced from the Member's current address or, if this is not within the administrative area of the Council, from the address through which the Member qualified to stand for election.
- 7.5 For journeys outside Kent the second class rail fare is paid (irrespective of whether the Member chooses to use a car), although any taxi fares, parking charges and underground fares incurred as part of the journey may still be claimed for separately. Where it is impracticable for a Member to travel by train because the venue is difficult to get to within the time allowed, or to avoid an overnight stay, or extra passengers/luggage has to be taken, car mileage may be allowed at the appropriate rate provided that written self-certification explaining why it is impractical has been completed and submitted to Democratic Support prior to the journey.
- 7.6 Attendance at meetings of the Council or of any of its committees, sub-committees, working or liaison groups, appeal panels and ad hoc meetings recorded in official minutes to which a Member has been appointed or at which s/he is acting as a Substitute for another Member including representatives appointed to Neighbourhood Forums and their substitutes.
- 7.7 Attendance at meetings of the Cabinet or of any Committee of the Cabinet or policy or project advisory groups. Members of the Shadow Cabinet, Chairmen of Scrutiny Committees and recognised Group Spokespersons shall also be eligible to claim for attendance at meetings of the Cabinet.
- 7.8 Requested attendance at meetings of Overview and Scrutiny Committees.
- 7.9 Meetings pursuant to any Joint Arrangements with another or other local authorities whether appointed or established under the Local Government Act 2000 or any other enactment.
- 7.10 Official briefing meetings which relate to an approved meeting as set out in 1.1 and 1.2 above where officers have specifically invited the Member. This scheme does not allow for travelling expenses to be paid to individual Members arranging meetings with officers as this is deemed to be part of the Member's role and Members' allowances paid are calculated to reflect these extra duties. For example: visiting the Council offices to discuss with an officer a matter raised by a member of the public in the Member's Ward.
- 7.11 Site meetings approved in advance by the Council, a committee or sub-committee, and limited to members of the committee or sub-committee in question.
- 7.12 Attending the approved duties as set out in Table 1 of Schedule 5. (Travelling arrangements should be co-ordinated to avoid duplicate claims wherever possible, particularly in instances where a Council Officer is also attending).
- 7.13 There is also a general duty permitting the Leader or nominated deputy to represent the Council at formal meetings not specified elsewhere with other authorities, official bodies or agencies for the purposes of any function of the Council.
- 7.14 Training, induction courses and seminars arranged for Members.
- 7.15 Attending the Council offices to open tender documents in accordance with Contracts Standing Order 11.5 in Part 4 of the Constitution.



- 7.16 The performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises.
- 7.17 The performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 (approval of non-maintained special schools) of the Education Act 1996.
- 7.18 The carrying out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Council or any of its committees or sub-committees. Provided always that the approved duties for which Members are eligible to claim travel and subsistence allowance shall not include cases where the Member is acting solely in his/her community role or carrying out ward business.
- 7.19 Co-opted and independent members of Committees, Boards and Panels receive travel allowances in the same way as elected members of the Council.
- 7.20 All claims for travel and subsistence allowances must be submitted to the Democratic Support Section within three months from the date on which the entitlement arises.

## **8. Dependants' Carers' Allowance**

- 8.1 A Dependants' Carers' Allowance shall be available to Members of the Council (a) in such amount or amounts as may be specified in Schedule 6 and (b) subject to such conditions as are set out in Schedule 7 and below.
- 8.2 A Dependant's Carer's Allowance shall only be payable to Members in respect of actual expenditure incurred in connection with or relating to the approved duties as specified in Schedule 6.
- 8.3 A Dependant's Carer's Allowance shall only be payable to Members in respect of the expense of arranging for the care of a spouse, partner, child, parent, or a person who lives in the same household as the Member otherwise than by reason of being his/her employee, tenant, lodger or boarder.
- 8.4 The carer must not be a member of the claimant's immediate family i.e. spouse or partner, other children of the Member or Member's spouse, or any member of the Member's family who lives at the same address as the Member; nor should it be an employee, tenant, lodger or boarder who lives at that address.
- 8.5 Payment of the allowance shall only be made on satisfactory production of an invoice and receipt; forms are available from Democratic Services.
- 8.6 Such allowances paid to a Member shall be unlimited.
- 8.7 All claims for such allowances must be submitted monthly to the Head of Democratic Services.

## **9. Index Linking**

- 9.1 NOT USED

## **10. Back Dating**

10.1 Where an amendment of this Scheme is made which affects an allowance payable for the year in which the amendment is made, the Member's entitlement to such allowance as amended shall apply with effect from the beginning of the year in which the amendment is made.

## 11. **Repayment**

11.1 Where payment of any allowance has already been made in respect of any period during which the Member concerned is:

- (a) ceases to be a Member of the authority; or
- (b) is in any way not entitled to receive the allowance in respect of that period,

the Council may require that such part of the allowance as relates to any such period shall be repaid to the Council.

## 12. **Membership of More Than One Authority**

12.1 Where a Member of the Council is also a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties.

## 13. **Electing To Forgo Allowances**

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

## 14. **Claims and Payments**

14.1 No claim is required for basic allowances and special responsibility allowances. Basic allowances will be paid equally to all Members whilst special responsibility allowances will be paid to those Members who are entitled to them.

14.2 Basic allowances and special responsibility allowances will be paid as follows:

- (i) To enable Members to meet one-off expenses at the start of the year following the ordinary elections of the full Council, the basic allowance will be paid as follows:
  - (a) a payment of £500 at the commencement of the year
  - (b) the balance to be paid by equal monthly payments on or about the 19th day of each month.
- (ii) Special responsibility allowances will be paid by equal monthly instalments on or about the 19th day of each month.

For all subsequent years until the next ordinary elections of the full Council, the Basic Allowance and special responsibility allowances will be paid by equal monthly instalments on or about the 19<sup>th</sup> day of each month.

14.3 In the case of Travelling and Subsistence Allowance and Dependants' Carers' Allowance claims must be submitted on the appropriate form on a monthly basis and will be paid through the Council's payroll system. In order to facilitate payment, claim forms should be completed in full detail and any appropriate receipts or vouchers

must be attached. If the expenses are vat-able, a VAT receipt should be enclosed if possible, to enable the Council to recover the VAT element. The declaration on the form must be completed and signed in every instance.

- 14.4 Members are requested to submit claims by not later than the 25th of each month for payment by direct credit to bank accounts on or about the 19th of the following month. A payment advice slip will be sent directly to Members and further claim forms are available from Democratic Support on request.
- 14.5 The following data must be provided to the Section 151 Officer in order to facilitate the payment:
- (i) Bank address and bank account number.
  - (ii) National Insurance number and, in the case of certain married women, a Certificate of Reduced Liability and, in the case of pensioners, a Certificate of Age Exemption, these certificates being provided by the Department of Work and Pensions.
- 14.5 In the case of a claim for Travelling and Subsistence Allowance or Dependents' Carers' Allowance such claim must be made to the Democratic Support Section within three months from the date on which an entitlement to the allowance arises.

## SCHEDULE 1

| Column 1<br>(Description) | Column 2<br>(Amount) |
|---------------------------|----------------------|
| <b>Basic Allowance</b>    | £3,980 pa            |

## SCHEDULE 2

| Column 1<br>(Description)   | Column 2<br>(Amount) |
|---|----------------------|
| <b>Special Responsibility Allowances</b>  |                      |
| Special responsibility allowances of the amounts shown in Column 2 (where indicated) shall be payable in respect of the following office holders: |                      |
| Leader of the Council   | £14,832 pa           |
| Deputy Leader of the Council  | £7,416 pa            |
| Other Cabinet Members   | £5,562 pa            |
| Chairmen of Overview and Scrutiny Committees  | £3,708 pa            |
| Chairman of the Planning Committee  | £3,708 pa            |
| Chairman of the Governance Committee  | £3,708 pa            |
| Chairman of the Standards Committee   | £927 pa              |
| Chairman of the Regulatory Committee  | £927 pa              |
| Chairman of the Licensing Committee   | £927 pa              |
| Chairman of the Dover Joint Transportation Board  | £927 pa              |
| Chairman of the General Purposes Committee  | £927 pa              |
| Vice-Chairmen of Overview and Scrutiny Committees   | £927 pa              |
| Vice-Chairman of the Planning Committee   | £927 pa              |
| Vice-Chairman of the Governance Committee   | £927 pa              |
| Vice-Chairman of the Standards Committee  | £232 pa              |
| Vice-Chairman of the Regulatory Committee   | £232 pa              |
| Vice-Chairman of the Licensing Committee  | £232 pa              |
| Vice-Chairman of the Dover Joint Transportation Board   | £232 pa              |
| Vice-Chairman of the General Purposes Committee   | £232 pa              |

| <b>Column 1<br/>(Description)</b>   | <b>Column 2<br/>(Amount)</b> |
|---|------------------------------|
| Leader of the Main Opposition Group where the group has 10 or more members        | £4,171 pa                    |
| Leader of an Opposition Group with a membership of between 5 and 9 members        | £232 pa                      |
| Leader of an Opposition Group with less than 5 members                            | None                         |
| Deputy Leader of the Main Opposition Group where the group has 10 or more members | £1,854 pa                    |
| Deputy Leader of an Opposition Group with less than 10 members                    | None                         |
| Members of the Shadow Cabinet   | £1,854 pa                    |
| Members of the Licensing Committee  | £260 pa                      |

### **SCHEDULE 3**

| <b>Column 1<br/>(Description)</b> | <b>Column 2<br/>(Amount)</b> |
|-----------------------------------|------------------------------|
| Chairman of the Council           | £5,300 pa                    |
| Vice-Chairman of the Council      | £1,400 pa                    |

### **SCHEDULE 4**

| <b>Column 1<br/>(Description)</b> | <b>Column 2<br/>(Amount)</b> |
|-----------------------------------|------------------------------|
| Independent Person                | £927 pa                      |
| Substitute Independent Person     | £232 pa                      |

## SCHEDULE 5

### Travelling and Subsistence Allowance

List of approved duties attendance at which travelling and subsistence allowance may be claimed for:

| Body  | Number of representatives |
|---|---------------------------|
| Action with Rural Communities in Kent                               | 2                         |
| Age Concern Deal (Liaison Committee)                                | 1                         |
| Dover Deal & District Citizens Advice Bureau                        | 2                         |
| Dover District Community Sports Network                             | 2                         |
| East Kent Spatial Development Company                               | 1                         |
| Industrial Communities Alliance                                     | 1                         |
| JAC Kent Downs AONB Partnership                                     | 1                         |
| Kent County Playing Fields Association                              | 1                         |
| Kent Leaders' & Chief Executives' Forum                             | 1                         |
| Local Enterprise Partnership Board and Executive                    | 1                         |
| Local Government Association – General Assembly                     | 1                         |
| Local Government Association – Rural Commission                     | 1                         |
| Patrol (National Parking Adjudication Service)                      | 1                         |
| Kent Police and Crime Panel   | 1                         |
| River Dour Steering Group   | 1                         |
| River Stour (Kent) Internal Drainage Board                          | 2                         |
| Sandwich & Pegwell Bay National Nature Reserve Management Committee | 1                         |
| South East England Councils (Secretary & Executive)                 | 1                         |
| South East Leaders' Board   | 1                         |
| Southern & South East England Tourist Board                         | 1                         |
| Supporting People in Kent Commissioning Body                        | 1                         |

Travel expenses claims in respect of attendance at meetings of other bodies to which the Member has been appointed or any outside body to which the Member are appointed as a trustee would need to be submitted to relevant Charity/Trust not Dover District Council.

#### Conferences attended by Members:

| Conference                                     | Number of representatives |
|--|---------------------------|
| Local Government Association Annual Conference | 3                         |

#### Subsistence Allowances

Subsistence allowance shall only be paid for actual expenses incurred and with proper receipts and shall not exceed:

- (a) In the case of absence, not involving an absence overnight, from the Member's usual place of residence:

| Allowance              | Rate   | Conditions  |
|------------------------|--------|---|
| Breakfast Allowance    | £6.45  | Absence to exceed 4 hours before 11.00am  |
| Lunch Allowance        | £8.91  | Absence to exceed 4 hours and to include the lunch period between 12 noon to 2.00 pm. |
| Tea Allowance          | £3.53  | Absence to exceed 4 hours and to include  |
| Evening Meal Allowance | £11.03 | Absence to exceed 4 hours, period of time ending after 7.00pm                         |

- (b) Members who are required to make overnight stays in the performance of their official duties should, wherever possible, pre-book accommodation of an appropriate standard and obtain approval from the Leader of the Council. Arrangements should be made for an invoice to be submitted directly to the Council. If this is not possible a detailed VAT receipt MUST be obtained to substantiate the claim. Alcoholic drinks may not be included in any claim.

#### Travelling Allowances

The rate for travel by a Member's own car shall not exceed 40p per mile. Where a Member takes as a passenger another Member or person to whom a travelling allowance would otherwise be paid, the Member may claim an extra 1p per passenger (not exceeding 4) per mile.

- (a) The rate for travel by a Member's own solo motorcycle shall not exceed, according to the cylinder capacity of the engine, the following:

|  |               |
|--|---------------|
| engines not exceeding 150cc                      | 8.5 per mile  |
| engines exceeding 150cc but not exceeding 500 cc | 12.3 per mile |
| engines exceeding 500cc                          | 16.5 per mile |

- (b) The rate for travel by bicycle shall not exceed 20p per mile.
- (c) For journeys outside Kent the second class rail fare is paid (irrespective of whether the Member chooses to use a car), although any taxi fares, parking charges and underground fares incurred as part of the journey may still be claimed for separately. Where it is impracticable for a Member to travel by train because the venue is difficult to get to within the time allowed, or to avoid an overnight stay, or extra passengers/luggage has to be taken, car mileage may be allowed at the appropriate rate provided that a self-certification form explaining why it is impractical has been completed and submitted to Democratic Support prior to the journey.
- (d) Second class rail fares, bus fares, essential taxi fares and gratuities, car parking fees, tolls etc necessarily incurred may be claimed subject to the provision of

receipts. Rail fares should be pre-booked wherever possible to achieve reduced fares.

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

### SCHEDULE 6

| Allowance   | Index    |
|---|----------|
| <b>Index Linking</b>  |          |
| Basic and Special Responsibility Allowances and Co-optees Allowance | NOT USED |
| Travel and Subsistence Allowances                                   | NOT USED |
| Dependants' Carers' Allowance                                       | NOT USED |

### SCHEDULE 7

| Column 1<br>(Description and Conditions) | Column 2<br>(Amount) |
|--|----------------------|
| <b>Dependants' Carers' Allowance</b>     | £5.93 per hour       |



Recommendations of the East Kent Joint Independent Remuneration Panel from its meeting held on 11 January 2017:

RESOLVED: That it be recommended to Dover District Council:

- (a) That while the Panel would support an increase in the Members' Allowances Scheme of up to, but not exceeding, its recommendations in the last Quadrennial Review it recognises that in light of budgetary pressures on local authorities the Council may not choose to implement this.
- (b) That the Dependent Carers Allowance be increased to £7.50 per hour in line with the National Living Wage (from April 2017).

**COMPARISON OF THE DRAFT MEMBERS' ALLOWANCE SCHEME 2017/18 AGAINST THE  
LAST QUADRENNIAL REVIEW OF THE EAST KENT JOINT INDEPENDENT  
REMUNERATION PANEL**

| <b>Position</b>  | <b>Number</b> | <b>Dover District<br/>Council<br/>Proposed 2017/18<br/>(£)</b> | <b>EKJIRP<br/>Recommended<br/>Levels<br/>(£)</b> |
|--|---------------|--|--|
| Basic Allowance  | 45            | 3,980  | 7,590  |
| Chairman of the Council  | 1             | 5,300  | 5,300  |
| Vice-Chairman of the Council   | 1             | 1,400  | 1,400  |
| Leader   | 1             | 14,832   | 18,974   |
| Deputy Leader  | 1             | 7,416  | 12,523   |
| Cabinet Member   | 5             | 5,562  | 11,384   |
| Opposition Group Leader (>10 members)                                | 1             | 4,171  | 6,261  |
| Opposition Group Leader (5-9 members)                                | 0             | 232  | 1,897  |
| Opposition Group Leader (<5 members)                                 | 1             | 0  | 0  |
| Opposition Deputy Group Leader (>10 members)                         | 1             | 1,854  | 3,795  |
| Opposition Deputy Group Leader (5-9 members)                         | 0             | 0  | 0  |
| Opposition Deputy Group Leader (<5 members)                          | 1             | 0  | 0  |
| Shadow Cabinet   | 5             | 1,854  | 3,795  |
| MAJOR Committee Chairman<br>(Planning / Governance / Scrutiny x 2)   | 4             | 3,708  | 9,487  |
| MAJOR Committee Vice-Chairman<br>(Planning / Governance / Scrutiny ) | 4             | 927  | 3,795  |
| MINOR Committee Chairman<br>(All others)                             | 5             | 927  | 3,795  |
| MINOR Committee Vice-Chairman<br>(All others)                        | 5             | 232  | 1,897  |
| Member of the Licensing Committee                                    | 15            | 260  | 0  |
| Independent Person   | 1             | 927  | 927  |
| Substitute Independent Person  | 1             | 232  | 232  |

**Travel and Subsistence**

The Panel recommends that travel and subsistence allowances be no greater than the levels set by HMRC.

---

|                          |   |
|--------------------------|---|
| <b>Subject:</b>          | <b>REVIEW OF THE CONSTITUTION 2016</b>  |
| <b>Meeting and Date:</b> | <b>Governance Committee – 1 December 2016</b><br><b>Council – 25 January 2017</b><br><b>Planning Committee – 23 February 2017</b> |
| <b>Report of:</b>        | <b>Director of Governance</b>   |
| <b>Classification:</b>   | <b>UNRESTRICTED</b>   |

---

**Purpose of the report:** Article 15 of the Constitution requires the Monitoring Officer to conduct regular reviews of the Constitution. A 2016 review has been undertaken proposing changes to Part 3 – Responsibility for Functions at Section 1, 2 and 6.

Article 15, paragraph 15.02 (a) requires that amendments to the Constitution will only be approved by Council (or its committees) after consideration of the proposal by the Governance Committee.

Article 15, paragraph 15.02 (d) enables proposed changes to the Constitution relating to the amendment of the title of an officer to be approved by the Monitoring Officer.

Part 3, Section 6, Sub section A Paragraph 12 of the Constitution allows for the Scheme of Officer Delegations (Part 3, Section 6) to be amended from time to time by the Council.

---

**Recommendation:**

**Governance Committee:**

That it be recommended to Council:

- (1) That it be recommend to Council that the proposed changes in the Review of the Constitution 2016, specifically relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) that relate to Council functions be approved and incorporated into the Council’s Constitution, issue no. 20
- (2) That it be recommend to Council that the proposed changes in the Review of the Constitution 2016, specifically relating to Part 3, Section 6, Sub Section C (Scheme of Officer Delegations) that relate to executive functions be approved.

**Council:**

- (1) That that the proposed changes in the Review of the Constitution 2016, specifically relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) that relate to Council functions be approved and incorporated into the Council’s Constitution, issue no. 20
-

---

(2) That the proposed changes in the Review of the Constitution 2016, specifically relating to Part 3, Section 6, Sub Section C (Scheme of Officer Delegations) that relate to executive functions be approved

Note: The Leader of the Council will be asked separately to approve any changes relating to executive functions but the Council is asked to approve the Scheme of Officer Delegations in its totality in the event that there has been an erroneous misclassification of functions.)

**Planning Committee:** That Committee note the proposed changes in the Review of the Constitution 2016 issue no. 20, specifically relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) which are planning functions.

---

## 1. Summary

- 1.1 Article 15 of the Council's Constitution makes provision for the regular review of the Constitution by the Monitoring Officer on an annual and ad-hoc basis. This 2016 review incorporates a number of changes to the functions of the Planning Committee (Part 3, Responsibility for Functions, Sections 1 and 2) and to the Scheme of Officer Delegations (Part 3, Section 6, Sub Section C).
- 1.2 The purpose of the proposed changes to Sections 1 and 2 are to make the functions more transparent and easy to understand and don't attempt to change the balance of power between the Planning Committee and those delegated to the officers through the Scheme of Officer Delegations. They are intended to make the document more accessible.
- 1.3 The purpose of the proposed changes within Sections 6 are to mirror the changes in sections 1 and 2 and also to reflect changes in structures and responsibilities within the Council. They are also intended to make the document more accessible.

## 2. Introduction and Background

- 2.1 Since the introduction of the first version of the Constitution in 2002, the Council has revised the Constitution nineteen times. The Review of the Constitution 2016, which has been undertaken by the Director of Governance / Monitoring Officer in conjunction with the Solicitor to the Council and the Team Leader - Democratic Services, will be the twentieth revision resulting in the proposed draft version 20.
- 2.2 Due to the size of the Council's Constitution, it is not practical to conduct a detailed analysis of nearly 500 pages on an annual basis and instead specific areas are selected each year for review. This year's review has concerned itself with improving transparency and accessibility, reflecting structural changes to the Council's organisational structure and the collation of changes made by decision-making bodies such as the Cabinet or Council during the course of the previous year.
- 2.3 The focus of the 2016 review was as follows:
  - (a) Part 3 Responsibility for Functions.

(b) Part 9 Appendix 1(Proper Officer Appointments)

3. **Approval of Amendments to the Constitution**

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

3.2 The detail of the changes are set out below:

- (a) **Part 3, Sections 1 and 2.** Changes to Sections 1 and 2 intend to make the Responsibility for Local Choice and Council Functions more transparent and easy to understand Delegations. Changes within Sections 6 mirror the changes in sections 1 and 2 and also to reflect changes in structures and responsibilities within the Council. The changes are intended to make the document more accessible, without significantly affecting distribution of functions between the Planning Committee and those delegated to the officers through the Scheme of Officer Delegation.

It should be noted that the Leader of the Council will be asked separately to approve any changes to the Scheme of Officer Delegations relating to the powers of the executive as the Council is not legally able to do this. Notwithstanding this, the Council is asked to approve the Scheme of Officer Delegations in its' entirety (including those delegations relating to executive functions). This is because the classification of functions between executive and non-executive functions is not entirely straightforward and we now know from decided legal cases that if a delegation is approved by the wrong body it is likely to be of no legal effect. If the entire Scheme of Officer Delegations is approved by both the Council and the executive Leader, the Council should be better placed to answer any legal challenge that the individual delegations have not been properly approved.

**Part 9, Appendix 1.** Proper Officer Appointments for Specified Statutory Purposes and for Specified Purposes. These changes relate to the amendment of the title of two proper officers and has been approved by the Monitoring Officer.

4. **Identification of Options**

4.1 Option 1 - To approve the 2016 Review of the Constitution as submitted.

4.2 Option 2 – To not approve the 2016 Review of the Constitution as submitted.

4.3 Option 3 – To amend the Constitution in some other way

5. **Evaluation of Options**

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

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

5.3 Option 3 is not recommended as it will not be possible for the Governance Committee or the Council to make any significant changes to the proposals at their meeting. Should members be minded to pursue this option they would need to instruct the Director of Governance/Monitoring Officer as to their wishes and require him to report to future meetings of the Governance Committee and the Council.

6. **Resource Implications**

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

7. **Appendices**

Appendix A – Draft Constitution of the Council (Version 20)

8. **Background Papers**

Local Government Act 2000 and the regulations made under that Act.

Contact Officers: David Randall, Director of Governance and Monitoring Officer,  
ext. 2141  
Harvey Rudd, Solicitor to the Council, ext. 2321  
Rebecca Brough, Team Leader Democratic Support, ext. 2304