



Annual Council Meeting

Council Offices
White Cliffs Business Park
Dover

Wednesday, 17 May 2017

Summons and Agenda

Nadeem Aziz
Chief Executive



Democratic Services
White Cliffs Business Park

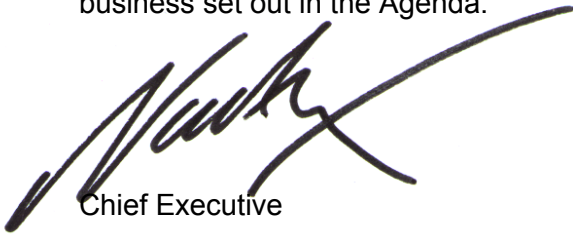
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9 May 2017

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 17 May 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 C Manion
D Hannent (Vice-Chairman)	M R Eddy	K Mills
J S Back	A Friend	K E Morris
S F Bannister	R J Frost	D P Murphy
T J Bartlett	B Gardner	A M Napier
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	N A G Richards
P I Carter	M J Holloway	M Rose
N J Collor	S J Jones	D A Sargent
M D Conolly	L A Keen	F J W Scales
M I Cosin	N S Kenton	P Walker
G Cowan	P S Le Chevalier	P M Wallace
D G Cronk	S M Le Chevalier	P A Watkins

AGENDA

1 **ELECTION OF A CHAIRMAN**

To elect a Chairman of the Council for the ensuing municipal year 2017/18.

The procedure set out below will be followed:

- (a) If intending to stand for re-election as Chairman, the outgoing Chairman cannot preside over her own election. The Chairman will therefore need to either resign the office (which allows them to stay and participate in proceedings) or vacate the chair and leave the meeting prior to nominations being made. The Vice-Chairman, or in the Vice-Chairman's absence a member of the Council elected to preside over the election, will act as the Chairman in such a situation.
- (b) The Chairman, Vice-Chairman or Member presiding (as appropriate) will call for nominations (which must be proposed and seconded) followed by either a direct vote or a succession of votes depending on the number of nominations.
- (c) In the case of an equality of votes, the Chairman, Vice-Chairman or Member presiding will have a casting vote.

Upon election, the procedure will be followed:

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

2 **APPOINTMENT OF A VICE-CHAIRMAN**

To appoint a Vice-Chairman of the Council for the ensuing municipal year 2017/18.

The following procedure will be followed:

- (a) The Chairman will call for nominations (which must be seconded) followed by either a direct vote or a succession of votes depending on the number of nominations.
- (b) In the case of an equality of votes, the Chairman will have a casting vote.

Upon election, the Vice-Chairman will sign the Declaration of Acceptance of Office.

3 **APOLOGIES**

To receive any apologies for absence.

4 **MINUTES** (Pages 8 - 22)

To confirm the attached Minutes of the meetings held on 1 March 2017 and 22 March 2017.

5 **DECLARATIONS OF INTEREST** (Page 23)

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

6 **ANNOUNCEMENTS**

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

7 **APPOINTMENT OF CABINET**

To receive from the Leader of the Council any changes to the Members of the Cabinet and related portfolios.

8 **APPOINTMENT OF SHADOW CABINET**

To note the composition of the Shadow Cabinet as advised by the Leader of the Main Opposition Party. The Shadow Cabinet must directly reflect the composition of the Cabinet (in accordance with the Council Procedure Rules).

9 **THE STANDARDS COMMITTEE** (Pages 24 - 29)

To consider the attached report of the Director of Governance.

10 **ESTABLISHMENT AND COMPOSITION OF COMMITTEES**

(a) Committees

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

Dover Joint Transportation Board
East Kent Shared Services Committee
Electoral Matters Committee
General Purposes Committee
Governance Committee
Joint Health, Safety and Welfare Consultative Forum
Joint Staff Consultative Forum
Licensing Committee
Planning Committee
Regulatory Committee
Scrutiny (Community and Regeneration) Committee
Scrutiny (Policy and Performance) Committee

(b) Review of Allocation of Seats to Political Groups

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

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

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

The list below sets out the Chairman's Political Groups for the period 2016/17 for reference.

<u>Committee</u>	<u>Chairman's Political Group</u>
Dover Joint Transportation Board	As per terms of reference
East Kent Shared Services Committee	As per terms of reference
Electoral Matters Committee	Conservative
General Purposes Committee	Conservative
Governance Committee	Conservative
Joint Health, Safety and Welfare Consultative Forum	Elected by the Forum
Joint Staff Consultative Forum	Elected by the Forum
Licensing Committee	Elected by the Committee
Planning Committee	Conservative
Regulatory Committee	Conservative
Scrutiny (Community and Regeneration) Committee	Labour (the Constitution presumes the committee will be opposition chaired)
Scrutiny (Policy and Performance) Committee	Labour (the Constitution presumes the committee will be opposition chaired)

11 **CALENDAR OF ORDINARY MEETINGS 2017/18** (Pages 30 - 33)

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

The Council, at its meetings on 25 January 2017, provisionally approved the programme subject to ratification at this meeting. In the event that any Member wishes to propose a change to the Calendar of Meetings, they are asked to contact the Head of Democratic Services or the Team Leader – Democratic Services prior to the date of the meeting at which this report is considered in order that the implications of rearranging the Calendar can be established.

12 **ANNUAL REPORT OF THE STANDARDS COMMITTEE 2016/17**

To consider the joint report of the Chairman of the Standards Committee and the Monitoring Officer.

13 **ANNUAL REPORT OF THE GOVERNANCE COMMITTEE 2016/17** (Pages 34 - 52)

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

14 **ANNUAL REPORT ON SCRUTINY 2016/17** (Pages 53 - 66)

To consider the attached report of the Director of Governance and Monitoring Officer.

15 **PROPOSAL FOR A REVIEW OF ELECTORAL ARRANGEMENTS BY THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND**

To consider whether to request that the Local Government Boundary Commission for England conduct a review of the Council's electoral arrangements including wards and number of Members.

16 **URGENT BUSINESS TIME**

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

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Rebecca Brough, Team Leader - Democratic Support, telephone: (01304) 872304 or email: rebecca.brough@dover.gov.uk for details.

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

MINUTES OF PROCEEDINGS

At the meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday, 1 March 2017 at 6.00 pm.

Present:

Chairman: Councillor S S Chandler

Councillors:

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

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

71 APOLOGIES

Apologies for absence were received from Councillors N Dixon, S Hill, M J Holloway, P S Le Chevalier, S M Le Chevalier and D P Murphy.

72 MINUTES

The Minutes of the meeting held on 25 January 2017 were approved as a correct record and signed by the Chairman.

73 DECLARATIONS OF INTEREST

The following declarations of interest were made by Members:

Councillor P I Carter declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.

Councillor S S Chandler declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of her husband's ownership of rented property.

Councillor A Friend declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.

Councillor D Hannent declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.

Councillor P G Heath declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.

Councillor N S Kenton declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.

Councillor S C Manion declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.

Councillor P A Watkins declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.

74 ANNOUNCEMENTS

The Chairman of the Council, Councillor S S Chandler, made the following announcements:

- (a) To advise that Councillor A F Richardson (Maxton, Elms Vale and Priory Ward) had resigned on 28 February 2017.
- (b) To ask that Members complete their Related Party Transaction forms.

75 LEADER'S TIME

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

- (a) That the Royal and Ancient had announced that The Open Golf Championship would return to Royal St George's Golf Club in Sandwich in 2020.

He thanked the Head of Inward Investment for his hard work and Mr Craig Mackinlay, MP (Thanet South) for his role in gaining Department of Transport support.

During the last Open at Sandwich, one of the previous obstacles had related to the capacity of the High Speed train service to cope with demand and as a result a platform extension was being added to allow a six car train to stop at the station. The options of a temporary or a permanent extension to the platform were being discussed, with a permanent solution being the preferred option.

The Portfolio Holder for Access and Licensing, Councillor N J Collor, was working to ensure that businesses in Sandwich benefited from the number of visitors that the Open Golf Championship would bring to the town.

- (b) The news that £5 million of funding had been allocated to the Dover Western Dock extension by the South East Local Enterprise Partnership.

- (c) That the next stage for the Betteshanger site was being discussed with the Homes and Community Agency.
- (d) That he had met with the Police and Crime Commissioner, Matthew Scott, in respect of modern slavery and people trafficking.
- (e) That he had met with the new owners of the Discovery Park and discussed their preference for an emphasis on life sciences.
- (f) That he had met with the Mayor of Dover, Councillor Neil Rix, to discuss Dover town centre development.
- (g) To express his sadness at the news of Councillor A F Richardson's resignation and praise his work on the Planning Committee over the years he had served on the Council.

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

- (a) To welcome the news of the return of the Open Golf Championship to Sandwich and congratulate the Head of Inward Investment on his work to bring it back. He emphasised the need to resolve the traffic problems that accompanied the last Open Golf Championship played at Royal St George's.
- (b) To welcome the news in respect of the Dover Waterfront. This emphasised the role of the public sector as a catalyst for development.
- (c) That the district needed tertiary education and to highlight the fit between food science and life sciences at the Discovery Park.
- (d) To advise that he had also met with the Kent Police and Crime Commissioner and had found him to be aware of the problems facing the Dover District.
- (e) To praise the professional manner in which Councillor A F Richardson approached planning matters.

The Deputy Leader of the Minority Opposition UK Independence Party Group made no report.

In response, the Leader of the Council raised the following matters in his right to reply:

- (a) To advise that the master planning stage for the Western Heights was progressing well.
- (b) That the developers for the Fathingloe site were pressing for an accelerated hearing at the Supreme Court. The Court of Appeal had granted an accelerated hearing previously for this matter.
- (c) To agree that the Discovery Park and Hadlow College complemented each other.

The Leader of the Labour Group, Councillor M R Eddy, gave notice that Councillor G Cowan would replace Councillor S Hill on the Scrutiny (Community and Regeneration) Committee.

77 QUESTIONS FROM THE PUBLIC

In the absence of the questioner, Mrs J Mead, the Chairman advised that the question would not be dealt with.

78 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 Portfolio Holder for Access and Licensing, Councillor N J Collor:

“Can the Portfolio Holder for Access and Licensing tell the meeting if DDC has any plans to install charging points for electric vehicles?”

In response, the Portfolio Holder for Access and Licensing advised that while the decision as to whether to invest in the provision of charging points for electric vehicles remained under review the Council was encouraging new developments to install charging points. There would be 3 at the St James’s development and 4 at the new leisure centre.

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

- (2) Councillor P J Hawkins asked the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton:

“The Portfolio Holder for Environment, Waste and Planning will recall that on the 13 September the Scrutiny (Policy and Performance) Committee made seven recommendations regarding the Regent Cinema including that the developer be given three months to submit an outline planning application and 6 months to submit a full planning application. Would he please update Council on the current situation regarding the seven recommendations?”

In response, the Portfolio Holder for Environment, Waste and Planning updated members on the decision of Cabinet made in October 2016 as followed:

- That Planning officers had been instructed to offer no further pre-planning advice to the developers and that it had been made clear to the developers that they now needed to progress with the submission of proposals for determination.
- That to date no planning application had been received although the 6 month deadline did not expire until early April 2017.

- That the building had been inspected by officers and following discussions with the developers, works were agreed to deal with concerns regarding the deterioration of the building. These had been completed to the satisfaction of officers without needing to issue Section 215 notices.
- That the Fire Officer had inspected the premises and the concerns which he raised had been dealt with. Officers from the Council's Property Services team had undertaken inspections and were satisfied that for now there was no impact on the Timeball Tower.
- That the correct business rate payments had been made for the property.
- That the consideration of the remaining recommendations would be considered after the deadline for a planning application to be received had expired.

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

- (3) Councillor S J Jones asked the Portfolio Holder for Corporate Resources and Performance, Councillor M D Conolly:

"Why does this Council, when assessing tenders for goods and services not include in reports to Councillors if it has taken into account during the procurement process the social value requirements as defined by the Local Services Social Value Act 2012 which requires councils to consider the social, environmental and economic impact of contracts and how they can best impact the local community alongside best value for money, as it does with legal and equality and diversity requirements?"

In response, the Portfolio Holder for Corporate Resources and Performance advised that this was currently considered by the procurement lead at the outset in consultation with project officers and when drafting the tender documentation and evaluation methodology.

In accordance with Council Procedure Rule 12.5, Councillor S J Jones exercised her right to ask one supplementary question and requested a written response to it.

- (4) Councillor L A Keen asked the Leader of the Council, Councillor P A Watkins:

"Can the Leader of the Council describe the mechanisms for informing and consulting local residents on the proposed 4-council merger within the engagement exercise proposed in the consultants' report?"

In response, the Leader of the Council referred Councillor L A Keen to the information contained within Appendix 2 of the East Kent Councils Merger report as published in the Cabinet agenda for the meeting held on 1 March 2017.

In accordance with Council Procedure Rule 12.5, Councillor L A Keen exercised her right to ask one supplementary question.

- (5) Councillor B Gardner asked the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton:

“At cabinet in January 2017 when the item on planning appeals and planning conditions was discussed it was proposed that a working party of three councillors should be set up as a matter of urgency to discuss the whole situation of planning. Would the Portfolio Holder for Environment, Waste and Planning inform the Council as to when the first meeting of this group might take place?”

In response, Councillor N S Kenton advised that Cabinet had agreed to conduct a review of the Council’s Planning Enforcement Plan which would include consideration of the imposition of conditions and their enforcement. As part of the review process the Portfolio Holder for Environment, Waste and Planning, Chairman of the Planning Committee and the Planning Committee Spokesperson would be included and terms of reference for the review were being drafted by officers.

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

- (6) Councillor G Cowan asked the Portfolio Holder for Corporate Resources and Performance, Councillor M D Conolly:

“Can the Portfolio Holder for Corporate Resources and Performance inform the Council how much this Council has received in Capital Receipts from the sale of land in Aylesham used for the new housing developments and what percentage will the Aylesham area receive?”

In response, Councillor M D Conolly advised that £415,318 in capital receipts had been received in respect of Aylesham to date with additional receipts of £1.577 million (Phase 1a Market Overage) and £6.837 million (Phase 1b Land Payment) anticipated. These would form part of the total overall available capital receipts and are not ring-fenced for Aylesham and instead would be allocated across the whole district in accordance with the Council’s investment priorities.

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

- (7) Councillor P M Brivio asked the Portfolio Holder for Housing, Health and Wellbeing, Councillor P M Beresford:

“Can the Portfolio Holder for Housing, Health and Well-being provide an update on the Selective Licensing Scheme that this Council agreed to introduce in January 2015?”

In response, Councillor P M Beresford advised that at the time of the original Motion passed in January 2015 the analysis of relevant data indicated that the area under consideration did not meet the criteria for a Selective Licensing Scheme as laid out in the provisions of the Housing Act 2004.

Additional criteria were added later in 2015 in respect of deprivation and property conditions. A private sector stock condition survey had recently been undertaken and following the results of this the Council had requested a further more detailed analysis in respect of property conditions.

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

- (8) Councillor B Gardner asked the Portfolio Holder for Environment, Waste and Planning, Councillor N S Kenton:

“In March 2015 there was a training session for councillors at which councillors were informed that there was a backlog of just over 600 planning enforcement cases. Members were further informed that the Portfolio Holder for Environment, Waste and Planning had agreed to write off over 60% of these as they were not worth pursuing for various reasons, but that the remaining 245 would be taken up. Can the Portfolio Holder confirm if he has written off another 200 cases and, if so, how many are still being pursued?”

In response, Councillor N S Kenton advised that the enforcement team was maintaining a caseload of around 200 cases at any one time.

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

- (9) Councillor G Cowan asked the Portfolio Holder for Housing, Health and Wellbeing, Councillor P M Beresford:

“Could the Portfolio Holder for Housing, Health and Well-being inform the Council of the percentage of new houses in Aylesham that will be offered to Aylesham people as social housing?”

In response, Councillor P M Beresford advised that as Aylesham was not a rural exception site the occupancy of affordable housing could not be restricted to or prioritised for people already living in Aylesham or with family connections in Aylesham. Instead, affordable housing would be offered to people within the district with the most need which could include people from Aylesham.

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

79 ELECTION OF A CHAIRMAN

In the absence of the Chairman and Vice-Chairman who withdrew from the meeting following their declarations of a Disclosable Pecuniary Interest (DPI) in the Motion at Minute No. 80(1), the Team Leader – Democratic Support called for nominations for the Chairman for the next item of business.

It was proposed by Councillor M R Eddy and duly seconded that Councillor D G Cronk be elected Chairman for the next item of business.

In the absence of any other nominations it was put to the meeting and

RESOLVED: That Councillor D G Cronk be elected as Chairman for the next item of business.

MOTIONS(1) Motion from Councillor D A Sargent

In accordance with Council Procedure Rule 13, Councillor D A Sargent gave notice of his intention to move the following Motion:

"This Council recognises and notes the continuing problems that many people in the District living in private rented sector accommodation face due to poor maintenance of properties and uncertainty of how long they will be able to remain in their homes because of short term tenancies.

This Council agrees to request that the government Housing Minister introduces as soon as practical more robust regulation of the Private Rental sector, to increase building maintenance standards and to encourage more responsible landlords and to seriously consider introducing some form of rent control."

The Motion was duly seconded by Councillor P M Brivio.

An AMENDMENT was moved by Councillor F J W Scales and duly seconded as followed:

"While recognising the work that the Government is already doing this Council requests that the Government Housing Minister introduces as soon as practical more robust regulation of the Private Rental sector, to increase building maintenance standards and to encourage more responsible landlords."

Councillor F J W Scales made a Personal Explanation in respect of his speech to the AMENDMENT.

On being put to the meeting, the AMENDMENT was LOST.

On being put to the meeting, the original Motion was CARRIED.

RESOLVED: This Council recognises and notes the continuing problems that many people in the District living in private rented sector accommodation face due to poor maintenance of properties and uncertainty of how long they will be able to remain in their homes because of short term tenancies.

This Council agrees to request that the government Housing Minister introduces as soon as practical more robust regulation of the Private Rental sector, to increase building maintenance standards and to encourage more responsible landlords and to seriously consider introducing some form of rent control.

(Councillor P I Carter declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.)

(Councillor S S Chandler declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of her husband's ownership of rented property.)

(Councillor A Friend declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.)

(Councillor D Hannent declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.)

(Councillor P G Heath declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.)

(Councillor N S Kenton declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.)

(Councillor S C Manion declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.)

(Councillor P A Watkins declared a Disclosable Pecuniary Interest in Minute No. 80 (Motion (1)) by reason of his ownership of rented property.)

At the conclusion of the item of business the Chairman of the Council returned to the Chair for the remaining items of business.

(2) Motion from Councillor S J Jones

In accordance with Council Procedure Rule 13, Councillor S J Jones gave notice of her intention to move the following Motion:

“Council believes that bidders for Council contracts should be asked to account for their past tax record, using the standards in Procurement Policy Note 03/14, rather than the lower standards in the recent regulations. Council calls for the Council's procurement procedures to be amended to require all companies bidding for Council contracts to self-certify that they are fully tax-compliant in line with central government practice, using the standards in PPN 03/14, applying to contracts of the size specified.

Council asks the Cabinet to publicise this policy and to report on its implementation annually for the next three years.”

The Motion was duly seconded by Councillor M R Eddy.

On there being an equality of votes, the Chairman used her second casting vote against the Motion, whereupon the Motion was LOST.

81 PAY POLICY STATEMENT

The Director of Governance presented the report on the Pay Policy Statement.

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

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

COUNCIL BUDGET 2017/18 AND MEDIUM-TERM FINANCIAL PLAN 2017/18–2020/21

The Director of Finance, Housing and Community gave a presentation on the Council Budget 2017/18 and Medium Term Financial Plan 2017/18 - 2020/21.

It was moved by Councillor M D Conolly, and duly seconded, that the recommendations set out in the report incorporating the recommendations of the Cabinet at its meeting held on 1 March 2017, be approved.

- RESOLVED:
- (a) That the General Fund Revenue Budget, the Capital and Special Projects Programmes, the Housing Revenue Account Budget, the Council Tax Resolution and the content of the Medium Term Financial Plan 2017/18 – 2020/21 be approved.
 - (b) That it be noted that it is the view of the Director of Finance, Housing and Community (Section 151 Officer) that the budget has been prepared in an appropriate and prudent manner and that based upon the information available at the time of producing this report the 2017/18 estimates are robust and the resources are adequate for the Council's current spending plans in 2017/18.
 - (c) That the various Council recommendations at the end of the sections within the attached budget and Medium Term Financial Plan, and summarised in Annex 14 to Appendix 1, be approved as follows:
 - (i) That the General Fund Revenue Budget for 2017/18 and the projected outturn for 2016/17 be approved.
 - (ii) That the policies and protocols regarding the General Fund balances and earmarked reserves, and transfers between reserves as set out in Annex 6 be approved.
 - (iii) That the 2016/17 Projected Outturn and the 2017/18 HRA budget at Annex 7 be approved.
 - (iv) That the approval of individual projects to be financed by the HIR be delegated to the Cabinet.
 - (v) That the Capital and Special Revenue Projects Programmes be approved.
 - (vi) That the capital resources required to finance new projects be secured before new projects commence.
 - (vii) That the Treasury Management Strategy, including the Prudential Indicators and Minimum Revenue Provision statement, be approved.

- (viii) That the Council Tax Resolution as set out at Annex 10A be approved.
- (ix) That it be noted that if the formal Council Tax Resolution at Annex 10A is approved, the total Band D Council Tax will be as set out at Annex 14 of the report.

The Team Leader – Democratic Support advised that the vote would have to be a recorded vote in accordance with Council Procedure Rule 18.6. The manner of the voting was as followed:

<u>FOR (19)</u>	<u>AGAINST (13)</u>	<u>ABSTAIN (0)</u>
J S Back	S F Bannister	
T J Bartlett	P M Brivio	
P M Beresford	G Cowan	
T A Bond	D G Cronk	
B W Butcher	M R Eddy	
P I Carter	B Gardner	
S S Chandler	B J Glayzer	
N J Collor	S J Jones	
M D Conolly	L A Keen	
A Friend	A S Pollitt	
R J Frost	G Rapley	
D Hannent	P Walker	
P G Heath	P M Wallace	
N S Kenton		
K E Morris		
M J Ovenden		
M Rose		
F J W Scales		
P A Watkins		

83 URGENT BUSINESS TIME

There were no items of urgent business.

The meeting ended at 8.35 pm

Public Document Pack

MINUTES OF PROCEEDINGS

At the Extraordinary meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday, 22 March 2017 at 6.00 pm.

Present:

Chairman: Councillor S S Chandler

Councillors:

J S Back	N Dixon	N S Kenton
S F Bannister	M R Eddy	P S Le Chevalier
T J Bartlett	A Friend	K Mills (Minutes 88-89)
P M Beresford	R J Frost (Minutes 88-89)	K E Morris
T A Bond	B Gardner	D P Murphy
P M Brivio	B J Glayzer	M J Ovenden
B W Butcher	D Hannent	A S Pollitt
P I Carter	P J Hawkins	G Rapley
N J Collor	P G Heath	M Rose
M D Conolly	J M Heron	F J W Scales
M I Cosin	M J Holloway	P Walker
G Cowan	S J Jones	P M Wallace
D G Cronk	L A Keen	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
Democratic Support Officer

84 APOLOGIES

Apologies for absence were received from Councillors S M Le Chevalier and D A Sargent.

It was stated that Councillors R J Frost, S C Manion and K Mills would be arriving late.

85 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

86 ANNOUNCEMENTS

The Chairman of the Council, Councillor S S Chandler, made the following announcements:

- (a) To express sympathy to the families of the victims of the Westminster terrorist attack.
- (b) To advise that Councillor S Hill (Buckland Ward) had resigned and that a by-election would be held in due course.

87 SEAT ALLOCATION AND GROUP APPOINTMENTS

The Deputy Leader of the UKIP Group, Councillor G Rapley, advised the nominations to fill the vacant UKIP Group seat allocations that had arisen following the resignation of Councillor A F Richardson.

RESOLVED: That the nominations to fill the vacant UKIP Group seat allocations be noted as followed:

Planning Committee – Councillor G Rapley
Governance Committee – Councillor B J Glayzer

88 BUSINESS CASE - SINGLE EAST KENT COUNCIL

The Chief Executive introduced the report on the Business Case for a Single East Kent Council.

Members discussed the scope and methodology of the proposed consultation and the potential impact on Council Tax for Dover Residents as part of any harmonisation of Council Tax.

It was moved by Councillor P A Watkins and duly seconded by Councillor M D Conolly

- (a) That having considered the business case it becomes the policy of this Council to explore further the abolition of the local government district areas of Canterbury, Dover, Shepway and Thanet and the constitution of a new local government district area of East Kent comprising the areas of those districts.
- (b) That the unspent balance of the £20,000 previously agreed by the Council to fund the preparation of the business case be made available to fund a public consultation and engagement exercise to start after the Kent County Council elections conclude.
- (c) That the Cabinet be requested to ensure an appropriate public consultation and engagement exercise is undertaken to ascertain views on the proposal set out in 1 above.
- (d) That a further report be submitted to the Council prior to the making of any submission to the Secretary of state.

It was moved by Councillor G Rapley, and duly seconded by Councillor B J Glayzer that the Council resolve into a Committee of the whole Council so that Members

could speak without the restrictions on the number of times when a member could speak or the length of their speeches.

On being put to the vote the Motion was LOST.

An AMENDMENT was moved by Councillor M R Eddy and duly seconded by Councillor P Walker:

- (a) In advance of adequate consideration of a business case, this Council will further explore the abolition of the local government areas of Canterbury, Dover, Shepway and Thanet and the constitution of a new local government body for East Kent.
- (b) That the unspent balance of £20,000 previously agreed by the Cabinet to fund the preparation of the business case be made available towards funding a thorough and wider consultation and engagement exercise, including a referendum, in the Dover District Council area.
- (c) That further reports on any business case and/or consultation are submitted to Scrutiny prior to Council (as agreed by the Scrutiny Committee) before Cabinet make any submission to the Secretary of State.

On being put to the vote the AMENDMENT was LOST.

On being put to the meeting, the original Motion was CARRIED.

- RESOLVED:
- (a) That having considered the business case it becomes the policy of this Council to explore further the abolition of the local government district areas of Canterbury, Dover, Shepway and Thanet and the constitution of a new local government district area of East Kent comprising the areas of those districts.
 - (b) That the unspent balance of the £20,000 previously agreed by the Council to fund the preparation of the business case be made available to fund a public consultation and engagement exercise to start after the Kent County Council elections conclude.
 - (c) That the Cabinet be requested to ensure an appropriate public consultation and engagement exercise is undertaken to ascertain views on the proposal set out in 1 above.
 - (d) That a further report be submitted to the Council prior to the making of any submission to the Secretary of state.

Six members present requested that a recorded vote be held in accordance with Council Procedure Rule 18.4. The manner of the voting was as followed:

FOR (22)

J S Back
T J Bartlett
P M Beresford
T A Bond
B W Butcher
P I Carter

AGAINST (18)

S F Bannister
P M Brivio
M I Cosin
G Cowan
D G Cronk
M R Eddy

ABSTAIN (0)

FOR (22)

S S Chandler
N J Collor
M D Conolly
N Dixon
A Friend
D Hannent
P G Heath
M J Holloway
N S Kenton
P S Le Chevalier
K E Morris
D P Murphy
M J Ovenden
M Rose
F J W Scales
P A Watkins

AGAINST (18)

R J Frost
B Gardner
B J Glayzer
P J Hawkins
J M Heron
S J Jones
L A Keen
K Mills
A S Pollitt
G Rapley
P Walker
P M Wallace

ABSTAIN (0)

89 URGENT BUSINESS TIME

There were no items of urgent business.

The meeting ended at 7.40 pm

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

Subject: THE STANDARDS COMMITTEE

Meeting and Date: Governance Committee – 6 April 2017
Council – 17 May 2017

Report of: David Randall, Director of Governance

Classification: Unrestricted

Purpose of the report: To propose that the Council no longer appoints a separate Standards Committee

Recommendation: Governance Committee recommends to Council that:

1. That, as from the 2017 Annual Meeting of the Council, the Council no longer appoints a separate Standards Committee.
 2. That, with effect from the 2017 Annual Meeting of the Council, the functions of the Standards Committee are transferred to the Governance Committee and the revised functions as described at Appendix 1 are adopted and incorporated into the Council's Constitution.
 3. That, with effect from the 2017 Annual Meeting of the Council, the membership of the Governance Committee is increased from 6 to 7 members.
 4. That the Director of Governance is authorised to make consequential textual changes to the Council's Constitution to remove references to the Standards Committee and where appropriate replace with reference to the Governance Committee.
-

1. Summary

- 1.1 Under the provisions of the Localism Act 2011, from 1 July 2012, the Council adopted a new Kent Model Code of Conduct for members and put in place arrangements for investigating allegations of failure to comply with the Code and for making decisions in respect of those allegations.
- 1.2 The key features of the new arrangements were that the concept of a statutory standards committee no longer existed, the role of independent members and parish-appointed members no longer existed and most of the responsibilities in managing the new arrangements were vested with the Monitoring Officer.
- 1.3 Since 2012, the Standards Committee has continued as an ordinary local authority committee subject to all of the usual procedural rules, including a requirement for it to be politically balanced. However, apart from at the outset when there were occasional papers considered as the new Kent Model Code of Conduct for Members was bedded in, there has been an increasing dearth of business relating to the Code of Conduct and its associated arrangements.

- 1.4 Since 2012, the only business routinely transacted at the committee relates to the corporate service complaints report. In the 5 years since the introduction of the new arrangements, there were 18 scheduled meetings of the committee. It has met on only 12 occasions, cancelling 6 of the meetings, due to the lack of business. Of the meetings held, the average length of a Standards Committee meeting has reduced year on year from nearly an hour in 2012/13 to under 15 minutes in 2016/17.
- 1.5 This report proposes that the Standards Committee is not reappointed at the Annual Meeting of the Council in May 2017 and that its functions relating to corporate service complaints and member conduct are transferred to the Governance Committee. It is also proposed that the Governance Committee membership is increased by one to seven members. This will provide slightly more resilience if a member Hearing Panel needs to be constituted.

2. Background

Local Government Act 2000 and Localism Act 2011

- 2.1 The Local Government Act 2000 at para. 53 required that a relevant authority must establish a Standards Committee with the functions conferred on it. The definition of a relevant authority included a district council and as a result this Council established its Standards Committee. However, this requirement was modified by the Localism Act 2011 at para. 49. The 2011 Act changed the definition of a relevant authority, and as a result, a district council ceased to be a relevant authority from 1 July 2012. The implication of this change was that a district council ceased to be required to establish a Standards Committee.
- 2.2 However, from 1 July 2012, this Council retained the Standards Committee as an ordinary local authority committee subject to all of the usual procedural rules including a requirement for it to be politically balanced. This meant that we no longer had Independent Members of the Committee, including no longer having an Independent Chairman of the committee and the initial assessment of allegations of member breaches of the code of conduct were no longer considered by sub committees of the Standards Committee. As a result, the functions of the committee were considerably diminished by legislation and gradually over the years, there has been a decline in the residual business relating to the Code of Conduct and its associated arrangements.

3. Performance/Business Issues

- 3.1 Since 2012, most of the arrangements relating to the new Code of Conduct – the Kent Model Code - have been vested with the Monitoring Officer. The only business routinely transacted at the committee relates to the corporate service complaints report. The table below details the performance and business of the Standards Committee in the 5 years since the introduction of the new arrangements.

Council Year	Meeting Date	Meeting Time	Total	Average
12/13	29/10/12	1 hour	2 hrs 57mins	59 mins
	23/1/13	1 hr 16 mins		
	13/3/13	41mins		
13/14	25/9/13	38 mins	1 hr 32 mins	46 mins
	4/12/13	54mins		

Council Year	Meeting Date	Meeting Time	Total	Average
14/15	25/6/14	30 mins	1 hr 9 mins	23 mins
	17/12/14	34 mins		
	25/3/15	5 mins		
15/16	15/7/15	26 mins	43 mins	21.5 mins
	13/1/16	17 mins		
16/17	6/7/16	12 mins	29 mins	14.5 mins
	11/1/17	17 mins		
Total	12 meetings	6 hrs 50 mins	6 hrs 50 mins	34.17 mins

3.2 Of the 18 scheduled meetings of the committee, 6 were cancelled due to lack of business resulting in the committee meeting on 12 occasions.

4. Governance Committee

4.1 There is synergy in moving the residual functions of the Standards Committee to the Governance Committee. This Council receives a relatively few number of formal service complaints. A number of these complaints relate to dissatisfaction with a decision legitimately taken by officers of the Council, whilst some are just genuine mistakes, human error rather than a breakdown in any procedures or processes.

4.2 However, some complaints identify service failures or weaknesses. The Council in addition to addressing the wrong that the complainant has suffered wishes to learn from the failure or mistake. This requires a review of the procedures, to identify what can be done differently and how can the mistake be avoided in the future. It is consistent with the work of the Governance Committee, as one of its key functions is to ensure that the Council retains effective internal control arrangements and consider the Council's Annual Governance Assurance Statement. A failure or mistake resulting in a service complaint may be due to a control weakness in the procedures and the Governance Committee would seek assurances that the weakness has been addressed.

4.3 Therefore it would be sensible for the Council's Corporate Complaints Officer to report on service failures or weaknesses to the Governance Committee. In addition the committee would receive the Annual Report of the Local Government Ombudsman, reporting on any complaints referred by a complainant. Together, this strengthens and brings together the reporting of the Council's internal control environment under the Governance Committee.

4.4 Most of the initial stages associated with the arrangements for considering complaints under the Kent Code of Conduct for Members are vested in the Monitoring Officer. However, although infrequent, S33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct requires that certain dispensation requests must be considered by the relevant member committee and any changes to the Kent Code would be considered by the committee. In addition, if the Monitoring Officer decides that after he has investigated that a Member breach of the Code of Conduct requires consideration by a Hearing Panel, this must be formed from the relevant member committee. To provide context, there has only been one such case in the last five years. However, to provide a slightly larger pool to choose from and to provide resilience, it is suggested that the membership of the Governance Committee is increased from six to seven, which will be subject to the normal political balance rules.

5. **Options for Consideration**

5.1 Option 1. Not to reappoint the Standards Committee and transfer its functions to the Governance Committee, increase the Governance Committee's membership by one and amend the Governance Committee's functions and responsibilities.

5.2 Option 2. To retain the Standards Committee and retain its functions and responsibilities.

6. **Preferred Option**

6.1 For the reasons outlined in this report, option 1 is the recommended approach.

7. **Resource Implications**

7.1 Potentially there would be a small saving of the cost of the allowances paid to the Chairman and Vice Chairman of the Standards Committee. Currently these are not paid as the current incumbents receive an allowance for their role on another committee.

8. **Corporate Implications**

8.1 Comment from the Section 151 Officer:

8.2 Comment from the Solicitor to the Council:

8.3 Comment from the Equalities Officer:

8.4 Other Officers (as appropriate):

9. **Appendices**

Revised functions and responsibilities of the Governance Committee

10. **Background Papers**

Report of the Director of Governance to Council on 25 June 2012.

Contact Officer: David Randall, Director of Governance

Revised functions and responsibilities of the Governance Committee

Decision Making Body: Governance Committee

Membership: 7 Members of the Authority.

Functions:

1. To ensure effective internal audit and internal control arrangements.
2. To receive the Internal Audit Annual Programme of work.
3. To receive audit activity reports and the assurances contained therein relating to the level of internal control and risk management across the Council and monitor the implementation of audit recommendations agreed by management.
4. To consider external audit reports and make recommendations to the Council.
5. To ensure the effectiveness of the Council's risk management arrangements and seek assurances that effective action is being taken on risk and internal control related areas of weakness.
6. To receive the Annual Governance Assurance Statement and to monitor the implementation of the action plan.
7. To approve the Council's Statement of Accounts, as required by prevailing legislation, and the Financial Outturn Report.
8. Monitor and review the Constitution and make recommendations to the Council.
9. To discharge the functions of the Council relating to Standards contained in Part 1, Chapter 7 of the Localism Act 2011 (other than those which are reserved to Council by law).
10. To promote and maintain high standards of conduct by Members and Co-opted Members of the District Council and to make recommendations to Council on improving standards.
11. To manage the arrangements for Code of Conduct complaints, to monitor and assess the operation and effectiveness of the Code of Conduct and make recommendations to the District Council on the adoption of or revisions to its Code of Conduct.
12. To advise on local ethical governance protocols and procedures and act as an advisory body in respect of any ethical governance matter.
13. To appoint a Hearing Panel to deal with Code of Conduct complaints following investigation.
14. To grant dispensations pursuant to S33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct where:

- a. without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
 - b. that the authority considers that the dispensation is in the interests of persons living in its area; or
 - c. where the Committee considers that it is otherwise appropriate to grant a dispensation.
15. To monitor complaints handling and Ombudsman investigations and to make payments or provide other benefits in cases of maladministration arising from non-executive functions.
16. To deal with any alleged breaches by councillors of local protocols adopted by the Council including the Protocol for Good Practice in Planning Procedure and the Protocol for Officers and Members for Dealing with Conflicts of Interest of Councillors in Professional Practice.

Subject: CALENDAR OF ORDINARY MEETINGS 2016/17

Meeting and Date: Council – 17 MAY 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

- 1.1 In order to provide Members, Officers, other partner local authorities and the general public with as much notice as possible, a provisional Calendar of Meetings is presented to the Council in January each year prior to its final ratification at the Annual Meeting of the Council.
- 1.2 In accordance with the Rule 1.1 (xiii) of the Rules of Procedure in the Council's Constitution, the Annual Meeting of the Council is responsible for approving the final Calendar of Ordinary Meetings for the forthcoming municipal year.

2. Introduction and Background

- 2.1 The core of the Calendar 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.

Changes since January 2017

- 2.3 Since the provisional Calendar was considered on 25 January 2017, there has been one amendment made as a consequence of the scheduling of the 8 June 2017 General Election which has been to move the June 2017 Cabinet meeting from 5 June to 12 June 2017.
- 2.4 In addition, two changes have been made in consultation with the Chairman of the Planning Committee to reduce the number of occasions where meetings of the Planning Committee and the two scrutiny committees occurred consecutively during the same week.
- 2.5 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 special meetings of scheduled committees called in addition to those in the Calendar.

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. In addition, the availability of meeting rooms has been confirmed for all the scheduled dates.
- 4.2 Options B and C are not recommended as they may require adjustments to the existing decision route cycle.
- 4.3 In the event that any Member wishes to propose Option B, thereby changing the provisional Calendar of Meetings, they are asked to contact the Head of Democratic Services or the Team Leader – Democratic Services prior to the date of the meeting at which this report is considered in order that the feasibility of rearranging the Calendar can be established.

5. **Resource Implications**

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

6. **Appendices**

Appendix 1 – Calendar of Meetings 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 (B)	2017								2018				
		May (I)	June (M)	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May
Cabinet	11.00am	8	12	3		4	2	6	4	15	5	5 ^(H)	16	14
Council	6.00pm	17 ^(A)		19			18			31 ^(D)		7 ^(C)		23 ^(A)
Dover Joint Transportation Board	6.00pm		15			14			7			15		
Governance Committee	6.00pm		29			28 ^(E)			7			8		
Licensing Committee	varies ^(K)	17 ^(J)						21				7		23 ^(J)
Planning Committee	6.00pm	25	22	27	24	21	26	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 ^(F)	13	24	15
South Kent Coast Health and Wellbeing Board	3.00pm	16		4		5		7		9		6		1
Joint Health, Safety & Welfare Consultative Forum Joint Staff Consultative Forum ^(L)	2.30pm ^(G)		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 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.
 (M) A Parliamentary Election will be held on 8 June 2017.

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

DRAFT CALENDAR OF COUNCIL MEETINGS 2017/18

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 and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Alternatively, a limited supply of agendas will be available at the meeting, free of charge.

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.

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.

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.

Requests to speak at Council meetings where public speaking is permitted should be sent to:

Democratic Services

Telephone: (01304) 872303 / 872304 / 872305

Fax: (01304) 872452

Email: democratic.services@dover.gov.uk

Democratic Support

The Director of Governance and Monitoring Officer is David Randall.

The Head of Democratic Services is Louise Cooke.

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:

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Subject: ANNUAL REPORT OF THE GOVERNANCE COMMITTEE

Meeting and Date: Annual Council – 17 May 2017

Report of: David Randall, Director of Governance

Decision Type: Non-Key

Classification: Unrestricted

Purpose of the report: The Annual Report of the Governance Committee to be presented to the Annual Meeting of the Council on 17 May 2017

Recommendation: That Members note the report.

1. Summary

This report summarises the achievements of the Governance Committee against its Terms of Reference for the period 1 April 2016 to 31 March 2017 and details the impact that it has made on the overall system of internal control in operation for that period.

2. Introduction and Background

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

3. Annual Report

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

4. Identification of Options

4.1 Option 1. To receive and note the report.

4.2 Option 2. Don't note the report.

5. Evaluation of Options

5.1 Option 1 is the recommended option. The Delivering Good Governance in Local Government Framework identifies openness and engagement as a core principle. This annual report effectively summarises the activity of the Governance Committee during 2016/17.

6. Resource Implications

6.1 None from this report

7. **Appendices**

Appendix 1 – Annual Report of the Governance Committee – 2016/17

8. **Background Papers**

8.1 Agenda items of the Governance Committee – 2016/17

Contact Officer: Jemma Duffield - Democratic Support Officer



Annual Report 2016/17

Governance Committee

Contents

1. **Foreword**

Introduction by the Chairman on behalf of the Governance Committee.

Director of Governance and Monitoring Officer Statement.

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

3. **Work undertaken by the Committee during 2016/17**

4. **Work Programme for 2017/18**

5. **Programme of meeting dates 2017/18**

6. **Leaflet – The Governance Committee**

A copy of a leaflet developed by the Committee in 2012, but still very relevant for use by both members and non-members of the Committee giving guidance on the functions, role and activities of the Governance Committee.

Foreword by Chairman of the Committee

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

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

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

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

Councillor Pat Heath

Chairman of the Governance Committee

Director of Governance and Monitoring Officer Statement

The **Delivering Good Governance in Local Government Framework** (2016 Edition) identifies seven core principles of good governance, with associated sub principles. Of particular relevance is:

Core Principle F. Managing risks and performance through robust internal control and strong public financial management.

Sub Principle: Robust Internal Control

This report summarises the achievements of the Governance Committee against its Terms of Reference for the period 1 April 2016 to 31 March 2017 and details the impact that it has made on the overall system of internal control in operation for that period. In particular the Committee has effectively provided an independent assurance on the risk and control framework of this Council.

As the Monitoring Officer, I am therefore satisfied that the Governance Committee is operating effectively and has contributed to the achievement of the core and sub principles. This is evidenced by:

The Governance Committees' review of the Council's Risk Management Strategy on a bi annual basis.

The Governance Committees' responsibilities for ensuring that the Council has an effective internal control mechanism.

Internal Audit reporting quarterly to the Governance Committee on progress against the approved audit plan, providing details of the assurance levels for each audit assignment and any key control weaknesses.

The Head of Internal Audit providing an annual internal audit report to the Governance Committee, which reports on the internal control environment and provides an overall audit assurance for the financial year.

David Randall

Director of Governance and Monitoring Officer

The Role of the Governance Committee

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

Work Undertaken During 2016/2017

1. The Accounts and Audit (England) Regulations 2011 require the Council to, at least annually, review the effectiveness of its System of Internal Control, and then publish a statement on internal control within the Annual Governance Assurance Statement. The Council's Corporate Management Team accepted the 2015/16 Annual Governance Assurance Statement and authorised the Chief Executive to sign it following consultation with the Council's S151 Officer and Monitoring Officer. On 6 June 2016 the Leader of the Council approved the 2015/16 Annual Governance Assurance Statement. The Statement included shared services such as East Kent Housing and EK Services in the Governance Framework.
2. During the year the Governance Committee received updates on progress against the agreed actions from the annual governance assurance process. The Committee was able to request service managers and, where necessary, the relevant portfolio holder to attend the committee to give an update on progress against agreed actions to reduce risk and/or improve governance.
3. The Committee considered the effectiveness of Internal Audit by reviewing the annual assessment of the Director of Finance, Housing and Community and Director of Governance (S151 Officer and Monitoring Officer), the view of External Audit; and the quality of reports, actions and follow up through the quarterly reports submitted throughout the year to Committee. The quarterly Internal Audit reports have included the following Council services or topics:

Audit Area	Assurance Level
Members' Code of Conduct and Standards Arrangements	Substantial
EKS – Debtors	Substantial
Procurement	Reasonable
Dog Warden and Street Scene Enforcement	Reasonable
Commercial Properties and Concessions	Reasonable
EKS – ICT Administration, Security, Third Party Access and Storage	Reasonable
Grounds Maintenance	Limited
EKS – Housing Benefit Overpayments	Substantial
EKS – Customer Services	Substantial

Audit Area	Assurance Level
Members' Allowances and Expenses	Substantial
Disabled Facilities Grants	Substantial
Shared Service Monitoring	Reasonable
FOI, Data Protection and Records Management	Reasonable
EKS – Business Rates Credits	Reasonable
EKS – PCI-DSS	Limited
EKS – Quarterly Housing Benefit Testing (Quarter 4 of 2015/16)	Not Applicable
EKS – Quarterly Housing Benefit Testing (Quarter 1 of 2016/17)	Not Applicable
Electoral Registration and Election Management	Substantial
EK Services – ICT Disaster Recovery	Substantial/ Reasonable
Cemeteries	Reasonable
Business Continuity and Emergency Planning	Reasonable
Equality and Diversity	Reasonable
EK Services – Business Rates Relief	Reasonable
Playgrounds	Limited
Insurance and Inventories of Portable Assets	Substantial
Main Accounting System, Budgetary Control and Treasury Management	Substantial
East Kent Housing – Tenancy and Estate Management	Substantial
EKHR – Recruitment	Substantial
EK Services ICT Management and Finance	Substantial
Receipt and Opening of Tenders	Substantial
Garden Waste and Recycling Income	Reasonable
Performance Management	Reasonable/ Limited
EK Services – Housing Benefit Quarterly Testing (Quarter 2 & 3 of 2016/17)	Not Applicable

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

Audit Area	Original Assurance level	Revised Assurance level	Original Number of Recs		No of Recs Outstanding	
Creditors	Reasonable	Reasonable	H	0	H	0
			M	5	M	0
			L	1	L	0
Sickness, Annual and Flexi Leave	Reasonable /Limited	Reasonable	H	7	H	0
			M	7	M	1
			L	0	L	0
Public Health Burials	Reasonable	Reasonable	H	0	H	0
			M	2	M	0
			L	4	L	0
EK Services – Data Files and Back Ups	Reasonable	Reasonable	H	6	H	1
			M	5	M	4
			L	0	L	0

EK Services – ICT Internet and Email	Reasonable	Reasonable	H M L	2 0 2	H M L	0 0 0
EKHR – Sickness Absence, Leave and Flexi	Reasonable /Limited	Reasonable	H M L	7 6 0	H M L	0 1 0
East Kent Housing – Sheltered and Supported Housing	Limited	Reasonable	C H M L	0 5 6 3	C H M L	0 0 0 0
East Kent Housing – CSO Compliance	Reasonable	Reasonable	C H M L	0 5 8 0	C H M L	0 0 0 0
Housing Allocations	Substantial	Substantial	C H M L	0 0 1 0	C H M L	0 0 0 0
Capital	Reasonable	Substantial	C H M L	0 0 1 2	C H M L	0 0 0 0
VAT	Limited	Reasonable	C H M L	0 3 4 0	C H M L	0 0 4 0
EK Services – Debtors	Substantial	Substantial	C H M L	0 0 1 1	C H M L	0 0 0 0
Printing and Post	Substantial	Substantial	C H M L	0 0 2 2	C H M L	0 0 0 0
Employee Health and Safety	Reasonable	Substantial	C H M L	0 3 3 0	C H M L	0 0 0 0
East Kent Housing – Repairs, Maintenance and Void Management	Limited	Limited	C H M L	0 6 9 3	C H M L	0 0 2 0
Dog Warden and Environmental Crime Enforcement	Reasonable	Reasonable	C H M L	0 3 4 1	C H M L	0 1 0 0
Your Leisure	Reasonable	Reasonable	C H M L	0 4 0 1	C H M L	0 0 0 0
Risk Management	Reasonable	Reasonable	C H	0 1	C H	0 0

			M L	3 0	M L	0 0
Environmental Protection Service Complaints	Substantial	Substantial	C H M L	0 0 2 0	C H M L	0 0 0 0
Building Control	Reasonable	Substantial	C H M L	0 4 4 1	C H M L	0 0 1 1
EK Services – ICT Physical and Environmental	Reasonable	Reasonable	C H M L	0 1 4 0	C H M L	0 1 1 0
Procurement	Reasonable	Reasonable	C H M L	0 1 3 2	C H M L	0 0 1 1
EKS – ICT PC Controls	Reasonable	Reasonable	C H M L	0 0 6 0	C H M L	0 0 0 0
EKS – ICT External Review	Reasonable	Reasonable	C H M L	0 0 1 7	C H M L	0 0 0 4
Cemeteries	Reasonable	Reasonable	C H M L	0 0 0 1	C H M L	0 0 0 1
Disabled Facilities Grants	Substantial	Substantial	C H M L	0 0 2 2	C H M L	0 0 1 0

4. The Committee received the Final Accounts with an unqualified audit opinion at its meeting in September 2016, presented by the External Auditors, Grant Thornton.

Work Programme for 2017/18

2017/18 Governance Committee	
Date	Main Agenda Items
June 2017	Internal Audit Annual Report Internal Audit Quarterly Progress Report Annual Governance Assurance Statement Grant Thornton's Quarterly update
September 2017	Final Annual Accounts 2016/17 Internal Audit Quarterly Progress Report Grant Thornton's Quarterly update
December 2017	Internal Audit Quarterly Progress Report Annual Governance Assurance Statement Action Plan – progress report Grant Thornton's Quarterly update Risk Management and Value for Money Update
March 2018	Internal Audit Annual Plan 2018/19 Internal Audit Quarterly Progress Report Grant Thornton's Quarterly update Governance Committee Programme for 2018/19

Programme of Meeting Dates 2017/18

(to be confirmed at Annual Council on 17 May 2017)

29 June 2017
28 September 2017 (Final Accounts)
7 December 2017
8 March 2018



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

March 2012
Amended May 2017

Governance Committee – Mission Statement

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

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

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

Introduction

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

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

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

Statement of Purpose

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

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

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

Core Functions

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

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

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

Features

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

Other features of an effective Committee include:

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

Structure and Administration

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

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

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

The Benefits

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

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

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

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

Committee authority

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

Frequency of meetings

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

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

Assurance Framework

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

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

Key Questions

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

Strategic processes

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

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

Planned activity

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

Policies of the organisation

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

Response to audit activity

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

Assurances

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

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

The Governance Committee itself

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

Terms of Reference

The Committee comprises 6 members of the Authority.

Purpose

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

Functions

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

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

Role and responsibilities of Governance Committee members

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

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

Skills and competencies required

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

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

Programme of meeting dates (to be confirmed at Annual Council on 17 May 2017)

29 June 2017
 28 September 2017 (Final Accounts)
 7 December 2017
 8 March 2018

Subject: ANNUAL REPORT OF OVERVIEW AND SCRUTINY

Meeting and Date: Annual Council – 17 MAY 2016

Report of: David Randall, Director of Governance

Decision Type: Non-Key

Classification: Unrestricted

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

Recommendation: That Members note the report.

1. Summary

This report summarises the achievements of the Council’s two Overview and Scrutiny Committees for the period 1 April 2016 to 31 March 2017.

2. Introduction and Background

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

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

4. Identification of Options

4.1 Option 1: To receive and note the report.

4.2 Option 2: Don’t note the report.

5. Evaluation of Options

5.1 Option 1 is the recommended option. The Delivering Good Governance in Local Government Framework identifies openness and engagement as a core principle. A sound governance arrangement, including an effective scrutiny process, underpins the achievement of all the Council's corporate objectives.

6. Resource Implications

6.1 None from this report

7. **Appendices**

Appendix 1 – Annual Report of Overview and Scrutiny Committee 2016/17

8. **Background Papers**

8.1 Work Programme of the Scrutiny (Policy & Performance) Committee 2016/17

8.2 Work Programme of the Scrutiny (Community & Regeneration) Committee 2016/17

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



Annual Report 2016/17

Overview and Scrutiny

Contents

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

Director of Governance and Monitoring Officer Statement

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

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

1.2 The **Delivering Good Governance in Local Government Framework** (2016 Edition) identifies seven core principles of good governance, with associated sub principles. Of particular relevance is:

Core Principle F. Managing risks and performance through robust internal control and strong public financial management

Sub Principle: Managing Performance Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible

Action/Response: There are two Overview and Scrutiny Committees, with their own work programmes, which meet regularly. There is constructive scrutiny challenge. The use of programmed scrutiny in the decision-making process ensures that Overview and Scrutiny Committees have less need to call-in an item having already had the opportunity to express a view to the decision-maker. Scrutiny recommendations are considered in detail by the Cabinet. An annual report on the work of the committee is presented to the Council's Annual Meeting.

1.3 As the Monitoring Officer, I am satisfied that the statutory overview and scrutiny function is operating effectively and has been properly and lawfully exercised in accordance with the Constitution. and has contributed to the achievement of the core and sub principles.. This is evidenced by:

- (i) The Council has operated two Scrutiny Committees (the law requires one or more).
- (ii) Work Programmes have been set and approved and carried out and reported to the Council.
- (iii) More than 12 ordinary meetings in total of Overview and Scrutiny Committees have been held during the year.
- (iv) Policy review and development has been undertaken in accordance with the Budget and Policy Framework Procedure Rules.
- (v) Reports from Overview and Scrutiny Committees to the executive have been considered by the executive within 4 weeks.
- (vi) Overview and Scrutiny Committees have exercised call-in.
- (vii) The urgency procedures have been properly exercised and reported.
- (viii) Officers and Members have attended Scrutiny Committees to give evidence when required.

1.4 The scrutiny function has operated in accordance with guidelines/protocols to assist in respect of:

- (a) The call-in procedure;
- (b) Chairman's procedure for key question setting and chairmen's meetings;
- (c) The key stages for topic reviews;
- (d) Public submission of topics for review;
- (e) Petitions
- (f) Public speaking at committee; and
- (g) Officer support.

David Randall

Director of Governance and Monitoring Officer

The Role and Responsibilities of Scrutiny

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

Scrutiny (Policy and Performance) Committee

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

Scrutiny (Community and Regeneration) Committee

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

Policy Development and Review

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

Overview and Scrutiny

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

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

Performance Review

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

Structure

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

Scrutiny Recommendations

- 3.3 During the municipal year 2016/17 a number of recommendations have been made by Scrutiny Committees to Cabinet and Council, and a summary of the outcomes is shown below:

Overview	Executive Business	Council Business	Total
Scrutiny (Policy and Performance) Committee	49	0	49
Scrutiny (Community and Regeneration) Committee	8	0	7
Total Number of Scrutiny Recommendations	57	0	56

Executive Business	Approved	Amended or Deferred	Rejected	Total	PCT Approved
Scrutiny (Policy and Performance) Committee	43	0	6	49	87%
Scrutiny (Community and Regeneration) Committee	4	2	1	7	50%
Total Number of Scrutiny Recommendations	47	2	7	56	82%

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

- 3.4 The average approval level of recommendations from Scrutiny (both committees) by Cabinet was 82% (against a target of 80%), down slightly against the previous municipal year.

Frequency of Meetings

- 3.5 There have been a total of 9 meetings of the Scrutiny (Community and Regeneration) Committee (plus 2 key question setting meetings). A further meeting would have

been held but was cancelled due to problems with scheduling the attendance of an external body.

3.6 There have been 15 meetings of the Scrutiny Policy and Performance) Committee (plus 1 budget key question setting meeting) held during the municipal year.

3.7 There have been no simultaneous co-located meeting of both scrutiny committees during the year.

Call-In

3.8 There has been no Executive Decisions called-in for scrutiny during the course of the municipal year.

3.9 It should be emphasised that the number of times the call-in power is exercised has no direction correlation with the efficiency of the Council's overview and scrutiny functions. For example, the use of programmed scrutiny in the decision-making process can ensure that Overview and Scrutiny Committees have less need to call-in an item having already had the opportunity to express a view on a matter to the decision-maker.

Public Speaking at Overview and Scrutiny

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

Scrutiny Agenda Setting

3.11 In accordance with Constitution any member of the Council can nominate an item within the remit of a scrutiny committee for the agenda, although the committee does not have to include any suggestions in its work programme.

Public Petitions

3.12 The Scrutiny (Policy and Performance) Committee has received 3 petitions during the preceding municipal year.

3.13 The Scrutiny (Policy and Performance) Committee usually acts as the committee to receive petitions referred to Members by the Head of Democratic Services. The petitions received by the Committee during the last year were as follows (all petition text as per the petition document):

Petition Title	Reopen the Regent
Petition	“We the undersigned petition the council to I/we, the undersigned, want to see the former Regent Cinema in Deal reopened as a cinema for the benefit of the residents and visitors, as was intended when Dover District Council originally sold the building, and call on Dover District Council to use the legal powers available to it to reopen the Regent

	as a cinema and community venue.
	This important building is rotting, its building use restrictions are being flouted, and many local people are keen to see a cinema open in Deal once more. The building was purposefully sold at a low price with the proviso it would be made into a cinema - not flats or a restaurant as per the current plans (not yet officially submitted)."
Signatures	47 (e-petition) plus over 2000 additional signatures via 38 degrees website.
Committee Date	13 September 2016
Action Taken	This matter is still on-going. A meeting was held at Deal Town Hall to receive the petition and a number of follow-up meetings have been held since. At the meeting of the Scrutiny (Policy and Performance) Committee held in April 2017 it was agreed that a further meeting would be held in Deal to consider the matter.

Petition title	No More Protest Marches in Dover
Petition	<p>"We the undersigned petition the council to use all its statutory and discretionary powers including working with the Chief Constable of Kent Police and national government to prevent and prohibit repeated and frequent demonstrations & protests causing severe disruption to community life in Dover.</p> <p>The rights to protest and of free speech are fundamental to our way of life but must be properly balanced with a community's right to go about its everyday business without disturbance, hinderance or economic loss. Organisers of protests should not be allowed to hold repeat events in the same location."</p>
Signatures	9 (e-petition)
Committee Date	Not Applicable
Action Taken	The petition organiser (Dover Town Council) withdrew the petition.

Petition Title	More Parking Spaces at Aycliffe
Petition	<p>"We the undersigned petition the council to provide more parking spaces at Aycliffe. This can be done by widening of roads where there are banks etc. A Survey and public consultation will be needed.</p> <p>Parking at Aycliffe is now at a premium. Where people park it makes it difficult for emergency vehicles to get pass. Therefore widening of roads would provide more parking spaces and better access for emergency services."</p>

Signatures	42 (e-petition)
Committee Date	23 May 2017
Action Taken	The Committee will receive this petition at its meeting to be held on 23 May 2017.

Budget Scrutiny

- 3.13 The Scrutiny (Policy and Performance) Committee conducted its scrutiny of the budget at its 1 February 2016 meeting. The Committee received a detailed briefing from the Director of Finance, Housing and Community prior to setting its key questions.

Work Programme

- 4.1 Each Committee has developed a one-year work programme and scrutinised a number of issues.
- 4.2 There have been several external organisations or community groups involved in scrutiny (either as an interviewee or by providing documentary evidence) during the municipal year 2016/17.
- 4.3 Any items not completed during the 2016/17 work programmes will be presented to the first meeting of the Committee in 2017/18 for consideration in the rolling work programme.
- 4.4 The work programmes are subject to regular review by the individual Scrutiny Committees having regard to the corporate objectives and priorities, public consultation, and other events that may require the Scrutiny Committees to reappraise their work programmes.

New Legislation

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