



Council Meeting

Council Offices
White Cliffs Business Park
Dover

Wednesday, 25 July 2018

Summons and Agenda

Nadeem Aziz
Chief Executive



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17 July 2018

To the Members of the Council,

You are hereby summoned to attend a meeting of the **COUNCIL** to be held in the Council Chamber - Council Offices at these Offices on Wednesday 25 July 2018 at 6.00 pm for the transaction of the business set out in the Agenda.



Chief Executive

Members of the Council:

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

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **MINUTES**

To confirm the Minutes of the meeting held on 23 May 2018 (to follow).

3 **DECLARATIONS OF INTEREST** (Page 7)

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

4 **ANNOUNCEMENTS**

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

5 **LEADER'S TIME**

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

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

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

6 **SEAT ALLOCATION AND GROUP APPOINTMENTS**

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

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

7 **QUESTIONS FROM THE PUBLIC**

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

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

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

Questions from the Public

- (1) Mr Bryan Henderson will ask the Leader of the Council, Councillor K E Morris:**

“Following the introduction of GDPR, can the Leader of the Council, tell me, what measures are in place to prevent confidential emails from the Council, being accidentally shared with others?”

8 **DRAFT RECOMMENDATIONS ON THE NEW ELECTORAL ARRANGEMENTS FOR DOVER DISTRICT COUNCIL** (Pages 8 - 24)

To consider the attached report of the Chief Executive.

9 **REVIEW OF THE CONSTITUTION 2018 – FINANCIAL PROCEDURE RULES AND BUDGET AND POLICY FRAMEWORK PROCEDURE RULES** (Pages 25 - 49)

To consider the attached report of the Director of Governance.

10 **REVIEW OF THE CONSTITUTION 2018 - GENERAL AND ADMINISTRATIVE AMENDMENTS** (Pages 50 - 55)

To consider the attached report of the Director of Governance (Monitoring Officer).

Please note that due to its size, Appendix 1 has been published as a supplementary document.

11 **QUESTIONS FROM MEMBERS** (Pages 56 - 59)

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

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

There were no questions received.

- (b) To the Executive

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

The questions received are set out in the agenda papers.

12 **MOTIONS** (Page 60)

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

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

The Motions received on notice are set out in the agenda papers.

13 **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, Democratic Services Manager, telephone: (01304) 872304 or email: democraticservices@dover.gov.uk for details.

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

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:	DRAFT RECOMMENDATIONS ON THE NEW ELECTORAL ARRANGEMENTS FOR DOVER DISTRICT COUNCIL
Meeting and Date:	Electoral Matters Committee – 27 June 2018 Council – 25 July 2018
Report of:	Chief Executive and Director of Governance
Classification:	UNRESTRICTED

Purpose of the report: To consider the proposed draft recommendations on the new electoral arrangements for Dover District Council currently being consulted upon by the Local Government Boundary Commission for England.

Recommendation: Electoral Matters Committee:

(a) To consider the proposed response to the consultation on the draft electoral arrangements for Dover District Council and make recommendations to Council.

Council:

(a) To authorise the Chief Executive to make a submission on the draft electoral arrangements for Dover District Council to the Local Government Boundary Commission for England on behalf of the Council.

1. Summary

This report sets out the Council's proposed response to the consultation being conducted by the Local Government Boundary Commission for England (LGBCE) on its draft recommendations.

2. Introduction and Background

2.1 The Council at its meeting held on 6 December 2017 authorised the Chief Executive to make a submission on a future council size of 32 councillors to the Local Government Boundary Commission for England (LGBCE). The LGBCE announced on 30 January 2018 that it was minded to make a recommendation of a future council size of 32 councillors.

2.2 Following a further period of consultation between 30 January 2018 and 5 June 2018 the LGBCE published its recommended pattern of wards for a council size of 32 councillors. It is now consulting on those proposals between 5 June 2018 and 13 August 2018.

New Electoral Arrangements for Dover District Council

2.3 The LGBCE received a number of full or part responses to its consultation on warding arrangements. The draft recommended pattern of wards is not consistent with a single proposed pattern submitted during the consultation but instead consists of elements of a number of different proposals.

2.4 It is noted that the LGBCE were disappointed with the level of evidence of community identity in the Council's final submission. However, the report to the Council's Electoral Matters Committee on 1 March 2018 and the subsequent report to the full Council on 28 March 2018 which was the basis for the proposed pattern of wards

submitted to the LGBCE by the Council, endeavoured to strike the best balance between electoral equality, community identity and effective and convenient local government and we note that the LGBCE also found itself having to strike a balance between the these considerations.

Statutory Criteria

2.5 The LGBCE in proposing new electoral arrangements must deliver the three statutory criteria. The criteria are as follows:

- **Electoral Equality:** each councillor represents the same number of voters.
- **Community Identity:** reflects the identity and interests of local communities. This includes transport links, community groups, facilities, interests and identifiable boundaries.
- **Effective and convenient local government:** helping the council discharge its responsibilities effectively.

2.6 As part of the LGBCE's proposed new electoral arrangements for the Dover District a number of questions were posed which this report seeks to address. In drafting a response officers have given consideration to the statutory criteria.

2.7 The proposed responses to the recommended new electoral arrangements have been grouped in accordance with those used by the LGBCE in its consultation document and can be found at Appendix 1.

3. Identification of Options

3.1 Option 1: To authorise the Chief Executive to make a response based on Appendix 1 of the report to the Local Government Boundary Commission for England on behalf of the Council in respect of the consultation on the new electoral arrangements for Dover District Council.

3.2 Option 2: To authorise the Chief Executive to make a response based on Appendix 1, subject to the amendments agreed by the Electoral Matters Committee as set out in Appendix 2, to the Local Government Boundary Commission for England on behalf of the Council in respect of the consultation on the new electoral arrangements for Dover District Council.

3.3 Option 3: To authorise the Chief Executive to make a different response from that set out in Appendix 1 and/or 2 of the report to the Local Government Boundary Commission for England in respect of the consultation on the new electoral arrangements for Dover District Council.

3.4 Option 4: To not make a response to the Local Government Boundary Commission for England in respect of the consultation on the new electoral arrangements for Dover District Council.

4. Evaluation of Options

4.1 Options 1, 2 or 3 would ensure that the Council made a response to the Local Government Boundary Commission for England and have the opportunity to put its views forward for consideration as part of the current consultation process.

4.2 Option 4 is not recommended as it would deny the Council the opportunity to put forward its views on the proposed electoral arrangements for Dover District Council.

5. Resource Implications

5.1 There are no resource implications arising from this stage in the Electoral Review process.

6. **Appendices**

Appendix 1 – Proposed response to the Local Government Boundary Commission for England

Appendix 2 – Recommendations of the Electoral Matters Committee (27 June 2018)

7. **Background Papers**

Draft Recommendations Report for Dover District Council
(<http://www.lgbce.org.uk/all-reviews/south-east/kent/dover>)

Contact Officers: David Randall, Director of Governance
Rebecca Brough, Democratic Services Manager 01304 872304

Proposed Response to the LGBCE consultation on the recommended New Electoral Arrangements for Dover District Council

Eastry Rural, Little Stour & Ashstone and Sandwich Wards

Ward Name	Number of Councillors	Variance 2023
Eastry Rural	2	-1%
Little Stour and Ashstone	2	4%
Sandwich	2	-1%

Suggested Response

The Council supports the proposed pattern for these wards.

Consultation Question Response

As part of the consultation, the LGBCE makes the following statement(s)/comment(s) and asks the question or seeks views (in italics):

Q1. Several submissions were received regarding the parish of Sholden. These submissions uniformly opposed Dover District Council's proposal to link the parish of Sholden with an area of Deal. The respondents argued that Sholden is not linked with Deal; the Council's proposal linked the parish with the northern part of the town. Residents argued that the Council's proposal linked two areas that have significant differences. We are therefore proposing to include the parish of Sholden in the proposed Eastry Rural ward, with the exception of the area that lies to the east of the railway line. We note that this area has no road links with the rest of the parish of Sholden, and we consider that the railway line forms a strong and identifiable boundary. We are therefore proposing to include this area in the proposed North Deal ward, as proposed by the Labour Group and by a local resident. We are also proposing to include the housing around Hyton Drive and Church Meadows in the proposed Middle Deal ward, to allow residents on Hyton Drive and Cornfield Row access into the road without leaving the ward. We consider that evidence received supported the village of Sholden being included in the more rural Eastry Rural ward. ***We would particularly welcome submissions regarding this area during the consultation on the draft recommendations.*** (Paragraph 42)

A1. The Council supports the proposal to include the housing around Hyton Drive and Church Meadows within the proposed Middle Deal Ward as the area is connected by road to the Middle Deal Ward and access to the remainder of Sholden would be by footpaths or driving through another ward.

The Council also supports the proposal to include the Golf Road area to the east of the railway line within the North Deal Ward as the area is connected by road to the North Deal Ward and access to the remainder of Sholden would also be by footpaths or driving through another ward.

Deal and Walmer

Ward Name	Number of Councillors	Variance 2023
Middle Deal	2	-1%
Mill Hill	2	4%
North Deal	2	-2%
Walmer	2	4%

Suggested Response

The Council supports the proposed pattern for these wards and has nothing to add to the comments made under the Eastry Rural, Little Stour & Ashstone and Sandwich Wards in relation to North and Middle Deal Wards.

Consultation Question Response

The LGBCE does not ask a specific question as part of the consultation on these wards.

Guston & St Margaret's-at-Cliffe, Kingsdown Rural and Whitfield

Ward Name	Number of Councillors	Variance 2023
Guston & St Margaret's-at-Cliffe	1	-2%
Kingsdown Rural	1	7%
Whitfield	2	-7%

Suggested Response

The Council supports the proposed pattern for these wards.

In respect of the proposed Whitfield Ward, the Council understands and supports the electoral equality and topographical reasoning behind the decision to create the proposed Dover Town Council Rokesley parish ward and include it within the Whitfield Ward at district level. We recognise that the LGBCE cannot alter the external boundaries of parish councils and this supports the logic of creating a new parish ward within the boundaries of Dover Town Council. In addition, there is anecdotal evidence that many of the children in the area of the Rokesley parish ward attend the nearby Green Park Community Primary School, which is within the administrative area of Dover Town Council.

We also recognise that the -7% variance for the Whitfield Ward allows for future housing growth beyond 2023.

Consultation Question Response

The LGBCE does not ask a specific question as part of the consultation on these wards.

Aylesham and Eythorne Ward

Ward Name	Number of Councillors	Variance 2023
Aylesham and Eythorne Ward	3	0%

Suggested Response

The Council supports the proposed pattern for these wards as it provides for strong electoral equality and maintains community cohesion by not splitting communities.

We also recognise that the 0% variance for the Aylesham and Eythorne Ward allows for future housing growth beyond 2023.

Consultation Question Response

As part of the consultation, the LGBCE makes the following statement(s)/comment(s) and asks the question or seeks views (in italics):

Q2. Our proposed three-councillor Aylesham & Eythorne ward comprises the parishes of Aylesham, Eythorne, Nonington, and Shepherdswell with Coldred, and would have a variance of 0% by 2023. Whilst we acknowledge that this proposed ward would combine a number of different communities, we consider that this is preferable to splitting any of the constituent communities between wards for the sake of achieving electoral equality. This proposal is based on the submission made by Eythorne Parish Council, and ***we would particularly welcome submissions regarding this proposed ward, and the name of the ward, during the consultation on the draft recommendations.*** (Paragraph 70)

A2. As previously stated, the Council supports the proposed pattern for these wards as it provides for strong electoral equality and maintains community cohesion by not splitting communities. There are three main communities within this proposed ward - Aylesham, Eythorne and Shepherdswell. Although we recognise the desire to keep ward names reasonably concise, it is our view that the community in the south of the proposed ward (Shepherdswell) be reflected in the name of the ward and to that end the Council suggests a new ward name to become Aylesham, Eythorne & Shepherdswell Ward. This also has the advantage of continuing the names of the two previous wards that comprise this electoral area.

Capel-le-Ferne and River, Dover Downs Wards

Ward Name	Number of Councillors	Variance 2023
Capel-le-Ferne and River	2	-7%
Dover Downs	1	5%

Suggested Response

The Council supports the proposed pattern for these wards and agrees with the LGBCE view that there is not a persuasive argument for joining the two wards in a single 3 member ward as this, in our view, would not best reflect community identity. It would also result in a large ward in the southwest of the district covering a diverse range of urban and rural areas with little in common.

Consultation Question Response

As part of the consultation, the LGBCE makes the following statement(s)/comment(s) and asks the question or seeks views (in italics):

Q3. We propose to adopt the Labour Group's proposed warding pattern here, as it provides for good electoral equality and uses the parishes of the area as building blocks. We acknowledge Capel-le-Ferne Parish Council's wish to be separate from River and we recognise that this ward is not ideal given the distance between these areas. However, as stated above, the alternative proposal here would result in significant electoral inequality. We considered a number of alternatives here; in addition to the proposals outlined above, we also considered combining the parishes of Capel-le-Ferne, Hougham Without, River, Alkham, Temple Ewell, Lydden, and Denton with Wootton into a three-member ward with a variance of -3%. This three member ward would allow for the parish of Capel-le-Ferne to be linked with Alkham. However, we are not persuaded that this would provide a better reflection of our statutory criteria here but ***we particularly welcome submissions regarding this area during the consultation on the draft recommendations.*** (Paragraph 76)

A3. The Council recognises that the LGBCE has come across the same difficulty that it had in trying to balance electoral equality and community identity in what is largely a rural area with dispersed population centres. The exceptions are River which is an urban settlement with strong links to the town of Dover; Temple Ewell and Lydden which are smaller village settlements nestled in the North Downs; and Capel-le-Ferne situated close to the White Cliffs with links to Folkestone. Therefore whatever ward pattern and ward names that are proposed face the challenge of trying to balance these issues. The ward of Capel-le-Ferne and River benefits from being combined in terms of electoral equality, but the two settlements are at the opposing ends of the ward and there is little shared community identity. However, the Council recognises that this is the best proposal that can be achieved within the guidelines.

Although the Dover Downs Ward name has little recognition within the local communities it will contain, it doesn't favour one village over another and the Council acknowledges that it is probably the best name that can be proposed within the guidelines.

Dover Town

Ward Name	Number of Councillors	Variance 2023
Buckland	2	-7%
Maxton and Elms Vale	1	5%
St Radigunds	2	-2%
Tower Hamlets	1	2%
Town and Castle	2	8%

Suggested Response

The Council supports the proposed pattern for these wards.

Consultation Question Response

As part of the consultation, the LGBCE makes the following statement(s)/comment(s) and asks the question or seeks views (in italics):

Q4. We consider that the proposals for Dover put forward by the Labour Group are the most representative of the evidence we have received during the consultation. We are therefore proposing to include Alfred Road and Brookfield Place in the proposed Buckland ward, as we consider that the River Dour here provides for a strong boundary between Buckland and St Radigunds; this change also improves the electoral equality in the proposed Buckland ward. We consider that this ward follows strong and identifiable boundaries, and reflects Buckland's geographical position in Dover, but ***we would welcome submissions regarding this ward during the consultation on the draft recommendations.*** (Paragraph 82)

A4. In drafting the original proposals officers had considered similar options using the River Dour as a ward boundary and while ultimately a decision was taken to pursue a different option the Council supports the proposal of the LGBCE to include Alfred Road and Brookfield Place within the proposed Buckland Ward as it provides for a strong ward boundary and community cohesion.

Parish Electoral Arrangements

The LGBCE is proposing amendments to parish wards in respect of three areas – Dover Town Council, Sholden Parish Council and Walmer Parish Council. In summary, these are as follows:

Dover Town Council

Parish Ward Name	Number of Parish Councillors
Buckland	4
Maxton and Elms Vale	2
Rokesley	1
St Radigunds	4
Tower Hamlets	2
Town and Castle	5

Suggested Response

The Council supports the proposed pattern for these wards as it provides for effective and convenient local government by providing coterminosity with district ward boundaries.

Sholden Parish Council

Parish Ward Name	Number of Parish Councillors
Hyton	2
Sholden	4
Tenants Hill	1

Suggested Response

The Council supports the proposed pattern for these wards as it provides for effective and convenient local government by providing coterminosity with district ward boundaries.

Walmer Parish Council

Parish Ward Name	Number of Parish Councillors
Gladstone	2
Walmer	13

Suggested Response

While the Council recognises and supports the changes in respect of the southern ward boundary of North Deal Ward and the subsequent need to create the revised Gladstone Parish Ward, it is concerned that the proposed Walmer Parish Ward of Walmer is too large in terms of the criteria of effective and convenient local government. This has a number of aspects as follows:

- Walmer previously had four parish wards (Upper Walmer; Lower Walmer, Wellington; Lower Walmer, St Saviour's; and Gladstone) which allowed for a more representative distribution of councillors with more manageable electorates.
- The number of candidates (13) in the largest of the two parish wards risks over/under voting and voter confusion/apathy due to the number of candidates.
- Administratively we are concerned that in a contested election the size of the ballot paper could cause difficulties and that there would be a financial burden on the parish council in the event of a by-election for the largest parish ward.

It is the Council's view that these issues could be overcome by dividing the proposed Walmer Parish Ward of Walmer into two smaller parish wards. We propose that these be as follows:

Parish Ward Name	Number of Parish Councillors
Gladstone	2
Lower Walmer	7
Upper Walmer	6

The Gladstone Parish Ward would remain unchanged from the LGBCE proposals while the subdivided Walmer Parish Ward would be split along the boundary of current polling district AA1 (Upper Walmer Parish Ward) to create the parish wards of Upper Walmer and Lower Walmer.

Recommendations of the Electoral Matters Committee

1. EASTRY RURAL, LITTLE STOUR & ASHSTONE AND SANDWICH

Local Government Boundary Commission for England (LGBCE) Ward Proposals:

Ward Name	Number of Councillors	Variance 2023
Eastry Rural	2	-1%
Little Stour and Ashstone	2	+4%
Sandwich	2	-1%

Electoral Matters Committee Recommendation to Council:

- (a) That the Council supports the proposed pattern for the Eastry Rural, Little Stour and Ashstone and Sandwich Wards.

- (b) That the Council supports the proposal to include the housing around Hyton Drive and Church Meadows within the proposed Middle Deal Ward as the area is connected by road to the Middle Deal Ward and access to the remainder of Sholden would be by footpaths or driving through another ward.

- (c) That the Council supports the proposal to include the area to the north of Golf Road to the east of the railway line within the North Deal Ward as the area is connected by road to the North Deal Ward and access to the remainder of Sholden would also be by footpaths or driving through another ward.

2. DEAL AND WALMER

Local Government Boundary Commission for England (LGBCE) Ward Proposals:

Ward Name	Number of Councillors	Variance 2023
Middle Deal	2	-1%
Mill Hill	2	+4%
North Deal	2	-2%
Walmer	2	+4%

Electoral Matters Committee Recommendation to Council:

RESOLVED: That it be recommended to Council that it supports the proposed pattern for the Mill Hill, Middle Deal, North Deal and Walmer Wards.

3. GUSTON AND ST MARGARET'S-AT-CLIFFE, KINGSDOWN RURAL AND WHITFIELD

Local Government Boundary Commission for England (LGBCE) Ward Proposals:

Ward Name	Number of Councillors	Variance 2023
Guston & St Margaret's-at-Cliffe	1	-2%
Kingsdown Rural	1	+7%
Whitfield	2	-7%

Electoral Matters Committee Recommendation to Council:

RESOLVED: That it be recommended to Council that it supports the proposed pattern for the Guston and St Margaret's-at-Cliffe, Kingsdown Rural and Whitfield Wards.

4. AYLESHAM AND EYTHORNE

Local Government Boundary Commission for England (LGBCE) Ward Proposals:

Ward Name	Number of Councillors	Variance 2023
Aylesham and Eythorne	3	0%

Electoral Matters Committee Recommendation to Council:

RESOLVED: That it be recommended to Council:

- (a) That the Council supports the proposed pattern for these wards as it provides for strong electoral equality and maintains community cohesion by not splitting communities. The Council also recognises that the 0% variance for the Aylesham and Eythorne Ward allows for future housing growth beyond 2023.
- (b) There are three main communities within this proposed ward - Aylesham, Eythorne and Shepherdsweil. Although the desire to keep ward names reasonably concise is recognised, it is recommended to Council that the community in the south of the proposed ward (Shepherdsweil) be reflected in the name of the ward and to that end that the Council proposes a new ward name of Aylesham, Eythorne & Shepherdsweil Ward. This also has the advantage of continuing the names of the two previous wards that comprise this electoral area.

5. CAPEL-LE-FERNE & RIVER AND DOVER DOWNS

Local Government Boundary Commission for England (LGBCE) Ward Proposals:

Ward Name	Number of Councillors	Variance 2023
Capel-le-Ferne & River	2	-7%
Dover Downs	1	+5%

Electoral Matters Committee Recommendation to Council:

RESOLVED: That it be recommended to Council:

- (a) That the Council agrees with the LGBCE view that there is not a persuasive argument for joining the two wards in a single 3 member ward as this, in our view, would not best reflect community identity. It would also result in a large ward in the southwest of the district covering a diverse range of urban and rural areas with little in common. Although the Dover Downs Ward name has little recognition within the local communities it will contain, it doesn't favour one village over another and the Council acknowledges that it is probably the best name that can be proposed within the guidelines.
- (b) That officers be requested to identify alternative proposals for the proposed Capel-le-Ferne and River Ward on the grounds that the two settlements are at the opposing ends of the proposed ward with little shared community identity.

Alternative Proposals for a new Capel-le-Ferne and River Ward

The LGBCE has proposed the following pattern of wards for the current Capel-le-Ferne and River Wards:

Ward Name	Polling Districts	No. of Cllrs	Electorate 2023	Variance 2023
Capel-le-Ferne and River	PRV, PCF, PHM	2	5,387	-7%

In developing a response to the the LGBCE proposal, consideration has to be given to the statutory criteria to which the LGBCE is working. These are as follows:

- (a) Electoral equality: each local councillor represents a similar number of voters
- (b) Community identity: reflects the identity and interests of local communities
- (c) Effective and convenient local government: helping your council discharge its responsibilities effectively

In developing alternative proposals, officers have sought to address each of the criteria.

(a) Electoral Equality

When considered in terms of electoral equality it is clear that there would be significant issues in splitting the proposed ward along polling district lines, as shown in the table below:

Ward Name	Polling Districts	No. of Cllrs	Electorate 2023	Variance 2023
River	PRV	1	3,042	+4.8%
Capel-le-Ferne	PCF, PHM	1	2,345	-19.2%

Officers in drawing up an alternative proposal have not considered any patterns outside of the remit set by the Electoral Matters Committee (i.e. using part of the neighbouring Dover Downs Ward to bolster the electorate for Capel-le-Ferne).

As the table above demonstrates, any alternative ward pattern would therefore have to be justified on grounds other than electoral equality for a Capel-le-Ferne Ward.

(b) Community Identity

As the Electoral Matters Committee identified, the communities of Capel-le-Ferne and River are at the opposite ends of the ward proposed by the LGBCE. The proposals for an alternative ward pattern will therefore look at the connections between River and Capel-le-Ferne and to a lesser degree between Capel-le-Ferne and Hougham Without.

In drawing up these alternative proposals, officers have discounted splitting the River polling district to provide additional electors to the Capel-le-Ferne Ward on the basis that it would be contrary to the community identity of River residents.

i. Geography

The Alkham Valley forms part of the boundary for the ward and it is bracketed by the town of Dover to the North and Folkestone to the South. The rural parishes of Capel-le-Ferne and Hougham Without are part of the raised valley side leading to the White Cliffs whilst the urban parish of River is located at the mouth of the Alkham Valley.

The civil parish of River borders the town of Dover and forms part of the Dover Town Division for Kent County Council.

The civil parish of Capel-le-Ferne borders the town of Folkestone (part of Folkestone and Hythe District Council) and several dwellings within the village of Capel-le-Ferne are part of the town of Folkestone rather than the civil parish of Capel-le-Ferne.

ii. Schools

The closest secondary schools for residents in River and Capel-le-Ferne are in Dover and Folkestone respectively. In respect of primary schools, both Capel-le-Ferne (Capel-le-Ferne Primary School) and River (River Primary School) are served by their own schools. The nearest primary school for Hougham would be Capel-le-Ferne Primary School.

iii. Ecclesiastical Parishes

The Church of England ecclesiastical parishes for Capel-le-Ferne, Hougham and River are separate from each other, reflecting the civil parish boundaries. However, Capel-le-Ferne and Hougham form part of the Alkham with Capel-le-Ferne and Hougham Benefice whilst River is in the River Benefice.

(c) Efficient and convenient local government

i. Administration

Both the LGBCE Proposal and the Alternative Proposal set out above would provide for efficient and convenient local government in administrative terms.

ii. Road Links

The main roads within the ward proposed by the LGBCE are the Folkestone Road and the A20. However, both of these roads connect to Capel-le-Ferne to Dover as opposed to River and therefore anyone travelling from River to Capel-le-Ferne or Hougham using these routes would be required to travel outside of the proposed ward to use them.

The Alkham Valley Road, which for most residents would be the other alternative transport route is outside of the boundaries proposed by the LGBCE and is instead in the Dover Downs Ward.

For residents of the LGBCE proposed Capel and River Ward to travel from River to Capel-le-Ferne and stay within the ward confines they would need to use Minnis Lane or Crabble Lane which connect to Abbey Road and then join Capel Street. These roads are not primary routes. Abbey Road is low traffic single lane country road of a single vehicle width, requiring vehicles to pull into passing points to pass safely.

The communities of Church Hougham and West Hougham do have road connections with Capel-le-Ferne that would enable travellers to stay within both the LGBCE proposed ward and the alternative Capel-le-Ferne Ward proposed by the Electoral Matters Committee. However, for travel from either Church Hougham or West Hougham to River the same problems that applied travelling from River to Capel would apply.

iii. Public Transport Links

Bus – There is no direct Stagecoach bus route from Capel-le-Ferne to River.

The main bus routes are as follows:

Route	Bus Changes	Journey Time	Direct Road Distance
Capel Street (Capel-le-Ferne) to Common Lane (River)	1 – Pencester Road, Dover	51 minutes	3.8 miles
Capel Street (Capel-le-Ferne) to Minnis Lane (River)	1 – Grove Road/Morrison Road, Folkestone	47 Minutes	3.1 miles

Bus – There is no direct Stagecoach bus route from West Hougham to River.

The main bus route is as follows:

Route	Bus Changes	Journey Time	Direct Road Distance
Hougham Court Lane (West Hougham) to Common Lane (River)	1 – Pencester Road, Dover	1 hour 16 minutes	4.6 miles

Train – There are no train stations at Capel-le-Ferne or West Hougham. River has a train station (Kearsney Abbey).

(d) Summary

If the Council wishes to proceed with submitting alternative proposals for the Capel-le-Ferne and River Ward on the basis requested by the Electoral Matters Committee it is recommended that this be done on the basis of community identity and efficient and convenient local government as set out above.

6. DOVER TOWN

Local Government Boundary Commission for England (LGBCE) Ward Proposals:

Ward Name	Number of Councillors	Variance 2023
Buckland	2	-7%
Maxton and Elms Vale	1	+5%
St Radigunds	2	-2%
Tower Hamlets	1	+2%
Town and Castle	2	+8%

Electoral Matters Committee Recommendation to Council:

RESOLVED: That it be recommended to Council:

- (a) That the Council supports the proposed pattern for the Maxton & Elms Vale, Tower Hamlets and Town & Castle Wards.
- (b) That in respect of the Buckland and St Radigunds Wards, the Council supports the proposal of the LGBCE to include Alfred Road and Brookfield Place within the proposed Buckland Ward as it provides for a strong ward boundary and community cohesion.
- (c) That Cawsey Cottages and The Old Flour Mill (Lorne Road) currently proposed to be part of the St Radigunds Ward be moved to be included within the Buckland Ward.

Officer Comment

The movement of Cawsey Cottages and The Old Flour Mill (Lorne Road) into the Buckland Ward affects 26 electors and therefore makes no significant changes to the electorate figures for the two wards.

However, it should be noted that the boarded building adjoining the Old Flour Mill is technically 113 London Road and Members will need to decide whether to include this within

any transfer to the Buckland Ward. Due to the small number of extra electors involved (10) there is no significant impact arising from the inclusion or non-inclusion of 113 London Road.

7. PARISH ELECTORAL ARRANGEMENTS

Local Government Boundary Commission for England (LGBCE) Ward Proposals:

As part of the recommendations for a new pattern of wards, the LGBCE is recommending that the parish warding arrangements of Dover Town Council, Sholden Parish Council and Walmer Parish Council be changed. The majority of these changes are to ensure coterminosity with the new district ward boundaries.

Electoral Matters Committee Recommendation to Council:

RESOLVED: That it be recommended to Council:

- (a) That the proposed pattern of parish wards for Dover Town Council be supported as it provides for effective and convenient local government by providing coterminosity with district ward boundaries.
- (b) That the proposed pattern of parish wards for Sholden Parish Council be supported as it provides for effective and convenient local government by providing coterminosity with district ward boundaries.
- (c) That while the Council recognises and supports the changes in respect of the southern ward boundary of North Deal Ward and the subsequent need to create the revised Gladstone Parish Ward, it is concerned that the proposed Walmer Parish Ward of Walmer is too large in terms of the criteria of effective and convenient local government. This has a number of aspects as follows:
 - Walmer previously had four parish wards (Upper Walmer; Lower Walmer, Wellington; Lower Walmer, St Saviour's; and Gladstone) which allowed for a more representative distribution of councillors with more manageable electorates.
 - The number of candidates (13) in the largest of the two parish wards risks over/under voting and voter confusion/apathy due to the number of candidates.
 - Administratively we are concerned that in a contested election the size of the ballot paper could cause difficulties and that there would be a financial burden on the parish council in the event of a by-election for the largest parish ward.
- (d) That it is the Council's view that these issues could be overcome by dividing the proposed Walmer Parish Ward of Walmer into two smaller parish wards. We propose that these be as follows:

Parish Ward Name	Number of Parish Councillors
Gladstone	2
Lower Walmer	7
Upper Walmer	6

The Gladstone Parish Ward would remain unchanged from the LGBCE proposals while the subdivided Walmer Parish Ward would be split along the boundary of current polling district AA1 (Upper Walmer Parish Ward) to create the parish wards of Upper Walmer and Lower Walmer.

Subject:	REVIEW OF THE CONSTITUTION 2018 – FINANCIAL PROCEDURE RULES AND BUDGET AND POLICY FRAMEWORK PROCEDURE RULES
Meeting and Date:	Governance Committee – 28 June 2018 Council – 25 July 2018
Report of:	David Randall, Director of Governance (Monitoring Officer)
Classification:	UNRESTRICTED

Purpose of the report: To approve the proposed changes to the Financial Procedure Rules and Budget and Policy Framework Procedure Rules as detailed in the Appendices to and to incorporate them into the Council's Constitution, issue no. 21.

Recommendation:

Governance Committee: That it be recommend to Council that the proposed changes as part of the 2018/2019 Review of the Constitution relating to Part 4 – Financial Procedure Rules and Budget and Policy Framework Procedure Rules as detailed at section 2 of this report be approved and incorporated into the Council's Constitution, issue no. 21.

The Director of Governance and Monitoring Officer is authorised to make any associated incidental changes to the Constitution.

Council: That the proposed changes as part of the 2018/2019 Review of the Constitution relating to Part 4 – Financial Procedure Rules and Budget and Policy Framework Procedure Rules as detailed at section 2 of this report be approved and incorporated into the Council's Constitution, issue no. 21.

The Director of Governance and Monitoring Officer is authorised to make any associated incidental changes to the Constitution.

1. Introduction and Background

1.1 Article 15 of the Council's Constitution makes provision for the regular review of the Constitution by the Monitoring Officer on an annual and ad-hoc basis. As part of the 2018/19 review, changes are proposed to the:

- (a) Financial Procedure Rules – a new set of procedure rules replace the existing rules.
- (b) Budget and Policy Framework Procedure Rules – revisions to the existing rules.

2. Proposed Changes

2.1 In 2000 the (then) Department of the Environment Transport and the Regions issued guidance on the content and operation of new council constitutions required under The Local Government Act 2000: This was published under the title "Local Government Act 2000: Guidance to English Local Authorities. From this the current Financial Procedure Rules were developed and incorporated as part of a new constitution adopted by the Council, with effect from 1 April 2002. Although changes have been incorporated over the years to reflect changing legislation and

procedures, the Financial Procedure Rules haven't been fully reviewed for nearly 16 years.

- 2.2 The guidance provided in 2000 has not been revised since 2002. In a number of instances it is out of date and has been superceded by later legislation. In addition, a number of the practices in the current Financial Procedure Rules are hardly ever used, especially relating to cash based transactions, whilst other accounting practices have changed or been modified to accord with financial reporting standards. The Financial Procedure Rules also duplicate quite a large amount of information that is found elsewhere in the constitution, meaning that unless carefully cross referenced there is a risk of the information becoming out of date.
- 2.3 Therefore the Financial Procedure Rules have been completely redesigned, retaining the key relevant aspects of the current rules, (such as budgetary control, virements)., They have been updated to reflect the latest legislation and changes in accounting practice and have been simplified to remove information that doesn't relate to financial procedures.
- 2.4 As a result of the changes made to the Financial Procedure Rules, it has been necessary to make amendments to the Budget and Policy Framework Procedure Rules to reflect both the way in which the law has developed and the operational practices and procedures of the Council.
- 2.5 Parts of the guidance are designated as 'statutory guidance'. This has been interpreted by the courts as meaning that those to whom such guidance is directed are required to follow it, unless there is good reason for not doing so. It is not considered that the proposed changes involve a departure from the statutory guidance.

3. Approval of Amendments to the Constitution

- 3.1 The detail of the proposed changes are set out below:
 - (a) Financial Procedure Rules. Replace the current rules with a completely new version as at Appendix 1.
 - (b) Budget and Policy Framework Procedure Rules. Replace with the revised version as at Appendix 2.

4. Identification of Options

- 4.1 Option 1 - To approve the changes proposed as part of the 2018/19 review of the constitution as submitted.
- 4.2 Option 2 – To not approve the changes as part of the 2018/19 review of the constitution as submitted.
- 4.3 Option 3 – To request that the Director of Governance and Monitoring Officer amend the Financial Procedure Rules and Budget and Policy Framework Procedure Rules in some other way

5. Evaluation of Options

- 5.1 Option 1 is the preferred option. A detailed review of the Financial Procedure Rules has been undertaken by the Director of Governance and Monitoring Officer supported by the Head of Finance, Solicitor to the Council and Democratic Services Manager. This has involved researching best practice, reviewing the relevant legislation and case law and then developing a set of procedures that are accessible

and useful, especially for the accountancy team. Following this work, a careful review of the Budget and Policy Framework Procedure Rules was undertaken to ensure consistency.

- 5.2 Option 2 is not the preferred option as it will mean that the Council continues to have in place procedure rules that are now becoming out of date and as a result are not referred to, with work arounds being introduced.
- 5.3 Option 3 is a possible way forward, although it will be difficult for the Governance Committee or the Council to make any significant changes to the proposals at their meeting. Should members be minded to pursue this option, it would be helpful if they could discuss with the Director of Governance and Monitoring Officer their proposal to enable a further or amended report to be presented to a future meeting of the Governance Committee and the Council.

6. **Resource Implications**

There are no budget implication arising from this proposal, however some training will be required for relevant staff on the new procedure rules. This training will be provided in house by the Finance team.

7. **Corporate Implications**

- 7.1 Comment from the Section 151 Officer: No further comments to add. (HL)
- 7.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

8. **Attachments**

Appendix 1 – Part 4, New Financial Procedure Rules

Appendix 2 – Part 4, Revised Budget and Policy Framework Procedure Rules

9. **Background Papers**

Draft Constitution of the Council (Version 21).

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

<https://www.legislation.gov.uk/ukpga/2000/22/contents>

DETR Publication: “Local Government Act 2000: Guidance to English Local Authorities”

<http://webarchive.nationalarchives.gov.uk/20120920053721/http://www.communities.gov.uk/documents/localgovernment/pdf/155181.pdf>

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APPENDIX 1

Financial Procedure Rules

Contents

	Page
1. Introduction	2
2. Accounting Records and Procedures	3
3. Financial Management of the Council's Assets	3
4. Audit	4
5. Banking Arrangements	5
6. Budget Process	6
7. Budgetary Control	7
8. Corporate Credit Cards	10
9. External Funding	10
10. Income	11
11. Insurance	12
12. Procurement of Work, Goods and Services	13
13. Payment of Invoices	13
14. Cash Floats	14
15. Cabinet and Council Reports	14
16. Retention of Financial Records	14
17. Salaries, Wages and Members' Allowances	14
18. Stock	15
19. Taxation	15
20. Treasury Management	16
21. Write-Offs of Income, Stocks, Furniture and Equipment	17

1. Introduction

Background

- 1.1 Financial Procedure Rules are designed to maintain a high standard of financial administration. They must be available to, and be followed by, all Officers, Members and agents acting for the Council. Together with Standing Orders they regulate the conduct of the Council's business.
- 1.2 To help you understand the terminology used in the Financial Procedure Rules a Glossary of Terms is attached at Appendix A.
- 1.3 The contents are set out in alphabetical order for ease of reference.

Legislation

- 1.4 Section 151 of the Local Government Act 1972 requires every local authority "to make arrangement for the proper administration of their financial affairs and secure that one of their Officers has responsibility for the administration of those affairs" The Council has appointed the Director of Finance, Housing and Community as the Section 151 Officer. The Section 151 Officer has nominated the Head of Finance as his deputy.
- 1.5 Section 114 of the Local Government Finance Act 1988 requires the Officer appointed under Section 151 to report to the Authority and provide a copy of the report to the external auditor if it appears to him / her that:
 - (i) The Authority, the Cabinet, Portfolio Holder, Committee, or Officers of the Authority or Joint Committee on which the Authority is represented:
 - Has made or is about to make a decision which involved or would involve the Authority incurring expenditure which is unlawful.
 - Has taken, or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the authority.
 - Is about to enter an item of account, the entry of which is unlawful.
 - (ii) The expenditure of the Authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure.
- 1.5 The Accounts and Audit Regulations 2015 reiterate the responsibilities of the 'Section 151 Officer' with regard to accounting records and maintenance of proper accounting practices. These regulations place the responsibility for the maintenance of an adequate and effective system of internal audit on the Authority as a whole.
- 1.6 Section 76 of the Local Government and Housing Act 1989 requires the Council to take corrective action if there is likely to be a deficit on the Housing Revenue Account.

Scope and Review

- 1.7 It is the responsibility of Heads of Service to ensure that all staff in their departments are aware of their responsibilities according to the Financial Procedure Rules and other regulatory documents (e.g. the Anti-Fraud and Corruption Policy, the Money Laundering Policy, Whistleblowing Policy) and comply with them.
- 1.8 Failure to follow the Financial Procedure Rules and Standing Orders will be reported to the Director of Finance, Housing and Community immediately and, if serious, to the Cabinet and may be treated as a disciplinary offence.
- 1.9 Financial Procedure Rules also apply to agents and consultants acting for the Council and services carried out under agency arrangements or partnerships, unless specifically exempted by the relevant Head of Service and the Director of Finance, Housing and Community.
- 1.10 All Members and Officers have a general responsibility for taking reasonable action to provide for the security of assets under their control, and ensuring that the use of these resources is legal, is properly authorised and provides value for money.
- 1.11 The Director of Finance, Housing and Community is responsible for maintaining a continuous review of these regulations and submitting any changes necessary to Full Council for approval.

Interpretation

- 1.12 On a day-to-day basis, queries should be directed to the Head of Finance.
- 1.13 All references to Heads of Service relate to the Chief Executive, Directors, and all other Heads of Service.

2. Accounting Records and Procedures

- 2.1 The Section 151 Officer is responsible for keeping the Council's accounts in accordance with statutory requirements.
- 2.2 Heads of Services shall consult the Director of Finance, Housing and Community before changing any accounting procedures, financial records or the implementation or development of computer systems that involve a financial operation or produce output that may influence the allocation of resources.
- 2.3 The following principles will apply in accounting procedures:
 - (iii) Calculating, checking and recording of sums due to or from the Council will be separated as completely as possible from their collection or payment.
 - (iv) Officers responsible for examining and checking cash transaction accounts will not process any of these transactions.
- 2.4 The Head of Finance is responsible for ensuring financial and management accounting information is available for all services administered by the Council through the budget monitoring system.
- 2.5 The Council's statutory accounts will be prepared in accordance with the Accounts and Audit Regulations 2015 and the current Code of Practice on Local Authority Accounting in the United Kingdom.

2.6 The Head of Finance shall have overall control of the closing of the Council's accounts and preparation of the Council's Statement of Accounts. Heads of Service and budget managers shall comply with the closing of accounts timetable and guidance issued by the Head of Finance.

3. **Financial Management of the Council's Assets**

3.1 The Director of Environment and Corporate Assets will maintain a register of all land and property owned or leased by the Council.

3.2 The Head of Finance is responsible for maintaining the Council's Asset Register to reflect acquisitions, capital expenditure and disposals as appropriate.

4. **Audit**

Internal Audit

4.1 In accordance with the Accounts and Audit Regulations 2015, the Council shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control, and any Officer or Member shall:

(i) Make available to Internal Audit such documents that relate to the Council's accounting and other records that appear to be necessary for the purpose of the audit; and

(ii) Supply Internal Audit with such information and explanation as is considered necessary to Internal Audit for the purpose.

4.2 Internal Audit operates in accordance with the Public Sector Internal Audit Standards and with Terms of Reference and the Audit Charter, which are approved by the Governance Committee. Internal Audit shall have authority to:

(i) Enter at all reasonable times any Council premises or land;

(ii) Have access to all records, documents, contracts and correspondence, including computerised hardware and software, relating to any financial and/or other transaction of the Council;

(iii) Require and receive such explanations as are necessary concerning any matter under examination; and

(iv) Require any employee of the Council to produce cash, stores or any other Council property under his control.

4.3 Internal Audit is provided through the East Kent Audit Partnership. The Head of Audit Partnership has the right of access directly to the Section 151 Officer, the Chief Executive, The Monitoring Officer, the Solicitor to the Council, the Chair of the Governance Committee, and the Leader of the Council.

4.4 The scope for Internal Audit is the 'entire control environment'. This means that the scope for Internal Audit includes all the Council's own operations, resources, services and also its responsibilities in relation to other bodies. In order to turn this generic description into actual subjects for audit, the Head of Audit Partnership uses a Risk Assessment Method which allows all high risk subjects to be identified. Although this

process inevitably identifies the Council's fundamental financial systems as being 'high risk', other non-financial systems and functions are also identified as important areas for review by Internal Audit.

- 4.5 A four-year Strategic Plan will be prepared by the Head of Audit Partnership, which will be approved by the Governance Committee. A one-year Operational Plan will be prepared each year from the Strategic Plan. The Head of Audit Partnership will report the work performed against the Plan to the Governance Committee on a quarterly basis.

Preventing Fraud and Corruption

- 4.6 The Director of Finance, Housing & Community shall maintain the Council's Strategy for the Prevention of Fraud and Corruption and the Protocol for Dealing with Allegations of Fraud and Corruption. These documents are available on the Council's Intranet.

- 4.7 It is the duty of all Officers and Members who are aware of any financial irregularity to follow the strategy and protocol.

Whistleblowing

- 4.8 The Council has a Whistleblowing Policy to enable employees to raise their concerns at an early stage and in the right way.

- 4.9 This Policy is available on the Council's Intranet.

Money Laundering

- 4.10 It is the Council's policy to do all it reasonably can to prevent, wherever possible, the organisation and its staff being exposed to money laundering, to identify the potential areas where it may occur, and to comply with all legal and regulatory requirements, especially with regard to the reporting of actual or suspected cases.

- 4.11 The Council has nominated the Director of Finance, Housing and Community as the Money Laundering Reporting Officer and the Head of Finance to be the deputy.

- 4.12 The Anti-Money Laundering Policy is available on the Council's Intranet.

5. Banking Arrangements

- 5.1 The Director of Finance, Housing and Community, as the appointed S151 Officer, has overall responsibility for the sound operation of the Council's bank accounts. This is delegated for day to day operations to the Head of Finance.

- 5.2 The Director of Finance, Housing and Community will review the Council's banking arrangement at least every 5 years.

- 5.3 The Director of Finance, Housing and Community and other Officers approved in writing by the Director of Finance, Housing and Community each have authority, in accordance with the mandate given to the bank, to sign and be accepted as satisfactory signatures for any other purpose in connection with the Council's bank accounts.

5.4 All payment instructions for amounts of £30,000 and above require two authorising signatures.

5.5 All bank accounts are to be reconciled to the cash book by the end of the following quarter to which they relate.

6. **Budget Process**

Introduction

6.1 The Director of Finance, Housing and Community shall have overall responsibility for the co-ordination and preparation of the Council's Budget (i.e. Capital & Revenue Projects, General Fund Revenue and Housing Revenue Account Budgets), taking into account the priorities established in the Corporate Plan or otherwise set by Members.

6.2 Each year the Head of Finance will prepare timetables for the preparation, submission and approval of the Medium Term Financial Plan, including the Capital Programme, Treasury Management Strategy and detailed Revenue Budgets.

6.3 All budgets will be prepared in accordance with the Budget and Policy Framework Procedure Rules.

Capital & Special Projects Programme

6.4 "Capital Expenditure" shall be interpreted in accordance with section 16 Local Government Act 2003. In summary capital expenditure relates to:

- Purchase or construction of an asset;
- Enhancement of an asset;
- Grants for capital purposes.

6.5 The Head of Finance will prepare a draft capital programme, which includes all funded and unfunded capital schemes proposed to be undertaken by the Council. The programme will be submitted to Corporate Management Team for consideration and comment. This will subsequently be submitted to the Cabinet as part of the budget report together with the estimate of resources available.

6.6 All one-off expenditure over £10,000 shall be treated as either a capital or special revenue project and requires a project appraisal and approval prior to commencement. The Project Flowchart is detailed on the Intranet.

Prudential Indicators

6.6 The Head of Finance will submit a set of Prudential Indicators for approval as part of the Medium Term Financial Plan.

Medium Term Financial Plan

6.7 In consultation with the Corporate Management Team the Director of Finance, Housing and Community shall prepare recommendations for the Council's budget to be considered by the Cabinet.

6.8 Heads of Service will prepare information needed to produce the Medium Term Financial Plan for each of their services.

- 6.9 A Draft Budget and Medium Term Financial Plan shall be presented to the Cabinet in January/February of each year.

Detailed Revenue Budget

- 6.10 Heads of Service will prepare budget estimates of income, expenditure and recharge apportionments for the next financial year in accordance with the timetable and guidance as specified by the Head of Finance.
- 6.11 The Director of Finance, Housing and Community will report the detailed draft Revenue Budget to Corporate Management Team for consideration and comment. This will subsequently be submitted to the Cabinet as part of the budget report.

Budget Scrutiny Process

- 6.12 The Cabinet's draft budget proposals will be referred to the Scrutiny (Policy and Performance) Committee in January/February each year for examination and consideration.
- 6.13 The Scrutiny (Policy and Performance) Committee shall report to the Cabinet on the outcome of its deliberations before the final budget report is submitted to the Cabinet in March.

Approval of Annual Revenue Budget

- 6.14 The budget will be proposed by the Executive on the advice of the Director of Finance, Housing & Community and approved by the Council. The draft budget should integrate capital and revenue planning and should include allocation to different services and projects, proposed taxation levels, calculated mandatory prudential indicators; contingencies, and use of reserves.
- 6.15 By the 9th March each year the Council shall determine the revenue and capital budgets, prudential indicators and council tax levels for the year beginning on the following 1st April.
- 6.16 Housing rents are determined by the Director of Finance, Housing & Community or the Head of Strategic Housing.

7. Budgetary Control

Introduction

- 7.1 The whole of the organisation is required to operate within the budget (which includes any supplemental expenditure) approved by the Council.
- 7.2 The Cabinet shall recommend to the Council any amendments to budgetary control procedures as part of its budget proposals.

Authority for Incurring Expenditure

Normal Revenue Expenditure

- 7.3 The Chief Executive, Directors, Heads of Service, and their duly Authorised Officers may incur expenditure on items already approved specifically or generally within the Council's budget or capital programme, provided no overspending or under-recovery will occur.
- 7.4 Heads of Service have operational responsibility for the budget and shall manage the budgets at their disposal and be accountable to the Cabinet for performance. Budget resources are to be deployed to deliver agreed service objectives and priorities.

Capital & Special Projects Programme

- 7.5 The inclusion of items in an approved capital programme shall not, in itself, constitute authority to incur such expenditure. Prior to incurring expenditure approval of a project appraisal should be undertaken for each scheme by the appropriate budget manager in a form approved by the Director of Finance, Housing & Community.
- 7.6 Completed projects shall be reported in the quarterly budget monitoring report and post implementation reviews undertaken where considered appropriate by the Director of Finance, Housing & Community.

The Authority to Use Reserves

- 7.7 All applications of and contributions to reserves to fund expenditure will be made in accordance with the approvals of the Budget and Medium Term Financial Plan.

Budget Monitoring

- 7.8 The Director of Finance, Housing and Community is responsible for providing appropriate financial information to enable the budget to be monitored effectively. Heads of Service shall monitor their budgets on a regular and appropriate basis and report any forecast changes through the budget monitoring system or to Accountancy. Significant budget changes will be reported to Corporate Management Team and Members through the Quarterly Budget Monitoring Report and Performance Report.
- 7.9 It is the responsibility of Heads of Service to control income and expenditure within their budgets and to monitor performance. They will take any action necessary to avoid exceeding their budget allocation and report any problems through the budget monitoring process.
- 7.10 Corrective action must be taken to deal with either a forecast or known overspend or to accommodate a new demand that is considered important or unavoidable. Corrective actions may take the form of a re-allocation of budgets (virement), the suspension or deletion of other planned expenditure or the application of reserves.
- 7.11 Where overspendings arise which are not corrected in year the Director of Finance, Housing and Community shall be entitled to recommend to the Cabinet that the overspending be addressed as part of the following year's budget.
- 7.12 An outturn report shall be submitted to the Cabinet by no later than the 30th September each year to include material variances incurred.

Virements

- 7.13 A virement is defined as the reallocation of approved spending authority between heads within the approved budget.
- 7.14 A supplementary estimate is defined as a request for additional financial resource where no provision exists within the current approved budget.
- 7.15 Controls need to be exercised to ensure that expenditure remains within the agreed limits and in accordance with the Council's stated policy objectives. Consequently, virements and any request for supplementary estimates are subject to the authorisation procedures stated below.

Revenue Budget Virements

- 7.16 Revenue budget virements will be subject to the following procedures; and will apply to all revenue budgets including the use of contingency provision and vacancy allowance:
- (i) No virement shall be authorised, where it has significant policy implications by virtue of the amount involved and / or the nature of the virement, without also being agreed with the appropriate Portfolio holder(s).
 - (ii) Other virements may be authorised by:
 - Heads of Service subject to the agreement of the Head of Finance; or
 - Cabinet.
 - (iii) Significant virements will be reported through the quarterly budget monitoring report.
- 7.17 The above regulations shall apply equally to all revenue cost centres. The exception is special revenue schemes, where the capital and special revenue programme virement procedures below apply.

Capital and Special Revenue Programme Virements

- 7.18 Virement between specific elements of an approved project may be made without limit by the Head of Service responsible for the project in consultation with the Head of Finance, provided that the total cost of the project remains unaffected.
- 7.19 Between projects, virements of up to a maximum of £50,000 may be approved by the Director of Finance, Housing & Community. Virements of more than £50,000 must be approved by Cabinet

Capital Receipts

- 7.20 The Director of Finance, Housing & Community will calculate the amount of capital receipts from the sale of HRA assets due to Central Government, under the pooling of capital receipt regulations. The Director of Finance, Housing & Community will ensure that the due amount is paid over to Central Government, within regulatory set deadlines, to avoid penalties.
- 7.21 A capital receipt from the sale of an asset totalling less than £10,000 will be placed in the appropriate revenue account.

Supplementary Estimates

- 7.22 At any time when the totality of additional expenditure, reduced income, or a combination of the two are such that there is projected to be an increase in the net General Fund revenue requirement, a reduction in HRA projected reserves, or an increase in the overall outturn costs of approved projects within the current programme this shall be reported to CMT and Cabinet for consideration of the additional resources or the corrective action required.

Emergency Planning and Business Continuity

- 7.23 The duty director may incur expenditure, whether or not contained within an approved budget, which is essential to meet any needs created by a sudden emergency empowered under section 138 of the Local Government Act 1972. The duty director is required to keep an appropriate record of such expenditure including the amount, the date, the suppliers name, VAT incurred, any payments made and the purpose or reason for the expenditure. Any expenditure that cannot be contained within the revenue budget must be reported to the next Cabinet meeting and onto the next Council meeting for supplementary approval.

Carry Forward of Resources at Year End

- 7.24 Carry over of underspent revenue budgets to the next financial year will be subject to the approval of:
- (i) The Director of Finance, Housing & Community; or
 - (ii) Cabinet.
- 7.25 The budget provision remaining at the end of a financial year for any capital or special revenue project will be automatically carried forward to the following financial year except where the capital or special revenue project is completed and any unspent balance is not required.

Prudential Indicators

- 7.26 The Head of Finance will monitor the Prudential Indicators and report to Governance Committee on a quarterly basis. Any changes will be agreed by Cabinet and Council.

8. Corporate Credit Cards

- 8.1 The Procurement Manager has responsibility for the issue of Corporate Credit Cards. This will only be done on the written request of the appropriate Head of Service. The credit limit will be set by the Procurement Manager.
- 8.2 Corporate Credit Cards may only be used for Council business and in no circumstances used for personal purposes.
- 8.3 Corporate Credit Cards must only be used in accordance with the guidance notes for the use of Credit Cards, issued by the Procurement Manager, available on the Intranet.
- 8.4 All payments made must be supported by the appropriate documentation and properly certified by an Authorised Officer.

8.5 Any misuse of a Corporate Credit Card will result in the card being withdrawn and could lead to disciplinary action.

8.6 Summary details will be covered by the Council's disclosures on transparency.

9. **External Funding**

9.1 External funding is potentially a very important source of income, but funding conditions need to be carefully monitored to ensure they are compatible with the aims and objectives of the Council.

9.2 Heads of Service shall be responsible for preparation of bids for grants, other assistance and subsidies, and the Director of Finance, Housing and Community shall be responsible for their authorisation.

9.3 Heads of Service shall ensure that:

(i) Conditions of funding and any statutory requirements are complied with.

(ii) The responsibilities are clearly understood.

(iii) The project progresses in accordance with the agreed project plan and conditions.

(iv) All expenditure is properly incurred and accounted for.

(v) All claims for funds are made by the due date.

(vi) Future revenue implications are included within the Medium Term Financial Plan.

(vii) Appropriate exit strategies exist.

(viii) That all the necessary records are kept to substantiate claims for audit purposes.

9.4 The Director of Finance, Housing and Community shall ensure that all funding awarded by external bodies is received and properly recorded in the Council's accounts and that all audit requirements are complied with.

10. **Income**

Setting Fees and Charges

10.1 The Director of Finance, Housing and Community, in consultation with Heads of Service, will be responsible for advising the Cabinet on the fixing of fees and charges for services, except for Parking fees and charges, which will be reported by the Director of Environment and Corporate Assets.

10.2 Fees and charges will be reviewed and approved by Cabinet at least annually. Fees and Charges will be adjusted by Heads of Service, in consultation with the relevant Portfolio Holder to comply with any subsequently received government guidelines (when they are received) or other minor changes without being the subject of a further Cabinet approval unless they are materially different from current charges, or have a material impact on the level of income.

Collection of Income Due

- 10.3 The Head of Finance is responsible for paying all monies received into the Council's bank.
- 10.4 Individual Officers shall be responsible for any monies received by them on behalf of the Council. They must follow the procedures for paying in, receipting and accounting which have been agreed between their Head of Service and the Head of Finance.
- 10.5 All receipts, tickets and similar documents or stationery dealing with receipt of monies will be subject to the approval of the Head of Finance.
- 10.6 Every sum received by a Council Officer will be immediately acknowledged by the issue of an official receipt, except for cheques and bank transfers where the Head of Finance may agree other arrangements.
- 10.7 Heads of Service will inform the Head of Finance of all contracts, agreements, grant claims etc. that will result in the Council receiving money. This ensures that the income can be identified when it is received.
- 10.8 All monies received by the Council on behalf of a third party, will be accounted for and paid to that third party without delay, or in accordance with any agreement or instruction by the Head of Finance, after deduction of any amounts due in respect of commission or other allowance due to the Council.
- 10.9 All systems that record income will be reconciled regularly to the Council's financial management system by the end of the following quarter to which they relate.

Invoicing of Income Due

- 10.10 Heads of Service shall be responsible for ensuring that sales ledger invoices are raised promptly for credit income due to the Council in respect of their services.
- 10.11 The Head of Shared Services will maintain the Council's Corporate Debt Recovery Policy and all debt recovery will be carried out in accordance with that policy and related procedures. A copy of the Council's Corporate Debt Recovery Policy is available on the Council's Intranet.
- 10.12 Credit terms for all sundry debts due to the Council shall be 14 days, unless agreed otherwise with the Head of Shared Services.
- 10.13 Details of Officers authorised to cancel and amend sundry debts will be sent to the Procurement Manager, together with specimen signature and authority limits. The Procurement Manager will maintain a register of all such authorised officers and ensure it is available to income staff to authenticate all credit notes and cancellations requested.
- 10.14 Enforcement action for the recovery of debts will only be taken following consultation with the relevant Head of Service.
- 10.15 At the end of each financial year Heads of Service will notify the Head of Finance of all income due before the end of the financial year but not yet invoiced, in accordance with the closure timetable issued.

11. **Insurance**

- 11.1 The Director of Governance will effect all insurance cover and negotiate all claims in consultation with other officers where necessary.
- 11.2 Heads of Service shall promptly notify the Director of Governance or his designated officer in writing of all new risks, properties or vehicles needing to be insured, and of any disposals or alterations affecting existing insurances.
- 11.3 Heads of Service shall notify the Director of Governance or his designated officer in writing of any loss, liability or damage or any event likely to lead to a claim on any Council policy, and shall where appropriate notify the police of the relevant circumstances.

12. **Procurement of Work, Goods and Services**

Official Orders

- 12.1 A purchase order must be raised for all expenditure, except where directed by the Head of Finance.

Goods Receipts

- 12.2 Purchase orders will be goods receipted by the Officer responsible for the services, works or receiving the goods. When an Officer receipts goods, services or works he/she is confirming that the order is correct in all respects and may be paid.

13. **Payment of Invoices**

- 13.1 The Head of Finance is responsible for examining and verifying invoices when they are input into the financial management system. Where an order has been raised and the goods or services receipted by the appropriate authorised officer and the invoice matches the order, payment will be made. Any exceptions will be returned to originating Officers for certification.
- 13.2 Details of Officers authorised to sign such certifications will be sent to the Procurement Manager, together with specimen signatures and authority limits. The Procurement Manager will maintain a register of all Authorised Officers and make it available on the Intranet for checking by appropriate officers.
- 13.3 When certifying an invoice for payment the officer is confirming that the payment is correct in all respects including:
 - (i) The work, goods or services, to which the account relates have been received, carried out, examined and approved.
 - (ii) The prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct and agree with the official order or contract.
 - (iii) The relevant expenditure has been properly incurred and is within the approved budget.
 - (iv) Appropriate entries have been made in inventories, stores records or other records as required,

- (v) The account has not been previously passed for payment and is a proper liability of the Council.
 - (vi) The correct expenditure code has been inserted in respect of each item.
- 13.4 It is the individual Officer's responsibility to make any investigations they deem necessary before giving that certification.
- 13.5 Invoices for payment shall be passed to the Head of Finance without delay. All payments will be processed for immediate payment unless alternative terms are required and explicitly stated. Payment made outside the agreed payment terms may incur statutory interest.
- 13.6 Where an invoice is found to be incorrect, e.g. because of an addition error, the VAT is incorrectly calculated or the invoice is not addressed to the Authority, it should be returned to the supplier with an explanatory note. Handwritten amendments should not be made to an invoice as this may invalidate the recovery of VAT.
- 13.7 Heads of Service will notify the Head of Finance of all outstanding expenditure relating to the previous financial year in regard to goods and services received in that financial year, in accordance with the agreed closure timetable.
14. **Cash Floats**
- 14.1 The issue and use of cash floats will be under the overall control of the Director of Finance, Housing and Community.
- 14.2 Officers responsible for cash floats will give the Director of Finance, Housing and Community an annual certificate for each account balance in accordance with agreed Closure Timetable.
15. **Cabinet and Council Reports**
- 15.1 Report authors will consult with the Finance and Legal teams prior to the production of Cabinet and Council reports in accordance with the report preparation timetables.
- 15.2 All reports will be circulated via the DDC Cabinet Reports mailbox.
- 15.3 The Director of Finance, Housing and Community shall be responsible for advising the Cabinet and Council Committees on the resource implications of reports presented to them.
16. **Retention of Financial Records**
- 16.1 The Director of Finance, Housing and Community and Head of Finance will retain records in accordance with the retention schedules.
- 16.2 The Council has received dispensation from HM Revenues and Customs to hold scanned images in lieu of hard copy documents.
- 16.3 Heads of Service will retain records which substantiate grant claims made by them and any evidence required in connection with likely future claims which may be made by or against the Council.
17. **Salaries, Wages and Members' Allowances**

- 17.1 The Head of Collaborative Services shall be responsible for paying salaries, wages, expenses and other emoluments to Council employees; for making deductions for income tax, national insurance and superannuation and paying these to the relevant authorities and for maintaining the necessary records.
- 17.2 The process for submitting timesheets and expenses claims is detailed in the Employee Handbook.
- 17.3 Heads of Service will notify the Head of Collaborative Services immediately of all appointments, resignations, or other events affecting terms of employment or pay, including all sick absences, honorariums, accidents on or off duty, or special leave without pay.
- 17.4 Heads of Service will follow the Job Evaluation process detailed on the Intranet for new or changed posts.
- 17.5 The Head of Collaborative Services will make payments to any Member entitled to claim allowances in accordance with the Council's scheme for allowances.

18. **Stock Accounting arrangements**

- 18.1 Heads of Service shall be responsible for the secure custody of any stocks held within their services and for the recording, issuing and accounting arrangements.
- 18.2 Stocktaking should take place at the end of each financial year and at other times if the Head of Service or Internal Audit deems it appropriate. A signed stock certificate as at the 31st March each year will be provided to the Head of Finance in accordance with the agreed closure timetable issued.
- 18.3 Volumes of stock held will not exceed reasonable requirements and will be reviewed periodically by each Head of Service or duly Authorised Officer concerned.

19. **Taxation**

- 19.1 Tax issues are very complex and the penalties for incorrectly accounting for tax are severe. It is important for all Officers to be aware of their roles and responsibilities so if in doubt, Heads of Service should consult the Director of Finance, Housing and Community or Head of EK Human Resources for advice.
- 19.2 The council has access to external advisory services that should be used, in consultation with the Director of Finance, Housing and Community, to advise on the tax implications of council activities.

Construction Industry Taxation Scheme

- 19.3 The Director of Finance, Housing and Community is responsible for maintaining all records, making all deductions and returns as required by HM Revenues and Customs under the Construction Industry Taxation Scheme.
- 19.4 Heads of Service are responsible for ensuring that tax liabilities and returns can be correctly completed by:
 - (i) Ensuring that orders/contracts for works of a building maintenance or construction nature (as defined under the Construction Industry Scheme) are

only placed with contractors who hold and have supplied a current and valid card or certificate entitling them to be paid for works of this type under this scheme; and

- (ii) Correctly identifying the value of labour subject to tax on any invoice where a tax deduction is necessary.

Value Added Tax (VAT)

- 19.5 The Director of Finance, Housing and Community is responsible for maintaining all records, accounts and claims as directed by the Value Added Tax Act 1983 (as amended).
- 19.6 The Director of Finance, Housing and Community will take responsible steps to ensure that the payment documentation provided by all suppliers of goods, works or services conforms to the requirements of a proper VAT invoice.
- 19.7 Each Officer responsible for raising invoices on behalf of the Council will ensure within reason that the Council has complied with the relevant VAT legislation regarding the supply of its services.
- 19.8 For services where VAT supplies are classified as Exempt under VAT regulations, Officers will ensure that all activities are fully evaluated for VAT purposes and any tax implications are identified before any expenditure is committed or contractual arrangements made.
- 19.9 The Director of Finance, Housing and Community will prepare monthly VAT returns and the annual VAT partial exemption.

Income Tax and National Insurance

- 19.10 The Head of Collaborative Services is responsible for ensuring that liabilities to account for Income Tax and National Insurance can be correctly and accurately accounted for within the Council's Accounts in accordance with HM Revenues and Customs and Contributions Agency Regulations. This will include:
 - (i) Ensuring that all payments to staff are made via the Council's payroll system;
 - (ii) Ensuring that any taxable benefits arising from payments made/ benefits in kind supplied to and on behalf of staff is notified to the Head of Collaborative Services for inclusion on P11D and similar returns;
 - (iii) Ensuring that all persons employed by the Authority are added to the Council's payroll;
 - (iv) Confirming that suppliers of labour other than employees (e.g. consultants) are not liable to deduction of Income Tax and National Insurance as if they were an employee, i.e. by obtaining evidence of Schedule D employment or CIS status and checking their employment status using the HMRC tool.

20. Treasury Management

- 20.1 This Council has adopted CIPFA's Code for Treasury Management in Local Authorities.

- 20.2 The code requires that the Council shall determine a Treasury Management Strategy setting out its strategy and procedures for Treasury Management and set the Council's Prudential Indicators. The policy shall be reviewed once a year and adopted by full Council as part of the Medium Term Financial Plan.
- 20.3 All money in the Council's possession shall be aggregated for Treasury Management purposes under the overall control of the Director of Finance, Housing & Community.
- 20.4 Day to day decisions on borrowing, investment (including the review of the list of the Council's current short and long term investment counterparties, with particular reference to their credit rating) and financing, including use of Capital Receipts, Reserves and Leasing are delegated from the Council to the Director of Finance, Housing and Community (or through him to his Officers) within the agreed Treasury Management Strategy and Medium Term Financial Plan.
- 20.5 The Director of Finance, Housing and Community will make all investment of Council's funds in the name of the Council, unless otherwise approved in the Treasury Management Strategy. All investments will be in accordance with the statutory framework and the approved Treasury Management Strategy.
- 20.6 All loans to the Council will be negotiated the by the Director of Finance, Housing and Community and paid direct by the lender or his agent into the Council's bank account.
- 20.7 The Director of Finance, Housing and Community is authorised to borrow temporarily pending receipts of money from Business Rates, Loans, Council Tax, Government Grants and other income properly due to the Council, within the limit agreed by the Council each year.
- 20.8 The Director of Finance, Housing and Community will report to the Cabinet not less than once each financial year and quarterly to the Governance Committee on the activities of the Treasury Management operation, and on the exercise of Treasury Management powers delegated to them.

21. **Write-Offs of Income, Stocks, Furniture and Equipment**

Debts

- 21.1 The Director of Finance, Housing and Community shall approve the procedures for the write-off of debts or other sum owing to the Council which is deemed irrecoverable or uneconomic to pursue.
- 21.2 Debt reports, including levels of write off, shall be presented to the Governance Committee on an annual basis after the financial year end.
- 21.3 The Director of Finance, Housing and Community shall make the appropriate entries in the accounting records in respect of write-offs in accordance with proper accounting practice.

Goods, Materials, Vehicles and Stocks

- 21.4 The Director of Finance, Housing and Community may write off the following:
- (i) Damaged or stolen goods;
 - (ii) Surplus goods and materials;

- (iii) Goods, vehicles or materials that are considered to have no material value due to deterioration or obsolescence.
- 21.5 Heads of Service shall forward details of any item under above that they consider should be written off within their Division to the Director of Finance Housing and Community for approval together with:
 - (i) Details of the item to be written off;
 - (ii) The circumstances necessitating the write-off.
- 21.6 The Director of Finance, Housing and Community will make the appropriate entries for write-offs in the accounting records in accordance with proper accounting practice.

APPENDIX 2

Budget and Policy Framework Procedure Rules

1. The framework for executive decisions

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the executive to implement it.

2. Process for developing the framework

Subject to paragraph (i) below, the process by which the budget and policy framework shall be developed is:

- a) By the end of February, the executive will have consulted on its budget proposals as it considers appropriate and approve the draft Budget and Medium Term Financial Plan.
- b) The Scrutiny (Policy & Performance) Committee shall determine whether it wishes to scrutinise the draft Budget and Medium Term Financial Plan. The Scrutiny (Policy & Performance) Committee shall report to the executive the outcome of its deliberations in sufficient time for the executive to consider the views of Scrutiny (Policy and Performance), make its recommendations to Council and for Council to meet and set the budget and Council tax before 11 March.
- c) Having considered the report of the Scrutiny (Policy & Performance) Committee, the executive, if it considers it appropriate, may amend its proposals before submitting them to a council meeting prior to 11 March for consideration and adoption. It will also report to Council on how it has taken into account any recommendations from the overview and scrutiny committee.
- d) The Council will consider the proposals of the executive and may adopt them, amend them, refer them back to the executive for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the executive's proposals and any report from any relevant Scrutiny (Policy & Performance) Committee having regard to the requirement for the Council to set the council tax before 11 March. The council tax levy requires receipt of precepts from precepting authorities and will be submitted to the council meeting.
- e) If the Leader objects to the decision of the Council, he/she shall give written notice to the proper officer to that effect during the first working day after the Council's decision. The written notification must state the reasons for the objection. Where such notification is received, the proper officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- f) The Council meeting must take place within 7 working days of the receipt of the Leader's written objection. At that council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.

- g) The Council shall at that meeting make its final decision on the matter.
- h) The policy on virements is set out in Financial Procedure Rules. Any other changes to the budget and policy framework, i.e. significant net increases in the General Fund, Housing Revenue Account, or Capital projects, are reserved to the Council.
- i) Any of the time periods set out within the process for developing the Budget and Policy Framework contained herein may be varied by agreement between the Executive and the Scrutiny (Policy and Performance) Committee provided that proper regard is had to allowing a reasonable period of time at each stage.

3. Decisions outside the budget or policy framework

- a) Subject to the provisions of virements the executive, committees of the executive, individual members of the executive and any officers, area committees or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the Budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.
- b) If the executive, committees of the executive, individual members of the executive and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the monitoring officer and/or the chief financial officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the Budget and Policy Framework) shall apply.
- c) Changes to income and expenditure contained within the approved budgets do not constitute a departure from the budget and policy framework provided they are contained within the overall approved resource envelope.

4. Urgent decisions outside the Budget or Policy Framework

- a) The executive, a committee of the executive, an individual member of the executive or officers, area committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - i. If it is not practical to convene a quorate meeting of the full Council; and
 - ii. If the chair of Scrutiny (Policy & Performance) Committee agrees that the decision is a matter of urgency.

- b) The reasons why it is not practical to convene a quorate meeting of full Council and the chair of Scrutiny (Policy & Performance) Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of Scrutiny (Policy & Performance) Committee the consent of the chairman of the Council and in the absence of both the vice-chairman of the Council will be sufficient.
- c) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. In-year changes to Policy Framework

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the executive, a committee of the executive, an individual member of the executive or officers, area committees or joint arrangements discharging executive functions must be in line with it.

6. Call-in of decisions outside the Budget or Policy Framework

- a) Where Scrutiny (Policy & Performance) Committee is of the opinion that an executive decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the monitoring officer and/or chief financial officer.
- b) In respect of functions which are the responsibility of the executive, the monitoring officer's report and/or chief financial officer's report shall be to the executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the executive must meet to decide what action to take in respect of the monitoring officer's report and to prepare a report to Council in the event that the monitoring officer or the chief financial officer conclude that the decision was a departure, and to the Scrutiny (Policy & Performance) Committee if the monitoring officer or the chief financial officer conclude that the decision was not a departure.
- c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the monitoring officer and/or the chief financial officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the budget, the Scrutiny (Policy & Performance) Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 days of the request by the Scrutiny (Policy & Performance) Committee. At the meeting it will receive a report of the decision or proposals and the advice of the monitoring officer and/or the chief financial officer. The Council may either:
 - i. Endorse a decision or proposal of the executive decision taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; *or*
 - ii. Amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that execution function and agree to the decision with immediate effect. In this

case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or

- iii. Where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing framework to accommodate it, require the executive to reconsider the matter in accordance with the advice of either the monitoring officer/chief financial officer.

References: Chapter 2, DETR Guidance

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

Subject:	REVIEW OF THE CONSTITUTION 2018 – GENERAL AND ADMINISTRATIVE AMENDMENTS
Meeting and Date:	Governance Committee – 28 June 2018 Council – 25 July 2018 Planning Committee – 23 August 2018
Report of:	Director of Governance (Monitoring Officer)
Classification:	UNRESTRICTED

Purpose of the report: Article 15 of the Constitution requires the Monitoring Officer to conduct regular reviews of the Constitution. A report has previously been considered in respect of the training criteria for various committees and this report seeks to be cover more general and administrative amendments.

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

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

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

Recommendation:

- Council:**
- (a) That the proposed changes in the Review of the Constitution 2018, specifically relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) that relate to Council functions be approved and incorporated into the Council’s Constitution, issue no. 21.
 - (b) That the proposed changes in the Review of the Constitution 2018, specifically relating to Part 3, Section 6, Sub Section C (Scheme of Officer Delegations) that relate to executive functions be approved.
- (Note: The Leader of the Council will be asked separately to approve any changes relating to executive functions but the Council is asked to approve the Scheme of Officer Delegations in its totality in the event that there has been an erroneous misclassification of functions.)
- (c) That the additional changes set out in Appendix 1 of the report be approved and incorporated into the Council’s Constitution, issue no. 21.
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Planning Committee: That Committee note the proposed changes in the Review of the Constitution 2018 issue no. 21, specifically relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) which are planning functions.

1. Introduction and Background

- 1.1 Article 15 of the Council's Constitution makes provision for the regular review of the Constitution by the Monitoring Officer on an annual and ad-hoc basis. This report forms the second report as part of the Review of the Constitution 2018 following from the report on 'Training and Development for Members' which was approved by Council at its meeting held on 23 May 2018.
- 1.2 Since the introduction of the first version of the Constitution in 2002, the Council has revised the Constitution twenty times. The Review of the Constitution 2018, which has been undertaken by the Director of Governance / Monitoring Officer in conjunction with the Solicitor to the Council and the Democratic Services Manager, will be the twenty-first revision resulting in the proposed draft version 21.
- 1.3 Due to the size of the Council's Constitution, it is not practical to conduct a detailed analysis of nearly 500 pages on an annual basis and instead specific areas are selected each year for review. This year's review has concerned itself with improving transparency and accessibility, reflecting structural changes to the Council's organisational structure and the collation of changes made by decision-making bodies such as the Cabinet or Council during the course of the previous year.
- 1.4 The focus for the Review of the Constitution 2018 has been as follows:
 - (a) Consequential amendments arising from changes to the Council;
 - (b) General tidying up of areas for clarity or consistency;
 - (c) Amendments to the scheme of officer delegations; and
 - (d) Other changes.

2. Approval of Amendments to the Constitution

- 2.1 The changes to the Constitution come in three types – changes requiring Executive approval, changes delegated to the Director of Governance/Monitoring Officer to approve and changes requiring Council approval.
- 2.2 The details of the changes are set out below.

(a) Consequential Amendments

Governance and Standards Committee

- 2.3 The Council at its meeting held on 17 May 2017 agreed to no longer appoint a separate Standards Committee and that its functions be transferred to the Governance Committee instead. As a consequence a number of consequential

textual amendments were required to incorporate these changes which the Director of Governance was authorised to make by the Council. These included removing references to the Standards Committee and where appropriate replacing with reference to the Governance Committee.

- 2.4 The key non-textual changes proposed are as follows (as set out in Appendix 1):
- Article 2 – Amalgamation of Chairman of Standards Committee with Chairman of Governance Committee (Appendix to the article).
 - Article 8 – Delete paragraph 8.02
 - Article 9 – Insert paragraph 8.02 in paragraph 9.01
Change name of Article 9 from ‘The Standards Committee’ to ‘The Governance Committee’

Proper Officer Functions

- 2.5 A number of amendments are required to the Proper Officer Appointments for Specified Statutory Purposes and the Proper Officer Appointments for Specified Purposes as a result of the restructuring of Democratic and Electoral Services. This has seen the functions previously assigned to the Head of Democratic Services split between the Head of Electoral Services and the Democratic Services Manager.
- 2.6 The Council at its meeting held on 7 March 2018 authorised the Director of Governance to make any necessary changes to the Constitution consequent to the Council designating the Solicitor to the Council as the Data Protection Officer and this is included with the Appointments for Specified Statutory Purposes.
- 2.7 Finally, an amendment to the functions previously held by the Head of Corporate Services is required following the retirement of the post holder and the subsequent restructuring.
- 2.8 These changes are set out in detail in Appendix 2.

(b) General Amendments

- 2.9 There are a number of references to the ‘Council’s Code of Conduct’ and ‘Members’ Code of Conduct’. For clarity, it is proposed that the single phrase ‘Dover District Council Kent Code of Conduct for Members’ is used. This reflects the name used on the actual Code of Conduct.
- 2.10 The section on Cabinet Portfolios is amended to reflect changes notified by the Leader of the Council at full Council in May 2018. These changes are contained within Part 3 (Responsibility for Functions), Section 3 (Responsibility for Executive Functions) of the Constitution and set out in Appendix 3 of this report.
- 2.11 In Part 3 (Responsibility for Functions), Section 4 (Guidelines for Executive Committees) the reference to the Strategic Housing Committee of the Executive is to be deleted as the Cabinet no longer appoints to this committee.
- 2.12 It is proposed to amend Council Procedure Rule 1.1 (x) to insert the words “size and” to give clarity to the intention that the Shadow Cabinet mirror the Cabinet in terms of numbers of portfolios and numbers of members. The new wording would be as follows:

(x) *note the **size and** composition of the Shadow Cabinet which must directly reflect the Cabinet;*

- 2.13 A small number of changes have been made to correct references that are no longer correct due to textual changes. In addition, Council Procedure Rules 8.2 and 8.3 concerning quorum have been swapped in order to provide greater clarity as to application but the text remains unchanged.
- 2.14 It is proposed to delete Council Procedure Rule 24.2(iii) as it no longer fulfils a purpose as it does not apply to the meetings of the Cabinet, Licensing Committee, Licensing Sub-Committees and Planning Committee. In addition, Council Procedure Rule 24.2(ii) makes provision for Members to speak at a committee where permitted or invited to do so by the Committee. A further change to Council Procedure Rule 24.4 is proposed for clarity as follows:

24.4 Members' ~~shall only~~ right to speak at Planning Committee shall be exercised in accordance with the Protocol on Public Speaking at Planning Committee

- 2.15 In respect of the Members' Allowance Scheme, it is proposed to delete reference to claims for Members attending the Council offices to open tender documents at paragraph 7.15 as this no longer happens. This paragraph would be replaced by a new paragraph relating to the attending the Council offices in respect of the iPads issued to Members as follows:

7.15 Attending the Council offices in relation to ICT equipment issued by the Council to Members.

- 2.16 These changes have been submitted to the East Kent Joint Independent Remuneration Panel for consultation who have raised no objections to the proposed changes to the Members' Allowance Scheme set out in paragraph 2.14 above.

(c) Amendments to the Scheme of Officer Delegations

- 2.17 These changes are set out in Appendix 2 and implement a number of changes (a) resulting from restructuring; (b) changes to legislation; (c) previously agreed by the Council; or (d) previously agreed by the Executive (through either Cabinet decisions or delegated decisions). These changes do not grant new delegated powers other than to implement those agreed by Council or the Executive.
- 2.18 An additional amendment concerns the use of the term 'operational manager(s)' which has been replaced with the more accurate term of 'specified officer(s)'. This change is for clarity and does not change the nature of the delegation.
- 2.19 Although the full Council is only responsible for delegations relating to Council functions, it is asked to approve the scheme of officer delegations in its totality in the event that there has been an erroneous misclassification of functions.
- 2.20 The changes are set out in full in Appendix 4.

(d) Other Changes

Questions and Answers at full Council

- 2.21 The Leader of the Opposition, Councillor M R Eddy, has requested that as part of the Review of the Constitution 2018 consideration be given to the provision of written answers to questions asked on notice at meetings of the full Council.

- 2.22 The current position is that members of the Executive when answering questions on notice at meetings of the full Council are prepared a briefing note by officers (unless they request otherwise) which is available to them for use in formulating their verbal answer to the question. It should be noted that members of the Executive are under no obligation to use the briefing note prepared by officers. The only formal record of the answer given by the Executive member is the summary contained within the Council Minute, which by its nature is not verbatim. The questioner can request a written copy of the answer given but it is at the discretion of the Executive member as to whether this is provided.
- 2.23 If Members wished to include provision for a written answer it is suggested that this be achieved through amending the Council Procedure Rule 12 (Questions on Notice by Members) as follows:

12.5 After the Council meeting, a copy of the questions and the answers will be given to the Members asking the questions and made available to all other Members of the Council via the Minutes of the meeting.

- 2.24 This is based on the provision contained within the Constitution of Kent County Council. It should be noted that the definition of 'after the Council meeting' is not defined and Members will need to give consideration as to when this is to be done – i.e. after the conclusion of the meeting; the following day or a later date.

3. Identification of Options

- 3.1 Option 1: To approve the changes proposed as part of the Review of the Constitution 2018 as submitted.
- 3.2 Option 2: To not approve the changes as part of the Review of the Constitution 2018 as submitted.
- 3.3 Option 3: To approve in part the proposed changes as part of the Review of the Constitution.

4. Evaluation of Options

- 4.1 Option 1 is the preferred option as it enables the efficient operation of the authority to continue.
- 4.2 Option 2 is not the preferred option as it will significantly impede the day-to-day operation of the authority as the Constitution will no longer be able to operate as a definitive reference for officers.
- 4.3 Option 3 is not recommended as it will not be possible for the Governance Committee or the Council to make any significant changes to the proposals at their meeting. Should members be minded to pursue this option they would need to instruct the Director of Governance/Monitoring Officer as to their wishes and require him to report to future meetings of the Governance Committee and the Council.

5. Resource Implications

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

6. Appendices

Appendix 1 – Draft Constitution of the Council (Version 21)

7. Background Papers

Local Government Act 2000 and the regulations made under that Act

Contact Officers: Rebecca Brough, Democratic Services Manager, ext. 2304
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Harvey Rudd, Solicitor to the Council, ext. 2321

COUNCIL – 25 JULY 2018

Questions Raised on Notice by Members

(a) To Chairmen/Vice-Chairmen of Committees

There were no questions received for Chairmen/Vice-Chairmen of Committees.

(b) To the Executive

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

(1) Councillor B W Butcher will ask the Portfolio Holder for Access and Licensing, Councillor N J Collor:

“Will the Portfolio Holder for Access and Licensing advise what is being planned to avoid the dreadful traffic chaos that was evident especially around the level crossing during the open golf championships in 2011?”

(2) Councillor N Dixon will ask the Portfolio Holder for Housing and Homelessness, Councillor P M Beresford:

“Would the Portfolio Holder for Housing and Homeless give an update on the homelessness figures and costs and what measures are being taken to reduce them?”

(3) Councillor M J Ovenden will ask the Portfolio Holder for Community Services, Councillor M J Holloway:

“Street drinkers continue to blight Dover’s town centre in particular around Pencester Gardens and Market Square where numbers have increased. Their presence and behaviour threatens and deters shoppers and visitors, undermines businesses and Dover’s image. Can the portfolio holder for Community Services explain to Members what the District Council is doing to deal with this serious problem both in the immediate and longer term.”

(4) Councillor D Hannent will ask the Portfolio Holder for Environment, Waste and Health, Councillor N S Kenton:

“Given the recent publicity concerning the pollution of the marine environment by plastic waste and wider concerns about the environment, can the Cabinet member for the Environment provide some reassurance what this Council is doing to protect the environment?”

(5) Councillor P M Brivio will ask the Portfolio Holder for Housing and Homelessness, Councillor P M Beresford:

“Can the Portfolio holder for Housing and Homelessness explain what the "Right To Buy" criteria is regarding the sale of Elderly Persons accommodation?”

(6) Councillor P M Brivio will ask the Portfolio Holder for Property Management and Environmental Health, Councillor T J Bartlett:

“Can the Portfolio Holder for Property Management and Environmental Health confirm that all employees of contracted services (for example public conveniences) earn the minimum wage and work the statutory hours for a working week?”

(7) Councillor P Walker will ask the Leader of the Council, Councillor K E Morris:

“Will the Leader of the Council please inform us why the Commercial and Residential Investment Project Advisory Groups, set up in February 2017 to make decisions about how to invest the huge amounts of money the council agreed to borrow to finance the purchase of properties, have failed to meet in 18 months, and instead he has allowed these purchases to go through the Executive decision making process?”

(8) Councillor J M Heron will ask the Portfolio Holder for Environment, Waste and Health, Councillor N S Kenton:

“Recently, I and other councillors in Dover have received an increased number of complaints from constituents regarding Veolia’s quality of service; bins are left uncollected, bins are being damaged by Veolia’s staff during collections and a trail of rubbish is being left behind in the streets after collections. Can the Portfolio holder for Environment, Waste and Health confirm what steps will he take to address the concern of our constituents?”

(9) Councillor S F Bannister will ask the Leader of the Council, Councillor K E Morris:

“Will the Leader of the Council inform the Council of the make-up and remit of the local "Task Force" supposedly preparing for the exit of the United Kingdom from the European Union and what arrangements are in place for reporting progress to this Council, whose residents and businesses will be most directly affected by Brexit?”

(10) Councillor M R Eddy will ask the Portfolio Holder for Property Management and Environmental Health, Councillor T J Bartlett:

“Can the Portfolio Holder for Property Management and Environmental Health inform the Council of the contacts between Dover's Port Health officers and their counterparts in Calais to ensure that the ferries between the two ports are operating safely and hygienically?”

(11) Councillor P J Hawkins will ask the Portfolio Holder for Property Management and Environmental Health, Councillor T J Bartlett:

“Can the Portfolio Holder for Property Management and Environmental Health inform the Council of the current situation regarding the refurbishment of Deal Pier and what the implications are for the Council's finances and for Deal's tourist season?”

(12) Councillor M R Eddy will ask the Portfolio Holder for Access and Licensing, Councillor N J Collor:

“Can the Portfolio Holder for Access and Licensing inform the Council of the number of times traffic wardens have visited the Mill Hill ward over the last 12 months in order to check on parking violations?”

(13) Councillor B Gardner will ask the Portfolio Holder for Access and Licensing, Councillor N J Collor:

“Can the portfolio holder for Access and Licensing please give the Council his opinion as to whether or not Stagecoach is providing the people of this district with the proper standards of service that they should be providing.”

(14) Councillor B Gardner will ask the Leader of the Council, Councillor K E Morris:

“Will the Leader of the Council write to his Prime Minister to ask her to give councils the right to take back planning permission for sites that developers are

refusing to build on and purely land banking instead to help bolster their balance sheet?”

(15) Councillor B Gardner will ask the Leader of the Council, Councillor K E Morris:

“Would the Leader of the Council agree that the 5 year land supply figures should be assessed on the average number of houses that the developers have actually built in the district over the last 10 years.”

(16) Councillor B Gardner will ask the Portfolio Holder for the Built Environment, Councillor J S Back:

“Would the portfolio holder for Built Environment please inform the council as to how many planning Enforcement cases are currently still open.”

COUNCIL – 25 JULY 2018

Motions on Notice by Members

- (1) In accordance with Council Procedure Rule 13, Councillor M D Conolly will move:**

“Recognising the initiatives the council are already taking to protect our high streets this council asks the Leader to write to the relevant Minister to request a review of the business rates system to further support our retailers.”

- (2) In accordance with Council Procedure Rule 13, Councillor M R Eddy will move:**

“This council condemns the lack of proper consultation over the academisation of primary schools in the district and demands that the Secretary of State for Education halts the process until a full and proper consultation has been carried out and the results analysed.”