



Council Meeting

**Council Offices
White Cliffs Business Park
Dover**

Wednesday, 24 July 2019

Summons and Agenda

Nadeem Aziz
Chief Executive



Democratic Services
White Cliffs Business Park

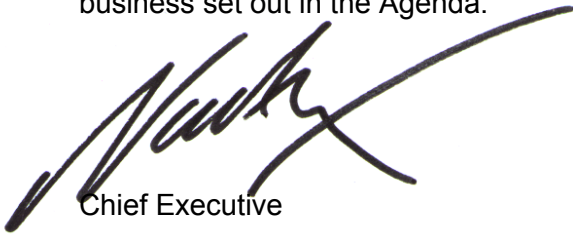
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16 July 2019

To the Members of the Council,

You are hereby summoned to attend a meeting of the **COUNCIL** to be held in the Council Chamber at these Offices on Wednesday 24 July 2019 at 6.00 pm for the transaction of the business set out in the Agenda.



Chief Executive

Members of the Council:

M D Conolly (Chairman)	N J Collor	D P Murphy
D Hannent (Vice-Chairman)	D G Cronk	O C de R Richardson
J S Back	J P Haste	J Rose
T J Bartlett	M J Holloway	M Rose
D G Beaney	S J Jones	C A Vinson
S H Beer	P D Jull	R S Walkden
E A Biggs	L A Keen	P Walker
T A Bond	N S Kenton	H M Williams
P M Brivio	S C Manion	C F Woodgate
J P J Burman	K Mills	C D Zossedder
S S Chandler	K E Morris	

AGENDA

1 **APOLOGIES** (Page 7)

To receive any apologies for absence.

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

To confirm the attached Minutes of the meeting held on 17 May 2019.

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

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

4 **ANNOUNCEMENTS** (Page 17)

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

5 **LEADER'S TIME** (Page 18)

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 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 Leader, whichever is the greatest).

6 **QUESTIONS FROM THE PUBLIC** (Page 19)

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

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

Questions from the Public

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

7 **REVIEW OF COMMITTEE ARRANGEMENTS** (Pages 20 - 71)

To consider the attached Joint Report of the Head of Governance and the Monitoring Officer.

8 **REVIEW OF ALLOCATION OF SEATS TO POLITICAL GROUPS** (Pages 72 - 80)

To consider the report of the Head of Governance (to follow).

9 **PROGRAMME OF ORDINARY MEETINGS 2019/20** (Pages 81 - 85)

To consider the report of the Head of Governance (to follow).

10 **SEAT ALLOCATION AND GROUP APPOINTMENTS** (Page 86)

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).)

11 **QUESTIONS FROM MEMBERS** (Pages 87 - 88)

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.

Members may ask one supplementary question in addition to their original question.

The questions received are set out in the agenda papers.

12 **MOTIONS** (Pages 89 - 90)

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.

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.

The Motions received 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.

AGENDA ITEM 1: APOLOGIES

To receive any apologies for absence.

MINUTES OF PROCEEDINGS

At the meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Friday, 17 May 2019 at 6.00 pm.

Present:

Chairman: Councillor M D Conolly

Councillors:

J S Back	D G Cronk	K E Morris
T J Bartlett	D Hannent	D P Murphy
D G Beaney	J P Haste	O C de R Richardson
S H Beer	M J Holloway	J Rose
E A Biggs	S J Jones	M Rose
T A Bond	P D Jull	C A Vinson
P M Brivio	L A Keen	P Walker
J P J Burman	N S Kenton	H M Williams
S S Chandler	S C Manion	C D Zossedter
N J Collor	K Mills	

Officers: Chief Executive
Strategic Director (Corporate Resources)
Strategic Director (Operations and Commercial)
Solicitor to the Council
Head of Governance
Democratic Services Manager

1 ELECTION OF A CHAIRMAN

The retiring Chairman of the Council, Councillor S S Chandler, welcomed both new and returning Members to the meeting.

It was moved by Councillor T J Bartlett and duly seconded by Councillor K E Morris that Councillor M D Conolly be elected Chairman of Dover District Council for the ensuing municipal year.

On being put to the meeting it was

RESOLVED: That Councillor M D Conolly be elected Chairman of Dover District Council for the ensuing municipal year 2019/20.

(Councillor M D Conolly, having made his declaration of acceptance of office, took the chair.)

The Chairman presented the retiring Chairman with the Past Chairman's Badge. Councillor S S Chandler addressed the Council.

2 APPOINTMENT OF A VICE-CHAIRMAN

It was moved by Councillor S S Chandler and duly seconded by Councillor K E Morris that Councillor D Hannent be appointed Vice-Chairman of the Council for the ensuing municipal year.

On being put to the meeting it was

RESOLVED: That Councillor D Hannent be appointed as Vice-Chairman of Dover District Council for the ensuing municipal year 2019/20.

(Councillor D Hannent made his declaration of acceptance of office and addressed the Council.)

3 APOLOGIES

Apologies for absence were received from Councillors R S Walkden and C F Woodgate.

4 MINUTES

The Minutes of the meetings held on 6 March 2019 and 27 March 2019 were approved as correct records and signed by the Chairman.

5 DECLARATIONS OF INTEREST

There were no declarations of office made by Members.

6 ANNOUNCEMENTS

There were no announcements made by the Chairman.

7 ELECTION OF THE LEADER OF THE COUNCIL

It was moved by Councillor S S Chandler and duly seconded by Councillor O C de R Richardson that Councillor K E Morris be elected Leader of the Council.

On being put to the meeting it was

RESOLVED: That Councillor K E Morris be elected the Leader of the Council for a period of four years until the day of the next Annual Meeting of the Council following the ordinary election of all councillors in 2023.

8 COMPOSITION OF THE CABINET

In accordance with Rule 1.1(vii) of the Council Procedure Rules, Councillor K E Morris gave notice of his intention to appoint an Executive comprising of the Leader of the Council and six members, including the Deputy Leader.

RESOLVED: (a) That the composition of the Cabinet be received and noted.
(b) That it be noted that the Leader of the Council had given formal notification to the Monitoring Officer of his intention to appoint the following portfolio structure:

Leader of the Council
Deputy Leader of the Council
Portfolio Holder for Community and Tourism
Portfolio Holder for Environment and Commercial Services
Portfolio Holder for Housing and Health

Portfolio Holder for Planning and Regulatory Services
Portfolio Holder for Finance and Governance
Portfolio Holder for Transport and Licensing

9 APPOINTMENT OF A DEPUTY LEADER

In accordance with Rule 1.1(viii) of the Council Procedure Rules, Councillor K E Morris gave notice of his intention to appoint Councillor S S Chandler as Deputy Leader of the Council.

RESOLVED: That the appointment of Councillor S S Chandler as Deputy Leader be received and noted.

10 APPOINTMENT OF MEMBERS TO CABINET PORTFOLIOS

In accordance with Rule 1.1(ix) of the Council Procedure Rules, Councillor K E Morris gave notice of his intention to appoint the following Members to the following Portfolios:

1	Community and Tourism	M J Holloway
2	Environment and Commercial Services	T J Bartlett
3	Housing and Health	S S Chandler
4	Planning and Regulatory Services	N S Kenton
5	Finance and Governance	S C Manion
6	Transport and Licensing	N J Collor

RESOLVED: That the appointment of Members to Cabinet Portfolios be received and noted.

11 APPOINTMENT OF SHADOW CABINET

It was moved by Councillor K E Mills, duly seconded and

RESOLVED: That, in accordance with notice provided by the Leader of the Opposition Group, the Shadow Cabinet be composed of the following:

1	Leader	K Mills
2	Deputy Leader	P M Brivio
3	Community and Tourism	S J Jones
4	Environment and Commercial Services	E A Biggs
5	Housing and Health	P M Brivio
6	Planning and Regulatory Services	D G Cronk
7	Finance and Governance	C F Woodgate

8	Transport and Licensing	S H Beer
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12 REVIEW OF ALLOCATION OF SEATS TO POLITICAL GROUPS

It was moved by Councillor K E Morris, duly seconded by Councillor S S Chandler and

RESOLVED: (a) That, having noted the allocation of seats calculated in accordance with the provisions of the Local Government and Housing Act 1989, the Council Committees be constituted as indicated below for the ensuing municipal year and the Boards and Forums be constituted with the membership, Chairman, Vice-Chairman and Spokespersons as shown:

Dover Joint Transportation Board (7 seats)

- 7 Dover District Councillors
- 7 Kent County Councillors
- 3 Town Council Representatives (Dover, Deal and Sandwich)
- 2 Kent Association of Local Councils Representatives

	Conservative (4)	Labour (3)	Non-Aligned Member (0)
1	J S Back	E A Biggs	
2	M J Holloway	D G Cronk	
3	N S Kenton	J P Haste	
4	C A Vinson		

East Kent Services Committee (2 seats)

- 2 Executive Members (Dover District Council)
- 2 Executive Members (Thanet District Council)
- 2 Members (Canterbury City Council)

	Conservative (2)	Labour (0)	Non-Aligned Member (0)
1	K E Morris		
2	S S Chandler		

East Kent Services Committee (Named Substitutes)

	Conservative (2)	Labour (0)	Non-Aligned Member (0)
1	T J Bartlett		
2	N J Collor		

Electoral Matters Committee (5 seats)

	Conservative (3)	Labour (2)	Non-Aligned Member (0)
1	K E Morris	P M Brivio	
2	S S Chandler	K Mills	
3	P D Jull		

General Purposes Committee (5 seats)

	Conservative (3)	Labour (2)	Non-Aligned Member (0)
1	P D Jull	P M Brivio	
2	D G Beaney	K Mills	
3	S C Manion		

Governance Committee (7 seats)

	Conservative (4)	Labour (2)	Non-Aligned Member (1)
1	D Hannent	J P Haste	P Walker
2	C A Vinson	C F Woodgate	
3	S S Chandler		
4	J Rose		

Joint Staff Consultative Forum (5 Seats)

5 Dover District Councillors

5 Staff Member Representatives

	Conservative (3)	Labour (2)	Non-Aligned Member (0)
1	P D Jull	S H Beer	
2	D G Beaney	H M Williams	
3	S C Manion		

Joint Health, Safety and Welfare Consultative Forum (5 Seats)

5 Dover District Councillors

5 Staff Member Representatives

	Conservative (3)	Labour (2)	Non-Aligned Member (0)
1	P D Jull	S H Beer	
2	D G Beaney	H M Williams	
3	S C Manion		

Licensing Committee (15 seats)

	Conservative (9)	Labour (6)	Non-Aligned Member (0)
1	D G Beaney	S H Beer	
2	T A Bond	P M Brivio	
3	T J Bartlett	D G Cronk	
4	N J Collor	K Mills	
5	D Hannent	J P Haste	
6	M J Holloway	C D Zosseder	
7	D P Murphy		
8	O C de R Richardson		
9	R S Walkden		

Planning Committee (10 seats)

	Conservative (6)	Labour (4)	Non-Aligned Member (0)
1	J S Back	E A Biggs	
2	R S Walkden	J P J Burman	
3	D G Beaney	D G Cronk	
4	T A Bond	H M Williams	
5	D P Murphy		
6	O C de R Richardson		

Regulatory Committee (5 seats)

	Conservative (3)	Labour (2)	Non-Aligned Member (0)
1	D P Murphy	P M Brivio	
2	J Rose	S J Jones	
3	R S Walkden		

Scrutiny (Community and Regeneration) Committee (10 seats)

	Conservative (6)	Labour (3)	Non-Aligned Member (1)
1	M Rose	L A Keen	P Walker
2	T A Bond	S H Beer	
3	D P Murphy	C D Zosseder	
4	O C de R Richardson		
5	J Rose		
6	C A Vinson		

Scrutiny (Policy and Performance) Committee (10 seats)

	Conservative (6)	Labour (3)	Non-Aligned Member (1)
1	M Rose	L A Keen	P Walker
2	T A Bond	S H Beer	
3	D P Murphy	C D Zosseder	
4	O C de R Richardson		
5	J Rose		
6	C A Vinson		

Committee Chairmen and Vice-Chairmen

Committee Name	Chairman	Vice-Chairman
Electoral Matters Committee	K E Morris	S S Chandler
General Purposes Committee	P D Jull	D G Beaney
Governance Committee	D Hannent	C A Vinson
Planning Committee	J S Back	R S Walkden
Regulatory Committee	D P Murphy	J Rose
Scrutiny (Community & Regeneration) Committee	L A Keen	C D Zosseder
Scrutiny (Policy & Performance) Committee	L A Keen	C D Zosseder

(The Licensing Committee, the Joint Health, Safety and Welfare Consultative Forum and the Joint Staff Consultative Forum each appoint its own Chairman and Vice-Chairman. The Vice-Chairman of the Dover Joint Transportation Board for 2019/20 is appointed by the Cabinet.)

Spokespersons

Committee Name	Spokesperson
Planning Committee	D G Cronk
Scrutiny (Community & Regeneration) Committee	M Rose
Scrutiny (Policy & Performance) Committee	M Rose

Lead Members

	Portfolio	Conservative	Labour
1	Community and Tourism	M Rose (Digital Services)	C D Zosseder
2	Environment and Commercial Services	J Rose (Dover Waterfront)	J P Haste
3	Housing and Health	-	H Williams
4	Planning and Regulatory Services	-	J P J Burman
5	Finance and Governance	-	-

	Portfolio	Conservative	Labour
6	Transport and Licensing	-	-

(b) That officers be requested to review the committee structure and the number of seats on each committee.

13 PROGRAMME OF ORDINARY MEETINGS 2019/20

It was moved by Councillor K E Morris, duly seconded by Councillor N S Kenton, and

RESOLVED: That the Calendar of Meetings for 2019/20 be approved as presented.

14 ANNUAL REPORT OF OVERVIEW AND SCRUTINY

It was moved by Councillor K E Morris, duly seconded by Councillor N S Kenton, and

RESOLVED: That the report be received and noted.

15 ANNUAL REPORT OF THE GOVERNANCE COMMITTEE

It was moved by Councillor D Hannent, duly seconded by Councillor K E Morris, and

RESOLVED: That the report be received and noted.

16 URGENT BUSINESS TIME

There were no items of urgent business for consideration.

The meeting ended at 6.40 pm

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

AGENDA ITEM 4: ANNOUNCEMENTS

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

AGENDA ITEM 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 Leader, whichever is the greatest).

Questions Raised on Notice by Members of the Public

- (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.

Question(s)

There were no questions received by Members of the public within the notice period.

Subject:	REVIEW OF COMMITTEE ARRANGEMENTS
Meeting and Date:	Governance Committee – 27 June 2019 Council – 24 July 2019
Report of:	Joint Report of the Head of Governance and the Monitoring Officer
Classification:	UNRESTRICTED

Purpose of the report: To review the current committee structure and size and provide options for consideration by the full Council.

Recommendation:

- | | |
|-----------------------|---|
| Governance Committee: | <ul style="list-style-type: none"> (a) That it makes recommendations to the full Council on whether any changes need to be made to the existing committee structure (excluding scrutiny) agreed at the Council meeting on 17 May 2019 and/or to the number of seats on each committee. (b) That it makes recommendations to the full Council on the number of scrutiny committees (minimum of one) to be operated by the Council and the number of seats on the scrutiny committee(s). (c) That, having due regard to the statutory guidance, it makes recommendations to the full Council on whether any changes need to be made to the Constitution in respect of the participation of lead members on scrutiny committees. (d) That, having due regard to the statutory guidance, it makes recommendations to the full Council on whether any changes need to be made to the method by which the Chairman and Vice-Chairman of scrutiny committee(s) are elected. (e) That it be noted that officers will consider any other matters arising from the Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities as part of the annual Review of the Constitution in 2019. |
| Council: | <ul style="list-style-type: none"> (a) That Council determines whether any changes need to be made to the existing committee structure (excluding scrutiny) agreed by Council at its meeting on 17 May 2019 and whether any changes need to be made to the number of seats on each committee. (b) That Council determines whether any changes need to be made to the number of scrutiny committees (minimum of one) to be operated by the Council and the number of seats on the scrutiny committee(s). (c) That, having due regard to the statutory guidance, Council determined whether any changes need to be made to the Constitution in respect of the participation of lead members on |
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scrutiny committees.

(d) That, having due regard to the statutory guidance, Council determines whether any changes need to be made to the method by which the Chairman and Vice-Chairman of scrutiny committee(s) are elected.

(e) That it be noted that officers will consider any other matters arising from the Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities as part of the annual Review of the Constitution in 2019.

1. Summary

1.1 The Council at its meeting held on 17 May 2019 instructed officers to review (a) the committee structure and (b) the number of seats on each committee. This report sets out potential options to be considered by the Governance Committee and full Council.

2. Introduction and Background

2.1 The elections held on 2 May 2019 were the first held since The Dover (Electoral Changes) Order 2019 was brought into effect. The Order reduced the number of district councillors from 45 to 32 and the number of wards from 21 to 17. Following this change it was decided by full Council that it was an appropriate time to review the committee structure to ensure it was still fit for purpose for a smaller council size. This report sets an analysis of the impact of the change in council size on the committee arrangements and sets out the options that Members may wish to consider arising from this.

2.2 In addition to the review requested by full Council, the Department for Housing, Communities and Local Government issued statutory guidance in May 2019 in respect of Overview and Scrutiny that the Council must have regard to in making its scrutiny arrangements.¹ The phrase ‘must have regard’ comes directly from the statutory guidance (page 5) and is defined as follows:

“The phrase ‘must have regard’, when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.”

2.3 The statutory guidance also suggests that authorities may have regard to other material they might “choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.”

2.4 Finally, in setting out the parameters of this report it should be noted that alternative models of governance arrangements permitted under the Local Government Act 2000 (as amended by the Localism Act 2011) have not been considered as this is outside the remit set by Council.

3. Committee Structure

3.1 The Council currently appoints the following committees:

¹ *Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities (May 2019)*
<https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities>

COMMITTEE	ESTABLISHED BY
Dover Joint Transportation Board	Agreement with Kent County Council
Electoral Matters Committee	Decision of the Council
General Purposes Committee	Decision of the Council
Governance Committee	Decision of the Council
Joint Staff Consultative Forum	Collective bargaining agreement
Joint Health, Safety and Welfare Consultative Forum	Health and Safety at Work Act 1974
Licensing Committee	Licensing Act 2003
Planning Committee	Decision of the Council
Regulatory Committee	Decision of the Council
Scrutiny (Community & Regeneration) Committee	The Local Government Act 2000 (s.21(1)) requires at least one scrutiny committee (see section 5 of this report for more information)
Scrutiny (Policy & Performance) Committee	

- 3.2 The functions exercised by each of these committees are set out in Appendix 1 of this report for information.
- 3.3 The above list of committees provides limited scope for the abolition or merger of committees. For example, one option considered by officers was the amalgamation of the statutory Licensing Committee (which routinely considers all matters under the Licensing Act 2003 and Gambling Act 2005) and the non-statutory Regulatory Committee (which deals with licensing matters outside of the Licensing & Gambling Acts) into a single committee. However, it is the view of the Solicitor to the Council that for all practical purposes the Licensing Act 2003 requires it to only exercise the functions set out in the legislation, which would therefore prevent such an amalgamation.
- 3.4 The Dover Joint Transportation Board is a non-statutory joint forum with Kent County Council which advises on the exercise various functions relating to highways and road traffic. The membership and functions are specified in an agreement with Kent County Council and provide parity between the numbers of members of each authority. Any changes would require the agreement to be renegotiated with Kent County Council.
- 3.5 There is a statutory minimum requirement that the Council have one scrutiny committee as it operates executive arrangements. This means that the Council could potentially reduce the number of scrutiny committees to one. This is set out in more detail in section 5 of the report.
- 3.6 This leaves the following committees that could potentially be merged or abolished (with their functions reabsorbed by the full Council):
- Electoral Matters Committee
 - General Purposes Committee
 - Governance Committee
 - Planning Committee

- Regulatory Committee

3.7 The Electoral Matters Committee and General Purposes Committee are the two committees that in terms of remit offer the most potential for abolition or merger as they are exercising functions they could be absorbed relatively easily by the full Council. However, it should be noted that the small size of each committee (5 members on each) and the infrequency of meetings (neither has scheduled meetings) mean that in practical terms there is little benefit from abolishing the two bodies. Furthermore, the recent electoral arrangement review has demonstrated the benefits in having a more flexible body (such as a committee) for discussions prior to final decisions at the full council as opposed to having to call meetings of the full council at every stage in the review process. In respect of the option of merging the two committees, the dissimilar remits while not insurmountable would have to be given consideration.

3.8 The Governance Committee fulfils the role of an 'independent audit committee' required by the Code of Practice for Internal Audit in Local Government (CIPFA 2006), although this has subsequently been superseded by the UK Public Sector Internal Audit Standards (PSIAS) it has not changed the requirement for an 'independent audit committee'. The CIPFA guidance also recommends that "to be effective, the audit committee needs to be independent from executive and scrutiny" and on this basis abolishing the committee would not respect the guidance and merging its functions with another committee would weaken this focus. The other role exercised by the Governance Committee in respect of the ethical framework for elected members has significant synergy with its role in respect of the risk framework for audit and also needs to remain independent from the executive and scrutiny functions. It is therefore not recommended that any changes be made to the Governance Committee.

3.9 The Planning and Regulatory Committees exercise functions which in common parlance (though not in law) are often referred to as being quasi-judicial in nature. The decision making functions of these committees required a high degree of procedural fairness which, in practice, would present problems if exercised directly by the full Council. For this reason it is not recommended that either committee be abolished. Officers examined the potential for merging the two committees but, other than some potential synergy in respect of the licensing of street furniture, it was felt that the remits were too dissimilar (e.g. considering planning applications compared to considering taxi driver applications and 'fit and proper' person reviews) to justify such a change as it would result in effectively two separate agendas as part of the same meeting or separate meetings to cover each area. It is therefore not recommended that any changes be made to the Planning Committee or Regulatory Committee.

4. **Committee Sizes**

4.1 The next matter to consider following the number of committees is the size of the committees which, with the exception of the full Council (as all councillors are automatically members of the full Council) and the Dover Joint Transportation Board (which is governed by an agreement with Kent County Council) can be altered by a majority vote of the Council.

4.2 The Annual Meeting of Council held on 17 May 2019 appointed members to a total of 84 Committee Seats (excluding the full Council, the Cabinet, Project/Policy Advisory Groups, Licensing Sub-Committees, Executive Groups and appointments of fewer than 3 members), on the basis of proportional entitlement (either required or agreed to by Council to be treated as proportional) as follows:

COMMITTEE	Current seats on each committee
Dover Joint Transportation Board	7
Electoral Matters Committee	5
General Purposes Committee	5
Governance Committee	7
Joint Staff Consultative Forum	5
Joint Health, Safety and Welfare Consultative Forum	5
Licensing Committee	15
Planning Committee	10
Regulatory Committee	5
Scrutiny (Community & Regeneration) Committee	10
Scrutiny (Policy & Performance) Committee	10
Total	84

4.3 The table above results in a **current mean average of 2.62 committee places per member**, excluding full Council, Cabinet, Project/Policy Advisory Groups, Licensing Sub-Committees and Executive Committees. It should be noted that within this average, some members will be appointed to more and some to less than the average number of seats. This compares with a mean average of 1.86 committee places per member prior to the elections on 2 May 2019.

4.4 A breakdown of the number of committee seats (excluding full Council, Cabinet, Project Advisory Groups and committee) currently held by individual members is set out below:

Number of Committee Seats	Number of Councillors
0	1
1	9
2	6
3	10
4	5
5	1

4.5 However, it should be noted that the meeting frequency for each committee is not the same for each committee with committees meeting either on an ad-hoc basis, quarterly, bi-monthly or monthly. In addition, some committees may also require meetings in addition to the number set out in the next table. A list of scheduled meetings is set out below.

COMMITTEE	Total Seats	Number of Scheduled Meetings 2019/20
Dover Joint Transportation Board	7	4
Electoral Matters Committee	5	As Required
General Purposes Committee	5	As Required
Governance Committee	7	4
Joint Staff Consultative Forum	5	4
Joint Health, Safety and Welfare Consultative Forum	5	4
Licensing Committee	15	4
Planning Committee	10	12
Regulatory Committee	5	6
Scrutiny (Community & Regeneration) Committee	10	11
Scrutiny (Policy & Performance) Committee	10	11
Total	84	60

- 4.6 In looking at ways in which the average committee places per member could be reduced, there are a number of caveats that need to be kept in mind. Firstly, as mentioned earlier in this report the following committees have specified sizes set out in either the operating agreement with a partner authority or legislation:

Committee	Reason
Dover Joint Transportation Board	To ensure parity with the number of Kent County Councillors (7) for the Dover District
Licensing Committee	The Licensing Act 2003 requires that the Licensing Committee has between 10 – 15 members.

- 4.7 In addition, the Council could recommend changes to the size of the Joint Staff Consultative Forum and the Joint Health, Safety and Welfare Forum but these would require consultation with trade unions before any changes could be implemented. The issue of merging the fora was considered by officers but rejected as it was not consistent with good practice and there were concerns about whether this was consistent with the principles establishing the Joint Health, Safety and Welfare Forum. In operational terms, the two meetings are run consecutively and the memberships are the same so the impact of there being two fora is minimal. However, it does remain an option open to Members should they wish officers to enter into consultation with the trade unions on an alternative size of fora.
- 4.8 One approach to reducing the average number of committee places per member would be to adjust the number of seats on each committee proportionally to reflect the decrease in overall council size from 45 to 32 councillors (a 28% reduction). Subject to the committee size restrictions set out above, this results in the following committee sizes:

COMMITTEE	Current Seats	Proportionally adjusted Seats*
Dover Joint Transportation Board	7	7
Electoral Matters Committee	5	4 (3.60)
General Purposes Committee	5	4 (3.60)
Governance Committee	7	5 (5.04)
Joint Staff Consultative Forum	5	4 (3.60)
Joint Health, Safety and Welfare Consultative Forum	5	4 (3.60)
Licensing Committee	15	11(10.80)
Planning Committee	10	7 (7.20)
Regulatory Committee	5	4(3.60)
Scrutiny (Community & Regeneration) Committee	10	7 (7.20)
Scrutiny (Policy & Performance) Committee	10	7 (7.20)
Total	84	64

(*) As it is not possible to have less than a whole seat, numbers have been rounded to the nearest whole number.

- 4.9 This would result in a proposed mean average of 2.00 committee places per member, a reduction on the current average of 2.62 committee places per member and significantly closer to the pre-May 2019 average of 1.86 committee places per member.
- 4.10 However, it is not recommended that committee sizes be reduced below 5 seats due to the significantly increased risk of inaccuracy in such circumstances. It should be noted that the current quorum for most committees is 3 members.
- 4.11 In addition, the main work of the Licensing Committee is undertaken by the Licensing Sub-Committees which have a statutory size of 3 members under s.9 of the Licensing Act 2003. In order to ensure that all members of the Licensing Committee have equal access to membership of a Sub-Committee, it is suggested that the size of the Licensing Committee should be a multiple of three.
- 4.12 If the sizes of committees are adjusted proportionally to reflect the decrease in overall council size from 45 to 32 councillors (a 28% reduction) but with a minimum size of 5 seats on committee was applied, together with the recommendation in respect of the Licensing Committee, it would result in the following committee sizes.

COMMITTEE	Current Seats	Proportionally adjusted Seats*
Dover Joint Transportation Board	7	7
Electoral Matters Committee	5	5(4)
General Purposes Committee	5	5(4)
Governance Committee	7	5

COMMITTEE	Current Seats	Proportionally adjusted Seats*
Joint Staff Consultative Forum	5	5(4)
Joint Health, Safety and Welfare Consultative Forum	5	5(4)
Licensing Committee	15	12(11)
Planning Committee	10	7
Regulatory Committee	5	5(4)
Scrutiny (Community & Regeneration) Committee	10	7
Scrutiny (Policy & Performance) Committee	10	7
Total	84	80

4.13 This would result in a proposed mean average of 2.50 committee places per member, a small reduction on the current average of 2.62 committee places per member but still significantly higher than the pre-May 2019 average of 1.86 committee places per member.

4.14 The option of a more radical reduction in numbers that still respects a minimum committee size of 5 members is set out below:

COMMITTEE	Current Seats	Proportionally adjusted Seats*
Dover Joint Transportation Board	7	7
Electoral Matters Committee	5	5
General Purposes Committee	5	5
Governance Committee	7	5
Joint Staff Consultative Forum	5	5
Joint Health, Safety and Welfare Consultative Forum	5	5
Licensing Committee	15	10
Planning Committee	10	5
Regulatory Committee	5	5
Scrutiny (Community & Regeneration) Committee	10	5
Scrutiny (Policy & Performance) Committee	10	5
Total	84	69

4.15 This would result in a proposed mean average of 2.09 committee places per member, a reduction on the previous table's mean average of 2.50 committee places per member and much closer to the pre-May 2019 average of 1.86 committee places per member.

4.16 If the table set out at paragraph 4.15 was adjusted to increase the Planning Committee to seven seats in recognition of its workload, it would result in a mean average of 2.25 committee places per member.

5. **Scrutiny Committees**

5.1 The Local Government Act 2000 (s.21(1)) requires that authorities such as Dover District Council that operate executive arrangements (i.e. the Cabinet system) must make arrangements that “include provision for the appointment by the authority of one or more [scrutiny] committees of the authority”.

5.2 The Council in 2003 following the adoption of the Leader and Cabinet model of executive arrangements had four scrutiny committees with eight members on each committee. This was reduced to two scrutiny committees in 2006 with ten members on each committee.

5.3 The Local Government Act 2000 (s.21(2)) requires that the Council must ensure that the one or more scrutiny committees have the power to exercise the following functions:

- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive;
- to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive;
- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive;
- to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive; and
- to make reports or recommendations to the authority or the executive on matters which affect the authority’s area or the inhabitants of that area.

5.4 The statutory guidance also indicates that any model of scrutiny adopted by the Council should also facilitate the ‘Four Principles of Good Scrutiny’ championed by the Centre for Public Scrutiny, which are as follows:

- Provide constructive ‘critical friend’ challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services

5.5 It should be noted that these principles have been espoused by the council since 2006 as aspirations of good scrutiny and are publicised on the Council’s website.

5.6 As long as the above criteria can be met in terms of functions, the number of scrutiny committees that the Council appoints is a matter for its determination. There are two options open to the Council – the single scrutiny committee model or the multiple scrutiny committee model. A comparison with Kent and CIPFA Nearest Neighbour authorities can be found at Appendix 2.

Single Scrutiny Committee Model

5.7 As previously mentioned, the Council is required to make “provision for the appointment by the authority of one or more [scrutiny] committees”. This means that the Council does not have to retain the current two committee model, as it could combine the terms of reference to create a single scrutiny committee.

- 5.8 The creation of a single scrutiny committee while representing a change in the current arrangements could have a number of potential benefits over the current multiple scrutiny committee model, as follows:
- As the sum of all scrutiny functions, it would be able consider cross-cutting and wider strategic issues and provide a consistent, single point of focus for member and public engagement in the decision-making system.
 - It would provide for a more flexible model avoiding gaps or overlaps between multiple scrutiny committees while giving the breadth of remit to respond to a wide range of issues.
 - A single scrutiny committee would be easier to support administratively (1 work programme) and, given the reduction in the size of the officer corps, reduce the pressure on the wider corporate diary that serving multiple scrutiny committees on different dates creates.
 - It would enable members with a broad range of expertise to avoid being forced into choosing a specialism based on the separate remits of multiple scrutiny committees.
 - It prevents an inconsistency of approach to scrutiny that work undertaken by separate committees can create.
 - It could still create specific 'task and finish' groups from within its membership to focus on a particular area of work (such as service reviews or specific regeneration projects) and potentially adopt innovative practices for scrutinising specific issues that might not apply to the wider scrutiny function.
 - A wider remit avoids the temptation to search for business purely to fill agendas of multiple committees' scheduled meetings.
- 5.9 The potential disadvantages of this model would in effect constitute the advantages of having multiple scrutiny committees and so has been addressed under that section (para 5.15 below).
- 5.10 In respect of the countywide approach to scrutiny, Dover District Council is the only district/borough authority in Kent to operate two full scrutiny committees. Dartford and Gravesham operate a two scrutiny committee model but the second scrutiny committee is limited to crime and disorder matters and only meets twice per year.
- 5.11 A reduction in the number of scrutiny committees to a single scrutiny committee (based on the table at paragraph 4.13) would reduce the number of seats on committees from 80 to 73 and reduce the mean average of committee places per member from 2.50 to 2.28.
- 5.12 A single scrutiny committee of seven members would equate to 21.87% of the total membership of the council serving on scrutiny. Currently, the two scrutiny committee model with ten members (across two committees) serving on scrutiny equates to 31.25% of the total membership of the council. This compares to a Kent mean average of 27.25% and a CIPFA Nearest Neighbour mean average of 22.12% of the total memberships of the council.
- 5.13 A suggested term of reference for a single scrutiny committee is set out in Appendix 3.
- The Multiple Scrutiny Committee Model
- 5.14 The preferred multiple scrutiny committee model would be the retention of the current two scrutiny committee model rather than increasing the number of scrutiny committees due to the increased ratio of committee seats per member that would result from creating additional scrutiny committees. This could either be with the retention of the same number of members on each committee or with a reduction

from the current numbers to reflect the reduction in the total number of members on the Council.

- 5.15 The retention of the current multiple scrutiny committee model, albeit with a reduced number of members on the committees, offers the following potential benefits:
- That by having specialised remits, it would enable members to specialise in certain areas of scrutiny to the degree that a wider remit, cross-cutting single committee might not encourage.
 - It enables different approaches to scrutiny to be followed by each committee with the potential for innovative scrutiny arising.
 - It spreads the workload between two scrutiny committees ensuring that one committee is not overloaded with work.
 - That Members and officers are familiar with the current model.
- 5.16 Within this approach the current remits for each scrutiny committee could be retained or new remits more closely aligned with directorate/portfolio arrangements could be implemented.
- 5.17 The table set out at paragraph 4.13 demonstrates the average mean number of committee seats per member if two scrutiny committees of seven members each were to be appointed.
- 5.18 There are currently ten members appointed to each of the scrutiny committees. However, as the same members are appointed to each scrutiny committee this means in practical terms ten members are occupying a total of twenty committee seats. If the number of seats on each scrutiny committee was to be reduced to five members each (instead of seven members as set out in paragraph 4.13) to reflect the actual number of councillors serving on scrutiny, this would reduce the number of seats on committees from 80 to 76 and reduce the mean average of committee places per member from 2.50 to 2.37.
- 5.19 A multiple scrutiny committee model of two committees of seven members each would equate to 43.75% (21.87% if the same members were on both scrutiny committees) of the total membership of the council serving on scrutiny. Currently, the two scrutiny committee model with ten members (across two committees) serving on scrutiny equates to 31.25% of the total membership of the council. This compares to a Kent mean average of 27.25% and a CIPFA Nearest Neighbour mean average of 22.12% of the total memberships of the council.
- 5.20 The current terms of reference for the Scrutiny (Policy and Performance) Committee and the Scrutiny (Community and Regeneration) Committee are set out in Appendix 4. If Members wished a revised terms of reference for a two scrutiny committee model that better aligns with the current directorates/portfolios can be developed by officers.

Scrutiny Committee Membership

- 5.21 Section 21(11) of the Local Government Act 2000 makes scrutiny committees bodies to which the political balance rules apply unless the Council resolves, with no one voting against it, to vary this principle. The Local Government Act 2000 also prevents executive members from serving on scrutiny committees (Section 21(9FA(3))) and the Chairman and Vice-Chairman of the Council (who have the ability to suspend call-in).
- 5.22 The Council also must have regard to the statutory guidance which makes reference to the existence of less formal executive positions (such as Lead Members in the case of Dover District Council) as follows (page 15):

“Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (...), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.”

- 5.23 The Leader of the Council has currently appointed two lead members – Councillor J Rose who is the lead member for Dover Waterfront (part of the Environment and Commercial Services portfolio) and Councillor M Rose who is the lead member for Digital Services (which is part of the Community and Tourism portfolio). There are also a number of shadow lead members but these could not be considered as informal executive positions as their role is to support the shadow portfolio holders.
- 5.24 It should be noted that Article 1 of the Council’s Constitution states that one of the purposes of the Constitution is to “ensure that no one will review or scrutinise a decision in which they were directly involved” and the Overview and Scrutiny Procedure Rules also state that “no member may be involved in scrutinising a decision in which he/she has been directly involved.”²
- 5.25 In executive terms, while lead members at Dover District Council do not exercise executive decision-making powers directly themselves they do advise the portfolio holders who will be making executive decisions (either individually or collectively as part of the Cabinet). They will therefore be covered by Article 1 of the Council’s Constitution and would have to declare a conflict of interest and withdraw from the meeting during the scrutiny of any decisions in which they have been involved.
- 5.26 However, this does not go quite as far as the statutory guidance set out in paragraph 4.6 above, which suggests that “as a minimum, members holding less formal executive positions... do not sit on scrutinising committees looking at portfolios to which those roles relate” and it is for Council therefore to consider whether it needs to adopt this specific exclusion. If it is the view of the Council that it wishes to make this amendment a suggestion as to how this could be done is set out in Appendix 5.

Scrutiny Committee Chairmanship

- 5.27 The statutory guidance (page 16) recognises the importance of the chairman of scrutiny committees in providing a leadership role and the need for the chair to “possess the ability to lead and build a sense of teamwork and consensus among committee members.” It goes on to state that scrutiny committee chairmen should “pay special attention to the need to guard the committee’s independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive”.
- 5.28 The Council’s Constitution (Part 4 Rules of Procedure – Overview and Scrutiny Procedure Rules (paragraph 6)) requires that the chairmanship of Overview and Scrutiny Committee(s) be held by a “councillor who is not a member of the largest political group on the Council, unless there is no such person serving on the committee/sub-committee.” This is in line with the view of the Centre for Public Scrutiny that “appointing minority party chairs helps to promote a non-partisan culture in scrutiny, and makes it more likely that scrutiny members (and chairs) will think and act independently.”³

² Article 1, paragraph 1.03 (purpose of the constitution), page 16 & Overview and Scrutiny Procedure Rules, paragraph 2, page 216

³ Scrutiny bodies: membership and political management, Centre for Public Scrutiny (2014)

- 5.29 In Kent, out of the 10 district/borough authorities operating executive arrangements 6 (including Dover) are opposition chaired and 3 are controlling group chaired. The remaining authority (Folkestone and Hythe) has no political party restriction on who can chair scrutiny and rather appoints the chairmanship at the first meeting of the scrutiny committee each year rather than at full Council.
- 5.30 In respect of selecting the chairman of a scrutiny committee, the statutory guidance states that this “is for each authority to decide itself, however every authority should consider taking a vote by secret ballot” to select the chair. The secret ballot process, while historically not common amongst local authorities as a means of selecting chairmen, is used by a number of House of Commons Select Committees to select their chairmen. If it is the view of the Council that it wishes to adopt the election of scrutiny chairs by secret ballot, a suggestion as to how this could be done is set out in Appendix 6.
- 5.31 The statutory guidance also “strongly recommends” (page 16) that the chair of a scrutiny committee “not preside over the scrutiny of their relatives.” This issue will be considered by officers as part of the annual Review of the Constitution in 2019.

6. Identification of Options

- 6.1 This review has identified the following areas that Members will need to consider:

Committee Structure (non-scrutiny)

- 6.2 Option 1: To make no change to the number of committees set out in paragraph 3.1 (excluding scrutiny committees which are addressed elsewhere) of the report.
- 6.3 Option 2: To make a change to the number of committees set out in paragraph 3.1 (excluding scrutiny committees which are addressed elsewhere) of the report through merging or abolishing committees.

Committee Sizes

- 6.4 Option 1: To make no change to the number of seats on committees set out in paragraph 4.2 (excluding scrutiny committees which are addressed elsewhere) of the report.
- 6.5 Option 2: To make a change to the number of seats on committees set out in paragraph 4.2 (excluding scrutiny committees which are addressed elsewhere) of the report.

Scrutiny Committees - Number

- 6.6 Option 1: To reduce the number of scrutiny committees to the statutory minimum number of one committee.
- 6.7 Option 2: To maintain the current number of scrutiny committees (two) on the current remits.
- 6.8 Option 3: To maintain the current number of scrutiny committees (two) by change the remits to better reflect the directorate and cabinet portfolio structure of the authority.
- 6.9 Option 4: To increase the number of scrutiny committees to a number to be determined by the Council.

Scrutiny Committees - Membership

- 6.10 Option 1: Having given due regard to the statutory guidance, no change be made to the Constitution in respect of lead Members serving on scrutiny committees on the grounds that the current measures in place to prevent Members from scrutinising a decision that they have been involved in are sufficient.

- 6.11 Option 2: Having given due regard to the statutory guidance, the Constitution be amended to prevent lead members from sitting on any scrutiny committee which relates to the portfolio for which they are the lead member. In the event that a single scrutiny committee model was adopted, this would prevent lead members from serving on scrutiny.

Scrutiny Committees - Chairmanship

- 6.12 Option 1: Having given due regard to the statutory guidance, opt to leave the current arrangements for the appointment of a chairman and vice-chairman of scrutiny committee(s) unchanged (e.g. by the full Council).
- 6.13 Option 2: Having given due regard to the statutory guidance adopt arrangements for the appointment of a chairman and vice-chairman of scrutiny committee(s) by secret ballot by the members of the scrutiny committee.

7. Evaluation of Options

Committee Structure (non-scrutiny)

- 7.1 As mentioned earlier in the report, the Council is required to have a Licensing Committee and the Joint Health, Safety and Welfare Consultative Forum. The Governance Committee was created as part of CIPFA best practice recommendations (and a survey of all Kent authorities found they had an audit/governance committee in some form) and should be retained. In addition, to this there are agreements in place for the Dover Joint Transportation Board and the Joint Staff Consultative Forum that would need to be reviewed and subject to consultation/negotiation before any changes could be made.
- 7.2 There are a number of committees where the dissimilar remits mean an amalgamation would not be recommended due to operational issues in delivering. On this basis there are no straightforward changes that could be recommended.
- 7.3 It should be noted that any change to the number of committees appointed by the Council will require a recalculation of the political balance arrangements of the Council.

Committee Sizes (non-scrutiny)

- 7.4 There are a number of committees, as mentioned earlier, where the membership is defined as a specific number by agreement with other parties (Dover Joint Transportation Board and the two fora) or legislation (the Licensing Committee). In the case of those specified by agreement this would have to be subject to consultation/negotiation with the relevant parties.
- 7.5 The remaining committees can have their numbers adjusted by the full Council down to a minimum of 3 members, although operationally it is not recommended that any committee should be smaller than 5 members. A proportional reduction in line with that of the reduction in the total size of the Council (subject to the caveats mentioned above) is therefore the recommended option. This can be found at paragraph 4.13.

Scrutiny Committees - Number

Option 1: Single Scrutiny Committee

- 7.6 This fulfils the statutory requirement of s.21 of the Local Government Act 2000 for those authorities operating Executive arrangements which is that the Council must make arrangements that "include provision for the appointment by the authority of one or more [scrutiny] committees of the authority".
- 7.7 The single scrutiny committee model is the most prevalent in Kent and the CIPFA Nearest Neighbour Group and there is a trend in many district/borough authorities to move to this model. It is also the model that most easily delivers a reduced burden on

councillors following the reduction in council size while still maintaining a reasonably sized committee.

- 7.8 The key strengths of this model are set out in paragraph 5.8 of this report.
- 7.9 The most significant risks with this model of a single scrutiny committee are (i) that through the overuse of 'Task and Finish' working groups it effectively recreates a second scrutiny committee in all but name; and (ii) that it does not effectively prioritise its work programme resulting in long meetings and/or numerous additional meetings. However, practice at other authorities demonstrates that these risks can be mitigated.

Option 2: Multiple Scrutiny Committees

- 7.10 This model also fulfils the statutory requirement of s.21 of the Local Government Act 2000 and is the model currently operated by the Council. While not the most common model of scrutiny amongst the local authorities surveyed, it does operate effectively in a number of authorities.
- 7.11 The key strengths of this model are set out in paragraph 5.15 of this report.
- 7.12 The most significant risks with this model of multiple scrutiny committees are (i) that it does not as easily deliver on reducing the overall burden on Members without significant reductions in committee sizes; and (ii) it does not provide as well for cross-cutting scrutiny of issues and with separate defined remits can risk becoming overly bureaucratic.
- 7.13 The current scrutiny committee remits have been set out in Appendix 4 of this report. If the Council wished to maintain multiple scrutiny committees it does not have to do so on the current remits and officers can be asked to bring forward alternative remits for a two (or more) scrutiny committee model.

Scrutiny Committees - Membership

- 7.14 The statutory guidance makes a recommendation in respect of avoiding conflicts of interest arising from members occupying less formal executive posts being involved in scrutinising decisions that they have been involved in. As long as the Council gives regard to the statutory guidance in this matter it does not have to follow it. However, if the Council decides not to adopt the statutory guidance it must have a good reason for not doing so (as set out at paragraph 2.2 of this report) and be confident that its existing arrangements prevent such a conflict of interest arising.

Scrutiny Committees - Chairmanship

- 7.15 As previously stated, as long as the Council gives regard to the statutory guidance on the appointment arrangements for the chairman and vice-chairman of a scrutiny committee it does not have to follow them. However, if the Council decides not to adopt the statutory guidance it must have a good reason for not doing so (as set out at paragraph 2.2 of this report).
- 7.16 If the Council were to adopt the secret ballot model of electing the chairman and vice-chairman, a procedure for this is set out in Appendix 6.

8. **Resource Implications**

- 8.1 A reduction in the number of committees with a resulting reduction in the number of Chairmen and Vice-Chairmen would potentially result in savings in the Members' Allowance Scheme. However, an increase in the number of committees with a resulting increase in the number of Chairmen and Vice-Chairmen would potentially result in a cost to the Members' Allowance Scheme.

- 8.2 For example, the Chairman of a Scrutiny Committee receives an allowance of £3,708 per annum and the Vice-Chairman of a Scrutiny Committee receives an allowance of £927 per annum for a total of £4,635. An increase in the number of scrutiny committees would result in a cost to the Members' Allowance Scheme of £4,635 per committee and a decrease would result in a saving to the Members' Allowance Scheme of a similar amount.
- 8.3 Although not a direct financial cost, a significant increase in the number of committees would have an impact on officer resources.

9. **Appendices**

- Appendix 1 – Committee Functions (with potential constitutional changes on committee numbers)
- Appendix 2 - A comparison with Kent and CIPFA Nearest Neighbour authorities
- Appendix 3 – Constitutional Amendments Required for a Potential Single Scrutiny Committee
- Appendix 4 – Terms of Reference for the Scrutiny (Policy and Performance) Committee and the Scrutiny (Community and Regeneration) Committee
- Appendix 5 – Potential Constitutional amendments in respect of informal executive posts and scrutiny committees
- Appendix 6 – Potential Constitutional amendments in respect of the electing of the Chairman and Vice-Chairman of scrutiny committees by secret ballot
- Appendix 7 - Recommendations of the Governance Committee (27 June 2019)

10. **Background Papers**

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities (May 2019)

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Committee Functions

The following is a list of committee functions extracted from the Constitution. If Council decides to change the number of members on each committee then amendments will need to be made as shown below.

SECTION 1: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Decision Making Body: Regulatory Committee

Membership: 5 [or other number to be agreed by Council] members of the authority.

Functions:

1. All regulatory functions under any local Act.
2. The following functions or actions where the function or action involves:
 - determining an application from a person for a licence, approval, consent, permission or registration;
 - direct regulation of a person (with substantial discretion as to the regulatory action); or
 - enforcement of any such licence approval, consent, permission or direct regulation.
 - (i) Functions relating to contaminated land.
 - (ii) The discharge of functions relating to the control of pollution or the management of air quality.
 - (iii) The service of an abatement notice in respect of a statutory nuisance.
 - (iv) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
 - (v) The inspection of the authority's area to detect any statutory nuisance.
 - (vi) The investigation of any complaint as to the existence of a statutory nuisance.
 - (vii) The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

Decision Making Body: General Purposes Committee

Membership: 5 [or other number to be agreed by Council] Members of the authority.

Functions:

1. To hear appeals against both disciplinary decisions made by the Chief Executive and decisions taken to dismiss members of the Council's staff made by the members of staff affected except where the Committee itself has exercised the power to dismiss.
2. To consider representations by the member of staff affected, any representative(s) and/or witness(es).

3. To consider representations by the Head of East Kent Human Resources Partnership concerning the appeal.
4. To determine the appeal.
5. To determine whether any grievance lodged against the Chief Executive, Monitoring Officer or Section 151 Officer has any merit and, if so determined, to appoint an independent assessor as contained in these officers' terms and conditions of employment.
6. To determine a grievance against a member of the Corporate Management Team where the employee lodging the grievance remains dissatisfied with the determination of the Chief Executive.

Decision Making Body: Planning Committee

Membership: 10 for other number to be agreed by Council members of the authority.

Functions:

1. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.
2. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
3. Functions in connection with the determination of an appeal against any decision made by or on behalf of the authority in relation to planning matters.

SECTION 2: RESPONSIBILITY FOR COUNCIL FUNCTIONS

Decision Making Body: General Purposes Committee

Membership: 5 for other number to be agreed by Council Members of the Authority.

Functions:

1. To exercise the powers and functions of the Council within the Budget and Policy Framework other than:
 - (a) Those which are specifically reserved to the full Council by Article 4.02.
 - (b) Those which are within the remit of another committee of the Council.

Decision Making Body: Planning Committee

Membership: 10 for other number to be agreed by Council Members of the Authority.

Functions:1. Planning and Conservation

Functions relating to town and country planning and development control, trees, footpaths, bridleways and restricted byways and public rights of way as described in Article 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000 no.2853) with the exception of any functions required by any enactment or this constitution to be discharged by the council including:

- (a) Power to determine applications for planning permission.
- (b) Power to determine applications to develop land without compliance with conditions previously attached.
- (c) Power to grant planning permission for development already carried out.
- (d) Power to decline to determine applications for planning permission.
- (e) Duties relating to the making of determinations of planning applications.
- (f) Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
- (g) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
- (h) Power to enter into planning obligations, to modify and discharge planning obligations and related powers.
- (i) Power to issue a certificate of existing or proposed lawful use or development.
- (j) Power to serve a completion notice.
- (k) Powers in relation to the display of advertisements.
- (l) Powers in relation to entry onto land.
- (m) Power to require the discontinuance of a use of land.
- (n) Power to serve a planning contravention notice, breach of condition notice or stop notice.
- (o) Power to issue a temporary stop notice.
- (p) Power to issue an enforcement notice.
- (q) Power to apply for an injunction restraining a breach of planning control.
- (r) Power to determine applications for hazardous substances consent, and related powers
- (s) Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active phase 1 or 2 sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.
- (t) Power to require proper maintenance of land.
- (u) Power to determine application for listed building consent, and related powers.
- (v) Duties relating to applications for listed building consent.
- (w) Power to serve a building preservation notice, and related powers.

- (x) Power to issue enforcement notice in relation to demolition of listed building in conservation area.
 - (y) Powers to acquire a listed building in need of repair and to serve a repairs notice.
 - (z) Power to apply for an injunction in relation to a listed building.
 - (aa) Power to authorise stopping up or diversion of highway.
 - (bb) Power to execute urgent works.
 - (cc) Powers relating to the protection of important hedgerows.
 - (dd) Powers relating to the preservation of trees.
 - (ee) Powers in relation to complaints about high hedges.
 - (ff) Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.
 - (gg) Power to extinguish public rights of way over land held for planning purposes.
2. To implement the provisions of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017
 3. Local choice functions allocated to the Planning Committee as set out in Section 1 of Part 3 of the Constitution.

Decision Making Body: Regulatory Committee

Membership: 5 for other number to be agreed by Council Members of the Authority.

Functions:

1. To exercise the functions of the Council relating to:
 - (a) Licensing the use of land as a caravan site ("site licences").
 - (b) Licensing the use of moveable dwellings and camping sites.
 - (c) Licensing hackney carriages and private hire vehicles.
 - (d) Licensing drivers of hackney carriages and private hire vehicles.
 - (e) Licensing operators of private hire vehicles.
 - (f) Granting of permits in respect of premises with amusement machines.
 - (g) Registering societies wishing to promote lotteries.
 - (h) Granting permits in respect of premises where amusements with prizes are provided.
 - (i) Licensing of sex shops and sex cinemas.
 - (j) Licensing the performance of hypnotism.
 - (k) Licensing or registration of premises for acupuncture, tattooing, ear-piercing and electrolysis.
 - (l) Licensing of pleasure boats and pleasure vessels.
 - (m) Licensing of market and street trading.
 - (n) Licensing dealers in game and the killing and selling of game.

- (o) Registration and Licensing of premises for the preparation of food.
- (p) Licensing of scrap yards and scrap metal dealers.
- (q) Licensing premises for the breeding of dogs.
- (r) Licensing of pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
- (s) Registration of animal trainers and exhibitors.
- (t) Licensing of zoos.
- (u) Licensing of dangerous wild animals.
- (v) Knackers' yards.
- (w) Licensing of persons to collect for charitable and other causes.
- (x) Granting of consents for the operation of a loudspeaker.
- (y) Approving meat product premises.
- (z) Approving premises for the production of minced meat or meat preparations.
- (aa) Approving dairy establishments.
- (bb) Approving egg product establishments.
- (cc) Licensing of retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.
- (dd) Approving fish products premises.
- (ee) Registration of food business premises.
- (ff) The making of closing orders with respect to take-away food shops.
- (gg) Power to grant permission for provision, etc. of services, amenities, recreation, and refreshment facilities on the highway and related powers.
- (hh) Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.
- (ii) Licensing of Riding Establishments.

Including the functions of:

- (1) imposing any condition, limitation or other restriction on any such approval, consent, licence permission or registration granted
- (2) determining any other terms to which any such approval, consent, licence, permission or registration is subject
- (3) determining whether, and in what manner to enforce
 - (a) any failure to comply with any such approval, consent, licence, permission or registration
 - (b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject
 - (c) any other contravention in relation to a matter with regard to the function of determining an application for any such approval, consent, licence, permission or registration

- (4) amending, modifying or varying any such approval, consent, licence permission or registration, or any condition, limitation or term to which it is subject.
 - (5) revoking or suspending any such approval, consent, licence permission or registration.
 - (6) determining appeals against refusal and revocation of registration of door staff/supervisors.
2. Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.
 3. Local choice functions allocated to the Regulation and Licensing Committee as set out in Section 1 of Part 3 of the Constitution.

Decision Making Body: Governance Committee

Membership: 7 for other number to be agreed by Council Members of the Authority.

Functions:

1. To agree and then periodically review the Terms of Reference in relation to the Internal Audit function.
2. To ensure effective internal audit and internal control arrangements.
3. To receive the Internal Audit Annual Programme of work.
4. To receive audit activity reports and the assurances contained therein relating to the level of internal control and risk management across the Council.
5. Ensure that audit recommendations agreed by management are implemented effectively.
6. To consider external audit reports and make recommendations to the Council.
7. To ensure the effectiveness of the Council's risk management arrangements.
8. To seek assurances that effective action is being taken on risk and internal control related areas of weakness.
9. To receive the Statement of Internal Control and to monitor the implementation of the action plan.
10. To approve the Council's Statement of Accounts, as required by prevailing legislation.
11. Monitor and review the Constitution and make recommendations to the Council.

13. To consider the reports of the Joint Independent Remuneration Panel and make recommendations to the Council.
14. Independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment.
15. To discharge the functions of the Council relating to Standards contained in Part 1, Chapter 7 of the Localism Act 2011 (other than those which are reserved to Council by law) including:
 - (i) To promote and maintain high standards of conduct by Members and Co-opted Members of the District Council and to make recommendations to Council on improving standards.
 - (ii) To advise and assist Town and Parish Councils and Town and Parish Councillors to maintain high standards of conduct and to make recommendations to Town and Parish Councils on improving standards.
 - (iii) To advise the District Council on the adoption of or revisions to its Code of Conduct.
 - (iv) To advise, train or arrange to train District Members, Co-opted Members and Town and Parish Councillors on matters relating to the Code of Conduct.
 - (v) To assist the District Councillors, Co-opted Members and Town and Parish Councillors to observe their respective Codes of Conduct.
 - (vi) To monitor and assess the operation and effectiveness of the Code of Conduct and to review and manage the Arrangements for dealing with Code of Conduct Complaints.
 - (vii) To advise on local ethical governance protocols and procedures.
 - (viii) To maintain oversight of the District Council's arrangements for dealing with Code of Conduct complaints.
 - (ix) To act as an advisory body in respect of any ethical governance matter.
 - (x) To monitor and review the procedures for the Register of Members' Interests and declaring gifts and hospitality.
 - (xi) To receive reports from the Monitoring Officer on the number and nature of complaints received and action taken as a result in consultation with the Independent Person.
 - (xii) To receive an annual report on the District Council's ethical governance arrangements.
 - (xiii) To appoint a Hearing Panel to deal with Code of Conduct complaints following investigation.
16. To grant dispensations pursuant to S33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct where:

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

Decision Making Body: Licensing Committee

Membership: 15 for other number between 10 and 15 to be agreed by Council Members of the Authority (and shall not be required to be politically balanced).

Functions:

1. Discharge those functions referred to by Section 7(1) of the Licensing Act 2003 (licensing functions).
2. Consider and report upon any recommendation or report of the Council or its Committees or the Executive and its Committees on any matters referred to it which relate to a licensing function.
3. Make recommendations to the Council or its Committees or to the Executive and its Committees on any matter relating to a licensing function.

Decision Making Body: Licensing Sub-Committee

Membership: Each to comprise 3 Members of the Authority appointed by the Licensing Committee (and shall not be required to be politically balanced)

Functions:

1. To discharge the functions under Section 18(3) relating to determining applications for premises licences where there are relevant representations.
2. To discharge the functions under Section 31(3) relating to determining applications for provisional statements where there are relevant representations.
3. To discharge the functions under Section 35(3) relating to determining applications for variations to premises licences where there are relevant representations.
4. To discharge the functions under Section 39(3) relating to determining applications to vary the designated premises supervisor where there is police objection.

5. To discharge the functions under Section 44(5) relating to determining applications for the transfer of a premises licence where there is police objection.
6. To discharge the functions under Section 48(3) relating to considering police objection to interim authority notice.
7. To discharge the functions under Section 72(3) relating to determining applications for club premises certificates where there are relevant representations.
8. To discharge the functions under Section 85(3) relating to determining applications to vary club premises certificates where there are relevant representation.
9. To discharge the functions under Section 105(2) relating to determining whether to give counter notice where there is police objection to temporary events notices.
10. To discharge the functions under Section 120(7) relating to determining applications for personal licences where there is police objection.
11. To discharge the functions under Section 120(6) relating to determining applications for personal licences where the applicant has unspent convictions.
12. To discharge the functions under Section 121(6) relating to determining applications for the renewal of personal licences where there is police objection.
13. To discharge the functions under Section 121(5) relating to determining applications for the renewal of personal licences where the applicant has unspent convictions.
14. To discharge the functions under Section 124(4) relating to revoking licences where convictions come to light after the grant or renewal of a personal licence.
15. To discharge the functions under Section 52(2) or (3) relating to the determination of applications for the review of premises licences in cases where relevant representations (within the meaning of Section 52(7)) have been made.
16. To discharge the functions under Section 88(2) or (3) relating to the determination of applications for review of club premises certificates in cases where relevant representations (within the meaning of Section 88(7)) have been made.
17. To discharge the functions under Section 167(5) relating to review following closure order in cases where relevant representations (within the meaning of Section 167(9)) have been made.

Decision Making Body: Electoral Matters Committee

Membership: 5 for other number to be agreed by Council Members of the Authority.

Functions:

1. To consider electoral matters and Boundary Reviews and make recommendations to the Council.
2. To make recommendations on electoral boundaries and associated issues.

Overview and Scrutiny Committees

Comparison with Kent Authorities and CIPFA ‘Nearest Neighbours’

It should be noted that Canterbury City Council, Maidstone Borough Council, Newark & Sherwood District Council and North Devon District Council operate the ‘committee system’¹ of governance arrangements and therefore, as they do not have a Cabinet, they have no scrutiny committees.

Table 1: Kent Authorities Comparison

Authority	Number of Cllrs (authority)	Number of Scrutiny Committee	Number of Cllrs (on scrutiny)	Percentage of Council on Scrutiny
Ashford Borough Council	47	1	12	25.53%
Canterbury City Council	39	n/a	n/a	n/a
Dartford Borough Council	42	2	(i) 17 (ii) 8	40.47% 19.04%
Folkestone & Hythe District Council	30	1	10	33.33%
Gravesham Borough Council	44	2	(i) 9 (ii) 13	20.45% 29.54%
Maidstone Borough Council	55	n/a	n/a	n/a
Sevenoaks District Council	54	1	11	20.37%
Swale Borough Council	47	1	13	27.65%
Thanet District Council	56	1	14	25.00%
Tonbridge & Malling Borough Council	54	1	18	33.33%
Tunbridge Wells Borough Council	48	1	12	25.00%

(i) *Scrutiny Committee (meets 11 times per year)*

(ii) *Crime & Disorder ([Overview &] Scrutiny) Committee (meets 2 times per year)*

Kent Summary

The countywide median average is 1 scrutiny committee (mean average - 1.22 scrutiny committees), with 12 members (mean average - 12.45 councillors) equating to an average of 25.53% (mean average - 27.25%) of the total number of councillors. This is against a median average council size of 47 (mean average 46.90). There are 7 authorities with 1 scrutiny committee and 2 authorities with 2 scrutiny committees.

Table 2: CIPFA Nearest Neighbours Comparison

Authority	Number of Cllrs (authority)	Number of Scrutiny Committee	Number of Cllrs (on scrutiny)	Percentage of Council on Scrutiny
Adur District Council	29	1	8	27.58%
Allerdale Borough Council	49	1	12	24.48%
Bassetlaw District Council	48	1	10	20.83%
Fenland District Council	39	1	9	23.07%
Havant Borough Council	38	3	10 (x3)	26.31% (x1)

¹ “Under the committee system, a local authority is able to decide how its functions, i.e. the powers given to it by central government, are delivered. It is possible for the full council to make all of its decisions. Or it can delegate certain responsibilities to a committee, sub-committee or an officer.” (LGIU Policy Briefing, 2014)

Authority	Number of Cllrs (authority)	Number of Scrutiny Committee	Number of Cllrs (on scrutiny)	Percentage of Council on Scrutiny
			30 (total)	78.94% (x2)
Lancaster City Council	60	2	9 (x2) 18 (total)	15.00% (x1) 30.00% (x2)
Newark & Sherwood District Council	39	n/a	n/a	n/a
North Devon District Council	42	n/a	n/a	n/a
Sedgemoor District Council	48	2	11 (x2)	22.91% (x1) 45.83% (x2)
East Suffolk Council	55	1	13	23.63%
West Lancashire Borough Council	54	2	12 (x2) 24 (total)	22.22% (x1) 44.44% (x2)
Wyre Forest District Council	33	1	5	15.15%

CIPFA Nearest Neighbour Summary

The CIPFA Nearest Neighbour median average is 1 scrutiny committee (mean average - 1.50 scrutiny committees), with 10 members (mean average – 9.90 councillors) equating to an average of 22.99% (mean average - 22.12%) of the total number of councillors. This is against a median average council size of 48 (mean average 45.30). There are 6 authorities with 1 scrutiny committee, 3 authorities with 2 scrutiny committees and 1 authority with 4 scrutiny committees.

Constitutional Amendments Required for a Potential Single Scrutiny Committee

Please note that the proposed amendments are based on the assumption that a single scrutiny committee will be known as the 'Overview and Scrutiny Committee'.

The constitutional amendments set out in this appendix relate to Article 6 – Overview and Scrutiny Committees, Part 3 Responsibility for Council Functions and the Overview and Scrutiny Procedure Rules.

Article 6 – Overview and Scrutiny Committees

OVERVIEW AND SCRUTINY – GENERAL COMMENTS

- 6.01 The overview and scrutiny function is central to the constitution. Government guidance makes it clear that overview and scrutiny committees should be powerful committees which meet in public to discuss and make recommendations on the development of policies and hold the executive to account for its actions. They also have a key role in considering other matters of local concern. The only other specific function which they may be empowered to undertake is the conduct of best value reviews.
- 6.02 The rules for how overview and scrutiny committees operate are set out in the overview and scrutiny procedure rules which are contained in Part 4 of the constitution.

CO-ORDINATING OVERVIEW AND SCRUTINY

- 6.03 The Council acknowledges the need to co-ordinate overview and scrutiny arrangements within the Council's decision-making structure. The co-ordination of overview and scrutiny shall be the responsibility of the ~~Scrutiny (Policy and Performance) Committee~~ Overview and Scrutiny Committee whose role will include:
- (a) To co-ordinate call-in arrangements;
 - (b) To identify the need for resources to support scrutiny arrangements;
 - ~~(c) To facilitate the allocation of issues for scrutiny to the relevant Scrutiny Committee(s);~~
 - ~~(d)~~ (e) To oversee the work programmes of the Scrutiny Committees;
 - ~~(e)~~ (d) To ensure that scrutiny arrangements support the Council's decision-making processes.

6.04 Terms of reference

The Council will appoint ~~the an~~ Overview and Scrutiny Committees ~~set out in the left hand column of the table below~~ to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out ~~below in the right hand column of the same table.~~

Scrutiny – Areas of remit	
<u>1. Budget and Major Policy</u> <u>2. Call-in</u> <u>3. Performance Monitoring and Improvement</u> <u>4. Public Health</u> <u>5. Major Projects</u> <u>6. Crime and Disorder</u>	
Scrutiny (Policy and Performance) Committee	1. Budget and Major Policy 2. Call-in 3. Performance Monitoring and Improvement 4. Scrutiny Co-ordination (including the allocation of all overview and scrutiny functions not within the specific remit of the Scrutiny (Community and Regeneration) Committee)
Scrutiny (Community and Regeneration) Committee	1. Community Reviews and Accountability 2. Public Health 3. Major Projects 4. Crime and Disorder

6.05 General role

Within their terms of reference, ~~the~~ ~~o~~Overview and ~~s~~Scrutiny ~~e~~Committees will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the full Council and/or the executive in connection with the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) reconsider decisions made but not yet implemented by the executive (following the exercise of the right of call-in).

6.06 Specific functions

(a) **Policy development and review.** ~~The~~ Overview and ~~s~~Scrutiny ~~C~~committees may:

- (i) assist the Council and the executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- (ii) conduct research and undertake community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the executive and/or committees and chief officers about their views on issues and proposals affecting the area; and

- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny.** The Overview and ~~s~~Scrutiny ~~e~~Committees may:
- (i) review and scrutinise the decisions made by and performance of the executive and/or committees and council officers both in relation to individual decisions and over time;
 - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - (iii) question members of the executive and/or committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - (iv) make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
 - (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and
 - (vi) question and gather evidence from any person (with their consent).
- (c) **Finance.** The Overview and ~~S~~scrutiny ~~C~~ommittees may exercise overall responsibility for the finances made available to ~~them~~it.
- (d) **Annual report.** The Overview and ~~s~~Scrutiny ~~e~~Committees must report annually to full Council on ~~their-its~~ workings and make recommendations for future work programmes and amended working methods if appropriate.
- (e) **Officers.** The Overview and ~~s~~Scrutiny ~~e~~Committees may exercise overall responsibility for the work programme of the officers employed to support ~~their-its~~ work.

6.07 Proceedings of overview and scrutiny committees

Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

*References: Section 21 and Schedule 1 (Paragraphs 7, 8, 10 and 11), Local Government Act 2000
Chapters 3 and 9, DETR Guidance*

PART 3 RESPONSIBILITY FOR FUNCTIONS

SECTION 2: RESPONSIBILITY FOR COUNCIL FUNCTIONS

Decision Making Body: **Overview and Scrutiny Committees**

A. Committee: Overview and Scrutiny Committee ~~(Policy and Performance)~~

Membership: ~~40~~ [number to be agreed by full Council] Members of the Authority.

Functions: 1. To discharge the functions conferred by section 21 of the Local Government Act 2000.

2. Budget and Major Policy

3. Call-in

4. Performance Monitoring and Improvement

5. Public Health

6. Major Projects

7. Crime and Disorder

~~1. Budget and Major Policy~~

~~2. Call-in~~

~~3. Performance Monitoring and Improvement~~

~~4. Scrutiny Co-ordination (including the allocation of all overview and scrutiny functions not within the specific remit of the Scrutiny (Community and Regeneration) Committee)~~

~~**B. Committee: Scrutiny Committee (Community and Regeneration)**~~

~~**Membership:** 10 Members of the Authority.~~

~~**Functions:**~~

~~1. Community Reviews and Accountability~~

~~2. Public Health~~

~~3. Major Projects~~

~~4. Crime and Disorder~~

Overview and Scrutiny Procedure Rules

1. What will be the number and arrangements for overview and scrutiny committees?

The Council will appoint ~~2-1~~ standing scrutiny committees with terms of reference as set out in Article 6 and will appoint to ~~them it~~ as it considers appropriate from time to time. Such committees may appoint sub-committees.

Overview and scrutiny committees or sub-committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

The arrangements for the co-ordination of overview and scrutiny will be undertaken through the Overview and Scrutiny (~~Policy and Performance~~)-Committee.

For the purposes of Section 19 of the Police and Justice Act 2006, the Overview and Scrutiny (~~Community and Regeneration~~)-Committee shall be designated as the Crime and Disorder Committee.

2. Who may sit on overview and scrutiny committees?

All councillors except (a) members of the Executive and (b) the Chairman and Vice-Chairman of the Council may be members of an overview and scrutiny committee or serve as substitutes on an overview and scrutiny committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

3. Co-optees

(a) ~~Each~~The overview and scrutiny committee or sub-committee (or working group) shall be entitled to

- (i) appoint up to 4 people who are not members of the Council as non-voting co-optees;
- (ii) appoint up to 4 additional members of the Council (who shall be eligible to serve as voting co-optees) from among those members who are eligible to assist with their work where those additional members are considered to have particular skills, knowledge or experience relevant to the matter assigned to the committee, sub-committee (or working group).

(b) In relation to crime and disorder matters, the ~~designated~~ overview and scrutiny committee shall not be entitled to co-opt:

- (i) Any individual who was wholly or partly responsible (or otherwise directly involved) in the decision or action for which the Committee is exercising its powers;
- (ii) Any member of the Council's Executive; or

- (iii) Anyone who is NOT an officer of a responsible authority or co-operating person/body.

References: Police and Justice Act 2006

Local Government and Public Involvement in Health Act 2007

- (c) The political balance rules shall be maintained if additional voting members are appointed.
- (d) The terms of appointment of each co-optee shall specify whether he/she is appointed for a single issue, single meeting or on a permanent or semi-permanent basis.
- (e) For the avoidance of doubt, the number of external co-optees serving on an overview and scrutiny committee or sub-committee (or working group) at any time shall not exceed 4; and the number of additional member co-optees serving on an overview and scrutiny committee or sub-committee (or working group) at any time shall not exceed 4.
- (f) In the event that the overview and scrutiny committee designated as the crime and disorder committee decides to co-opt someone from a responsible authority or co-operating person/body, they must be consulted as to the most suitable person before co-opting any additional member. The definition of a 'responsible authority' is those bodies which are responsible for crime and disorder strategies.
- (g) For the avoidance of doubt, the number of external co-optees serving on an overview and scrutiny committee or sub-committee (or working group) at any time shall not exceed 4; and the number of additional member co-optees serving on an overview and scrutiny committee or sub-committee (or working group) at any time shall not exceed 4. The total number of co-optees shall not exceed the total number of permanent members on the committee or sub-committee (or working group).
- (h) A co-optee's membership may be withdrawn at any time by the appointing committee.

4. **Meetings of the overview and scrutiny committee**

There shall be 11 ordinary meetings in total of the overview and scrutiny committees in each year and no fewer than two meetings of the overview and scrutiny committee designated as the crime and disorder committee in each twelve months. In addition, extraordinary meetings may be called from time to time as and when appropriate. An overview and scrutiny committee meeting may be called by the chairman of the relevant overview and scrutiny committee, by any 3 members of the committee or by the proper officer if he/she considers it necessary or appropriate.

5. **Quorum**

The quorum for an overview and scrutiny committee shall be as set out in Rule 8 of the Council Procedure Rules in Part 4 of this Constitution. The quorum for a sub-committee shall be one half of the membership provided that a quorum shall never be less than two.

6. Who chairs overview and scrutiny committee meetings?

Subject to the Council Rules of Procedure, the overview and scrutiny committees/sub-committees will be chaired by a councillor who is not a member of the largest political group on the Council, unless there is no such person serving on the committee/sub-committee. In such cases, the committee/sub-committee may appoint such person to chair it from amongst the councillors sitting on it.

7. Work programme

The overview and scrutiny committees/sub-committees shall (subject to any Guidance/Protocol for setting Work Programmes issued by the Council from time to time) be responsible for setting their own work programmes and reporting to the Council thereon and in doing so they shall take into account the wishes of members on that committee who are not members of the largest political group on the Council.

In respect of each topic review contained in the Work Programme of ~~each the~~ overview and ~~Scrutiny~~ Committee, regular briefing meetings shall be held between the relevant Portfolio Holder(s), the Chairman and Controlling Group Spokesperson of the Scrutiny Committee (or sub-committee if appropriate) and the advisory officer for the review.

8. Major Reviews

All major reviews will be supported by a project plan developed in consultation with the appropriate agenda officer or an officer designated by them and a realistic assessment should be made at the outset of the resources required to support the review and the availability of them.

9. Minor Review

All minor reviews will be assessed on a case by case basis to determine whether a project brief will be required. The relevant scrutiny committee in conjunction with Democratic ~~Support~~ Services will co-ordinate all aspects of any minor review undertaken and be empowered to prioritise workload and use of resources.

10. Agenda Setting

- (1) (a) The Chairman, with the assistance of Officer Support, shall be responsible for setting the Agenda.
- (b) For each item of scrutiny contained in the Agenda, a Chairman's Meeting may be held to identify a list of Key Questions or Key Areas for scrutiny; these shall be set out in the Agenda. (See Appendix for the circumstances in which a key questions meeting shall be held.)
- (c) At meetings with Officer Support e.g. to settle the Agenda or the Key Questions/Key Areas, the Chairman shall invite the Controlling Group Spokesperson; the Chairman may also invite other members of the Committee to attend a Key Questions Meeting.
- (d) The Chairman may hold a Scrutiny Committee pre-meeting (at which all Members of the Scrutiny Committee are invited) in order to verify

that all matters of concern have been covered by the Key Questions/Key Areas.

- (2) The Chairman and Controlling Group Spokesperson for each committee, in consultation with the relevant Head of Service, shall develop a programme of meetings (or other arrangements) to deal with agenda setting, pre-committee briefings and work programme monitoring.

11. Agenda items

Subject to the Protocol set out below:

- (a) Any member of an overview and scrutiny committee or sub-committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. If, following the observance of the Protocol, the member wishes the item to be included on the agenda; the proper officer will ensure that it is included on the next available agenda.
- (b) Any member of the Council who is not a member of the overview and scrutiny committee may give written notice to the proper officer that they wish an item relating to his or her ward and which is relevant to the functions of the committee to be included on the agenda of an overview and scrutiny committee. If, following the observance of the Councillor Call for Action Protocol, the members wish the item to be included on the agenda, the Proper Officer shall make arrangements for the matter to be included on the agenda at the next available meeting of the overview and scrutiny committee/sub-committee.

Protocol on Submission of Agenda Items for Scrutiny

- (1) Member wishes to bring item/issue to Scrutiny.
- (2) Detailed correspondence (e-mail/letter) sent to Democratic ~~Support Services~~ Officer to include the following:
- Background/History of issue
 - Explanation of issue
 - Reason for being brought to Scrutiny
 - Desired outcome from scrutinising the issue
 - Officer contact (if known)
- (3) Democratic ~~Support Services~~ Officer to pass information to relevant Officer(s) and request contact with Member.
- (4) Discussion between Member and Officer to determine whether it is the right time for the item to come to Scrutiny (reports may be pending, issue held up due to involvement with outside bodies etc) and what benefits could be achieved by subjecting the item to scrutiny.
- (5) Democratic ~~Support Services~~ Officer to be kept informed of discussions and pass information to the Chairman of the Committee.

- (6) Member to make informed decision whether they wish item to be placed on agenda, taking into account discussions with relevant Officer(s).

The overview and scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the executive to review particular areas of Council activity. Where they do so, the overview and scrutiny committee shall report their findings and any recommendations back to the executive and/or Council. The Council and/or the executive shall consider the report of the overview and scrutiny committee within one month of receiving it.

12. Policy review and development

- (a) The role of the overview and scrutiny committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its Policy and Budget Framework, overview and scrutiny committee or sub-committees may make proposals to the executive for developments insofar as they relate to matters within their terms of reference.
- (c) The Overview and scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

13. Reports from overview and scrutiny committees

- (a) Once it has formed recommendations on proposals for development, the overview and scrutiny committee will prepare a formal report and submit it to the proper officer for consideration by the executive (if the proposals are consistent with the existing Budgetary and Policy Framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- (b) If an overview and scrutiny committee cannot agree on one single final report to the Council or executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or executive with the majority report subject to the following conditions:
- (i) minority reports must be determined at the Overview and Scrutiny Committee;
 - (ii) minority reports must be supported by a minimum of two members (a proposer and a seconder) and recorded in the minutes of the meeting.
- (c) The Council or executive shall consider the report of the overview and scrutiny committee within one month of it being submitted to the proper officer.

14. **Making sure that overview and scrutiny reports are considered by the executive**

- (a) Once an overview and scrutiny committee has completed its deliberations on any matter it will forward a copy of its final report to the proper officer who will allocate it to either or both the executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's Budget and Policy Framework. If the proper officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The executive will have 4 weeks in which to respond to the overview and scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from an overview and scrutiny committee on a matter which would impact on the Budget and Policy Framework, it shall also consider the response of the executive to the overview and scrutiny proposals.
- (b) The agenda for executive meetings shall include an item entitled 'Issues arising from overview and scrutiny'. The reports of overview and scrutiny committees referred to the executive shall be included at this point in the agenda (unless they have been considered in the context of the executive's deliberations on a substantive item on the agenda) within 4 weeks of the overview and scrutiny committee completing its report/recommendations.
- (c) In considering a report from Overview and Scrutiny, the Cabinet must either accept, reject or amend the recommendations and where it rejects a recommendation it must give reasons for it.
- (d) Where an overview and scrutiny committee or sub-committee prepares a report for consideration by the executive in relation to a matter where an individual member has delegated decision making power, then the overview and scrutiny committee will submit a copy of their report to that individual for consideration. At the time of doing so, the overview and scrutiny committee shall serve a copy on the proper officer and the Leader. If the member with delegated decision making power does not accept the recommendations of the overview and scrutiny committee then he/she must then refer the matter to the next available meeting of the executive for debate before exercising his/her decision making power and responding to the report in writing to the overview and scrutiny committee. The executive member to whom the decision making power has been delegated will respond to the overview and scrutiny committee within 4 weeks of receiving it. A copy of his/her written response to it shall be sent to the proper officer and he/she will attend a future meeting to respond.
- (e) Overview and scrutiny committees will in any event have access to the executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an overview and scrutiny committee following a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the executive's consultation process in relation to any key decision.

15. Rights of overview and scrutiny committee members to documents

- (a) In addition to their rights as councillors, members of overview and scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the executive and overview and scrutiny committee as appropriate depending on the particular matter under consideration.
- (c) The overview and scrutiny committee designated as the crime and disorder committee has rights of access to information relevant to the exercise of its functions from responsible authorities or the co-operating persons/bodies in accordance with the provisions of the agreed Councillor Call for Action protocol.

16. Members and officers giving account

- (a) Any overview and scrutiny committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the executive, the head of paid service and/or any chief officer or senior manager to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance

and it is the duty of those persons to attend if so required.
- (b) Where any member or officer is required to attend an overview and scrutiny committee or sub-committee under this provision, the chair of that committee or sub-committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving reasonable notice (having regard to the protocol set out in Rule 18) of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee or sub-committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee or sub-committee shall in consultation with the member or officer arrange an alternative date for attendance.
- (d) Regard shall be had to Paragraph 50 of the Protocol on Member/Officer Relations and to the Protocol set out in Rule 18 below).

- (e) An overview and scrutiny committee may require the attendance of any member to answer questions in regard to the exercise of powers granted under Section 236 of the Local Government and Public Involvement in Health Act 2007.”

17. Attendance by others

An overview and scrutiny committee or sub-committee may invite people other than those people referred to in paragraph 16 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Regard shall be had to the Protocol set out in Rule 18 below.

The overview and scrutiny committee designated as the crime and disorder committee may require the attendance before it of an officer or employee of a responsible authority or co-operating person or body, in order to answer questions or otherwise provide information in accordance with the provisions of the agreed Councillor Call for Action protocol.

18. Call-in

- (a) When a decision is made by the Leader of the Council, executive, an individual member of the executive or a committee of the executive, or a Councillor with delegated Executive authority, or a key decision is made by an officer with delegated authority from the executive, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made. The Chairs of all the overview and scrutiny committees (and all other members of the Council) will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented at 12.00 noon, on the fourth working day after the publication of the decision, unless it is called-in.
- (c) By 10.00 am on the fourth working day after publication of the decision, the proper officer shall call-in a decision for scrutiny by the Overview and Scrutiny (Policy and Performance) Committee if so requested in writing by the chairman or controlling group spokesperson of the Overview and Scrutiny (Policy and Performance) Committee or, in their absence, the Vice-Chairman and Deputy Controlling Group Spokesperson, or by any three non-executive members of the Council, and shall then notify the decision-taker of the call-in. A meeting of the Overview and Scrutiny (Policy and Performance) Committee shall then be held within 15 working days of the decision to call-in. Reasons for calling-in an executive decision should be given and recorded in the agenda.
- (d) If, having considered the decision, the Overview and Scrutiny (Policy and Performance) Committee ~~(or the Scrutiny (Community and Regeneration) Committee to which the matter may have been referred by the Scrutiny (Policy and Performance) Committee)~~ is still concerned about it, then it may

refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 10 working days, amending the decision or not, before adopting a final decision.

- (e) If following an objection to the decision, the Overview and Scrutiny (Policy and Performance) Committee ~~(or the Scrutiny (Community and Regeneration) Committee to which the matter may have been referred by the Scrutiny (Policy and Performance) Committee)~~ does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of that further 10 working day period, whichever is the earlier.
- (f) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making body, together with Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the executive as a whole or a committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.
- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- (h) Where an executive decision has been taken by an area committee, then the right of call-in shall extend to any 5 members of another area committee if they are of the opinion that the decision made but not implemented will have an adverse effect on the area to which their committee relates. In such cases, those 5 members may request the proper officer to call-in the decision. He/she shall call a meeting of the Overview and Scrutiny (Policy and Performance) Committee on such a date as he/she may determine, where possible after consultation with the chairman of the committee, and in any case within 10 working days of the decision to call-in. All other provisions relating to call-in set out above shall apply.

GUIDELINES

- (j) Call-in should only normally be exercised in exceptional circumstances; for example where the relevant chairman or controlling group spokesperson or non-executive members are satisfied that the executive decision maker failed to make the decision in accordance with the principles set out in Article 13 (Decision Making).

- (k) To avoid the possibility of many emergency Council meetings, overview and scrutiny committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to or not wholly in accordance with the Budget or Policy Framework.

CALL-IN AND URGENCY

- (l) The call-in procedure set out above shall not apply where the decision being taken by the executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the chairman, the vice-chair's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (m) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

19. The party whip

When considering any matter in respect of which a member of an overview and scrutiny committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

20. Procedure Framework

- (a) Overview and scrutiny committees and sub-committees shall consider the following business:
- (i) minutes of the last meeting;
 - (ii) declarations of interest (including whipping declarations);
 - (iii) consideration of any matter referred to the committee for a decision in relation to call-in of a decision;
 - (iv) responses of the executive to reports of the overview and scrutiny committee; and
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the overview and scrutiny committee conducts investigations (eg with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following guidelines:

(i) Stages: There is a recommended four stage process for scrutiny investigations:

- Definition of the scope and methodology
- A research paper providing background information
- Documentation showing the extent of the investigation
- A final analysis

(ii) Determination of the date/time on which oral evidence is to be provided and the length of notice to be given to parties.

For those representing outside bodies a minimum of ten working days notice shall be given and for internal reviews involving Members and Officers a minimum of two clear working days notice shall be given. For topic reviews every effort will be made to determine a time/date which is convenient for the majority of persons/parties due to attend.

(iii) Expectations regarding the investigation and the level of courtesy and respect to be shown to witnesses.

- (a) The investigation shall be conducted so as to maximise the efficiency of the investigation or analysis;
- (b) The investigation shall be conducted fairly and in a focused and respectful manner and all members of the committee shall be given the opportunity to ask questions of attendees, and to contribute and speak; and
- (c) Those assisting the committee by giving evidence shall be treated with respect and courtesy.

(iv) Provision for written evidence to be submitted.

Written evidence in support, or in place of, oral evidence by witnesses, will only be included within the Committee's (or sub-committee's) report where the witnesses consent has been obtained.

(v) Requirement to give appropriate notice to witnesses regarding the questions they are to be asked and the issues they are expected to respond to before the Committee.

For all reviews a minimum of two clear working days notice shall be given.

(vi) Procedures for the validation of evidence by witnesses prior to its inclusion within the Committee's final report.

The witness should give prior consent for inclusion of any information attributed to him/her.

(vii) Final Report: Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public; including the circulation of the final report to all parties that participated in the review.

(c) Officer Support

(i) Scrutiny Committees will receive Officer Support as follows:

- Democratic ~~Support Services~~ Officer.
- second tier officers designated by the Corporate Management Team according to a particular major subject called for Scrutiny.

(ii) Support services shall include:

- assistance with the compilation of and circulation of agendas.
- organisation of meetings – including procurement as necessary of
 - (i) members/officers/third parties invited to attend;
 - (ii) documents or other information required for the meeting.
- research/reports.
- advising on protocols/procedure.
- taking minutes/acting thereon.

(iii) It is agreed that:

- Officer Support must remain neutral and owe a duty at all times to the whole Council.
- Officer Support will assist scrutiny as necessary in the delivery of its role to the Council.
- Council resources will not be used for any party political purposes.

(d) The Chairman

(i) The Chairman of ~~the Overview and~~ Scrutiny Committee (or sub-committee) shall at all times use his/her own discretion and act in the interests of the Council and not of his/her political group.

- (ii) The Chairman shall take a lead role in facilitating and co-ordinating scrutiny and in drawing up an annual programme of subjects for scrutiny.

(e) Training and Development

All Members of the Council shall be provided with relevant training and development in the scrutiny function.

~~21. Matters within the remit of more than one overview and scrutiny committee~~

~~Where the matter for consideration by an overview and scrutiny committee [sub-committee] also falls within the remit of the other overview and scrutiny [sub] committee, the decision as to which overview and scrutiny [sub] committee will consider it will be resolved by the Scrutiny (Policy and Performance) Committee.~~

~~In the case of cross cutting themes falling within the remit of more than one overview and scrutiny committee, it may be agreed that the matter shall be the subject of report from more than one overview and scrutiny committee, or a report shall be made by one overview and scrutiny committee but only after consultation with another overview and scrutiny committee.~~

~~22. Public Petitions~~

~~(a) All petitions which members of the public wish to present to the Council shall be submitted to the Scrutiny (Policy and Performance) Committee in accordance with the following rules:-~~

~~(i) Any petition must be presented by a member of the public in person to the Scrutiny (Policy and Performance) Committee.~~

~~(ii) The petition must bear the signatures of at least 20 citizens of the District. A single list of names of 20 or more citizens or letters submitted on similar headed paper by 20 or more citizens addressing a common theme shall constitute a petition. In addition to a signature, the petitioners must also state their name, address and the date on which they signed the petition.~~

~~(iii) One of the persons who have validly signed the petition must be designated as the 'petition organiser'. The petition organiser is the designated person with whom the Council will deal in relation to the petition.~~

~~(iv) Should a petition be received from 20 or more citizens it shall be reported to the Scrutiny (Policy and Performance) Committee for information).~~

~~(v) The petition must be addressed to Dover District Council and relate:~~

- ~~• to a matter(s) in respect of which the Council exercises functions; and~~

~~• to a matter(s) which affects the inhabitants of the whole or a part of the District~~

~~and request the authority to either take, or cease to take, an action as described in the petition.~~

~~Petitions relating to highways are a function of KCC and outside the scope of the scheme. Petitions relating to planning and licensing will be submitted and considered through existing decision making procedures and are also outside the scope of the scheme.~~

~~(vi) The petition must not:~~

~~• relate to court or legal proceedings.~~

~~• disclose confidential or exempt information.~~

~~• be defamatory, frivolous or offensive.~~

~~• be about the same subject as an active petition or have substantially similar effect to a petition that has been made to the Council within the period of six months ending with the date on which the petition was considered by the Scrutiny (Policy and Performance) Committee.~~

~~(vii) A person wishing to present a petition to the Scrutiny (Policy and Performance) Committee must submit it in writing to the Head of Democratic Services explaining details of the petition.~~

~~(viii) The petition organiser will receive a written acknowledgement of a valid petition (referred to as an 'active petition' once accepted) within 20 clear days of its receipt. The acknowledgement will provide such information as the Council considers appropriate in respect of what the authority has done or proposes to do in response to the petition.~~

~~(ix) If a petition is deemed inadmissible, the petition organiser will be informed of the reasons for that decision.~~

~~(x) The petition organiser will be allowed to speak for 10 minutes at the Scrutiny (Policy and Performance) Committee in support of an active petition.~~

~~(b) After presentation of an active petition, the Scrutiny (Policy and Performance) Committee may select one or more of the following options:~~

~~• Consider the petition and agree to take no further action.~~

~~• Consider the petition and forward it to another Committee of the Council or person within the Council for consideration.~~

~~• Consider the petition and forward it to another body or organisation outside the Council for consideration and response.~~

- ~~• Invite the petition organisers to provide additional information to assist it in reaching a decision on the action to be taken in relation to the petition.~~
 - ~~• Request a report or research in relation to the petition.~~
 - ~~• Take any other action that it considers appropriate.~~
- ~~(c) The Scrutiny (Policy and Performance) Committee shall after considering an active petition at a scheduled meeting notify the petition organiser in writing of the steps the authority has taken or proposes to take in response to the petition and of the authority's reasons for doing so.~~

231. Health Scrutiny

Scrutiny of health issues shall be conducted in accordance with a protocol developed by Kent County Council and Borough/District Councils through the County.

242. Councillor Call for Action

The Councillor Call for Action function shall be conducted in accordance with the agreed protocol (Appendix 2).

253. Public Speaking

The Council has adopted a protocol for public speaking at meetings of the Overview and Scrutiny Committee. ~~(Policy and Performance) Committee and Scrutiny (Community and Regeneration) Committee.~~ This is set out in full in Appendix 3 of these procedure rules.

**Terms of Reference for
Scrutiny (Policy and Performance) Committee and
Scrutiny (Community and Regeneration) Committee**

Terms of reference

The Council will appoint the Overview and Scrutiny Committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

Scrutiny – Areas of remit	
Scrutiny (Policy and Performance) Committee	<ol style="list-style-type: none"> 1. Budget and Major Policy 2. Call-in 3. Performance Monitoring and Improvement 4. Scrutiny Co-ordination (including the allocation of all overview and scrutiny functions not within the specific remit of the Scrutiny (Community and Regeneration) Committee)
Scrutiny (Community and Regeneration) Committee	<ol style="list-style-type: none"> 1. Community Reviews and Accountability 2. Public Health 3. Major Projects 4. Crime and Disorder

Potential Constitutional amendments in respect of informal executive posts and scrutiny committees

The following constitutional amendments would be required if Council wished to implement the statutory guidance in respect of informal executive posts ('lead members') on scrutiny:

Council Procedure Rule 4 (2)

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, SUB-COMMITTEES AND PANELS/GROUPS

This rule applies to Committees, Sub-Committees (excluding Licensing Sub-Committees) and Panels/Groups.

- (2) Neither the Chairman or Vice-Chairman of the Council, ~~nor~~ any member of the executive nor any lead Member shall act as a substitute for any member of any Scrutiny Committee.

Overview and Scrutiny Procedure Rule 2

2. Who may sit on overview and scrutiny committees?

All councillors except (a) members of the Executive; ~~and~~ (b) the Chairman and Vice-Chairman of the Council and (c) lead members may be members of an overview and scrutiny committee or serve as substitutes on an overview and scrutiny committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

Election of a Scrutiny Committee Chairman and Vice-Chairman

Overview and Scrutiny Procedure Rule 6

6. Who chairs overview and scrutiny committee meetings?

6.1 Subject to the Council Rules of Procedure, the overview and scrutiny committees/sub-committees will be chaired by a councillor who is not a member of the largest political group on the Council, unless there is no such person serving on the committee/sub-committee. In such cases, the committee/sub-committee may appoint such person to chair it from amongst the councillors sitting on it.

6.2 The Chairman and Vice-Chairman of an overview and scrutiny committee will be elected by secret ballot. The procedure for this is set out at Appendix 4 to the Overview and Scrutiny Procedure Rules.

Appendix 4 Overview and Scrutiny Procedure Rules (New Appendix)

1.1 The election of the Chairman and the Vice-Chairman by secret ballot shall be the first and second items of business respectively transacted at the first meeting of a scrutiny committee following Annual Meeting of Council each year.

Election of a Chairman

1.2 A member of the committee will be elected by show of hands to preside over the election of the Chairman. This member cannot be a candidate for Chairman as nominees cannot preside over their own election.

1.3 The person presiding at the meeting shall invite nominations for Chairman from those present at the meeting.

1.4 In accordance with Overview and Scrutiny Procedure Rule 6, eligible nominees must not be a member of the largest political group on the Council, unless there is no such person serving on the committee.

1.5 A Member must be proposed and seconded to be eligible.

1.6 A Member shall not be nominated in their absence for the position of Chairman without their written consent.

1.7 Once nominations are complete, any Member nominated will be given the opportunity to withdraw their name. In event of any withdrawal the election shall be from among the remaining nominees.

1.8 The Chairman shall be elected by the vote of a majority of those Members present and voting.

- 1.9 Each Member present shall vote by writing the name of one of the Members nominated upon a ballot paper which shall then be placed in the ballot box. Democratic Services will oversee the conduct of the voting.
- 1.10 When, in the opinion of the person presiding at the election, each Member present has had a reasonable time in which to vote, the ballot box should be delivered to the person presiding whereupon the voting shall be deemed to have been completed except that this shall not preclude the person presiding from exercising their casting vote (if required).
- 1.11 The ballot papers shall then be counted by Democratic Services.
- 1.12 If only one Member is nominated, the person presiding shall declare that Member elected as Chairman. If two Members are nominated the Member receiving the vote of the majority of those Members present and voting shall be declared elected.
- 1.13 If more than two Members are nominated, the person presiding shall announce the name of the Member with the lowest number of votes and that Member shall be eliminated. A further ballot or ballots shall then be taken and after each ballot the Member receiving the lowest number of votes shall be eliminated, in accordance with the foregoing procedure, until only two Members remain which shall be submitted to the final vote. At the conclusion of the final vote the person presiding shall declare that Member elected as Chairman.
- 1.14 In the event of an equality of votes in any of the ballots, the person presiding shall give a second or casting vote and where there are three or more Members with an equal number of votes the person presiding shall give a second casting vote to each of such Members except one.
- 1.15 The Chairman will take the Chair on the declaration of result.

Election of a Vice-Chairman

- 1.16 The Chairman or person presiding at the meeting shall invite nominations for Vice-Chairman from those present at the meeting.
- 1.17 In accordance with Overview and Scrutiny Procedure Rule 6, eligible nominees must not be a member of the largest political group on the Council, unless there is no such person serving on the committee.
- 1.18 A Member must be proposed and seconded to be eligible.
- 1.19 A Member shall not be nominated in their absence for the position of Vice-Chairman without their written consent.

- 1.20 Once nominations are complete, any Member nominated will be given the opportunity to withdraw their name. In event of any withdrawal the election shall be from among the remaining nominees.
- 1.21 The Vice-Chairman shall be elected by the vote of a majority of those Members present and voting.
- 1.22 Each Member present shall vote by writing the name of one of the Members nominated upon a ballot paper which shall then be placed in the ballot box. Democratic Services will oversee the conduct of the voting.
- 1.23 When, in the opinion of the person presiding at the election, each Member present has had a reasonable time in which to vote, the ballot box should be delivered to the person presiding whereupon the voting shall be deemed to have been completed except that this shall not preclude the person presiding from exercising their casting vote (if required).
- 1.24 The ballot papers shall then be counted by Democratic Services.
- 1.25 If only one Member is nominated, the person presiding shall declare that Member elected as Vice-Chairman. If two Members are nominated the Member receiving the vote of the majority of those Members present and voting shall be declared elected.
- 1.26 If more than two Members are nominated, the person presiding shall announce the name of the Member with the lowest number of votes and that Member shall be eliminated. A further ballot or ballots shall then be taken and after each ballot the Member receiving the lowest number of votes shall be eliminated, in accordance with the foregoing procedure, until only two Members remain which shall be submitted to the final vote. At the conclusion of the final vote the person presiding shall declare that Member elected as Vice-Chairman.
- 1.27 In the event of an equality of votes in any of the ballots, the person presiding shall give a second or casting vote and where there are three or more Members with an equal number of votes the person presiding shall give a second casting vote to each of such Members except one.

Review of Committee Arrangements

The recommendations of the Governance Committee at its meeting held on 27 June 2019 are as follows:

That, having considered the current committee structure and size, the Governance Committee recommend the following to the full Council for its consideration:

(a) Committee Structure (non-scrutiny)

That there be no change to the number of committees (excluding scrutiny committees) or to the number of seats on each committee.

(b) Scrutiny Committees – Number

That the number of scrutiny committees be reduced to the statutory minimum number of one committee and that the new overview and scrutiny committee be composed of 10 seats.

That consequential constitutional changes as set out in Appendix 3 of the report to facilitate a single overview and scrutiny committee be approved

(c) Constitution Changes – Lead Members

That there be no changes to the Constitution in respect of the participation of lead members on scrutiny committees.

(d) Election of Chairman and Vice-Chairman of scrutiny committees

That there be no changes to the method by which the Chairman and Vice-Chairman of scrutiny committee(s) are elected.

(e) That it be noted that officers will consider any other matters arising from the Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities as part of the annual Review of the Constitution in 2019.

Subject: REVIEW OF ALLOCATION OF SEATS TO POLITICAL GROUPS

Meeting and Date: COUNCIL – 24 JULY 2019

Report of: JOINT REPORT OF THE CHIEF EXECUTIVE AND MONITORING OFFICER

Classification: UNRESTRICTED

Purpose of the report: To allocate the seats on the committees of the Council to the different political groups and to appoint members to those committees in accordance with the allocation.

Recommendation: Depending on the changes to the committee structure that are made, if any, the following options are open to the Council:

Option 1: (a) No action is required.

Option 2: (a) That the Council reviews and determines the representation of the different political groups and non-politically aligned members on a single Overview and Scrutiny Committee of 10 Members.

(b) That the Council make appointments to the positions of Chairman and Vice-Chairman for Overview and Scrutiny Committee.

Option 3: (a) That the Council reviews and determines the representation of the different political groups and non-politically aligned members on those non-ordinary committees of the Council that have been changed since the last determination on 17 May 2019.

Option 4: (a) That the Council appoint to the ordinary committees agreed at Agenda Item 7 (Review of Committee Arrangements).

(b) That the Council reviews and determines the representation of the different political groups and non-politically aligned members on the ordinary committees of the Council and the other bodies to which it makes appointments.*

(c) That the Council appoints to the seats on the ordinary committees to give effect to the allocations and the nomination of the political groups and appoints to the other bodies to which it makes appointments.

(d) That the Council make appointments to the positions of Chairman and Vice-Chairman for each of the ordinary committees of the council and the overview and scrutiny committee(s).

** If making a determination otherwise than in accordance with the strict principles of political balance the Council would need to formally approve the preferred method of determination and allocation as 'alternative arrangements' in*

accordance with Section 17(1) Local Government and Housing Act 1989 and Regulation 20 Local Government (Committees and Political Groups) Regulations 1990. To be effective no member of the Council must vote against the proposal.

1. Summary

- 1.1 The prompt and correct allocation of committee seats is vital to maintaining an effective and transparent governance framework.

2. Background and Introduction

- 2.1 The Council at its meeting held on 17 May 2019 requested that officers review the committee structure following the reduction in the size of the Council from 45 to 32 members. That report was considered by the Governance Committee at its meeting held on 27 June 2019 and is to be considered at the meeting of the full Council to be held on 24 July 2019.
- 2.2 In the event that at the meeting of full Council held on 24 July 2019 changes are made to the committee structure and/or number of members on committees the Council will be required to undertake a re-calculation of part or the whole allocation of seats to political groups depending on the nature of the change. In the event that no changes are made, the Council will not be required to take any action in respect of the allocation of seats.

Ordinary and Non-Ordinary Committees

- 2.3 The Council appoints to two categories of body – ordinary committees and non-ordinary committees. Depending on the nature of the changes made by Council to the committee structure there will be different requirements in respect of the allocation of seats to political groups.
- 2.4 For information, the ordinary committees of the Council are the Electoral Matters Committee, General Purposes Committee, Governance Committee, Planning Committee and the Regulatory Committee. The political balance requirements apply to all these bodies and a change to the number of seats on any of these bodies would require the allocation of seats for all of these committees to be recalculated.
- The non-ordinary committees are the Licensing Committee, Overview and Scrutiny Committees, Dover Joint Transportation Board, the Joint Staff Consultative Forum, the Joint Health Safety and Welfare Consultative Forum and the East Kent Services Committee. The allocation of seats to each of these bodies is undertaken on an individual basis and although not strictly required in all cases political balance is applied in the calculation of seats with the exception of East Kent Services Committee which appoints less than three members and is a joint body between the three East Kent authorities with a defined membership (of two executive members where an authority operates executive arrangements) in its terms of reference.
- 2.5 It should also be noted that the pursuant to Section 6 of the Licensing Act 2003, the Licensing Committee must have at least ten, but no more than fifteen, members. It has been the practice of the Council to appoint to this Committee in accordance with the principles of political balance although this is not required by law.
- 2.6 The principles of political balance are set out in Appendix 1.

3. Identification of Options

- 3.1 The Council has four options open to it following on from the review of the Council's committee structure. These are dependent on the nature of the changes that Council makes to the committee structure.

Option 1 – No Change

- 3.2 In the event that no changes are made to the existing committee structure, then the Council is not required to remake the allocation of seats to political groups and no further action needs to be taken.

Option 2 – The Council adopts the Governance Committee Recommendations in Relation to the Scrutiny Committees.

- 3.3 The Governance Committee at its meeting held on 27 June 2019 made recommendations that the current committee structure remain unaltered with the exception of the abolition of the current two scrutiny committee model in favour of a single Overview and Scrutiny Committee of 10 Members.
- 3.4 Although the council's scrutiny committees are considered to be 'bodies' to which the political balance rules apply they are not 'ordinary committees' for the purposes of the political balance rules. In the event that the recommendations of the Governance Committee are agreed by the full Council the only determination that would need to be made as a result would be the allocation of seats to the new Overview and Scrutiny Committee in accordance with political balance.
- 3.5 Any variation to the principles of political balance would require the approval of Council to agree the variation(s) without any member of the Council voting against. If the allocation of seats is made in accordance with the principles of political balance it does not require an unopposed vote.
- 3.6 The option for the allocation of seats to political groups for a single Overview and Scrutiny Committee of 10 members in accordance with the recommendations of the Governance Committee is set out in Appendix 2.

Option 3 – The Council Makes Changes to Non-Ordinary Committees of the Council Only (in addition to or instead of changes to the Overview and Scrutiny Committee(s))

- 3.7 As the allocation of seats on non-ordinary committees of the Council is made on an individual basis, such changes would not require the review of the overall allocation of seats, just a review of each specific committee. This option would only be required if changes were made additional to or instead of that recommended by the Governance Committee.
- 3.8 Although the Council does not have to appoint to these bodies on the basis of political balance it has historically done so. The allocation of seats to these committees only has to be agreed

Option 4 – To conduct a full review of the allocation of seats to political groups

- 3.9 This option is only required in the event that changes are made to both ordinary and non-ordinary committees of the council.

4. Evaluation of Options

- 4.1 Option 1 is only required if no changes were made to the committee structure or the number of seats on committees.
- 4.2 Option 2 is required if the Governance Committee recommendations are adopted. This is the most straightforward of the options for change as it does not require the recalculation of political balance to ordinary committees or the majority of non-ordinary committees of the Council.
- 4.3 Option 3 does not affect the calculation of seats to ordinary committees of the Council and has a limited number of permutations. If this option is to be moved Members are asked to speak to Democratic Services in advance of the meeting so that the necessary calculations in respect of seat allocation can be undertaken.
- 4.4 Option 4 has a considerable number of different permutations depending on the nature of the changes made by Council. As officers would need time to undertake the necessary political balance calculations, if this option is to be moved Members are asked to speak to Democratic Services in advance of the meeting so that the necessary calculations in respect of seat allocation can be undertaken.

5. **Resource Implications**

- 7.1 None.

6. **Appendices**

Appendix 1 – Principles of Political Balance

Appendix 2 – Governance Committee Recommendations

7. **Background Papers**

Localism Act 2011

Local Government Act 1972

Local Government and Housing Act 1989

The Local Government (Committees and Political Groups) Regulations 1990

Local Government Act 2000

Licensing Act 2003

The Licensing Act 2003 (Hearings) Regulations 2005

Local Government and Public Involvement in Health Act 2007

Contact Officer: Rebecca Brough, Democratic Services Manager, 01304 872304

Principles of Political Balance

1. Review of Allocation of Seats to Political Groups

- 1.1 The political composition of the Council is currently 19 Conservative Group members, 12 Labour Group members and 1 'independent' member who is not a member of either of the political groups on the Council. In this report the member who is not a member of a political group is referred to as a "non-aligned member".
- 1.2 To be recognised as a political group, the group is required to have at least two members and to have formally notified the authority that those members wish to be treated as a political group. Members in a political group on the Council are not required to be in the same political party to form a political group. The Conservative and Labour Groups have notified the Proper Officer they have formed political groups and meet the previously mentioned requirements of a political group.
- 1.3 Section 15 of the Local Government and Housing Act 1989 (specifically subsections (3) to (5)) prescribes the Council's duty to determine the allocation of seats which states the basic principles of seat allocation.
- 1.4 In summary, these principles of determination are:
- (a) That not all of the seats are allocated to the same political group;
 - (b) The majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
 - (c) Subject to the above two principles, that the number of seats on ordinary committees which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of the Council as is borne by the number of members of that group to the membership of the authority; and
 - (d) Subject to (a) to (c), that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

Section 15(3) of the Local Government and Housing Act 1989

- 1.5 The determination of seats on the Council has been undertaken in accordance with the principles set out in Section 15(3) of the Act, which states as follows:
- "15(3) Where at any time the representation of different political groups on a body to which this section applies falls to be reviewed under this section by any relevant authority or committee of a relevant authority, it shall be the duty of that authority or committee, as soon as practicable after the review, to determine the allocation to the different political groups into which the members of the authority are divided of all the seats which fall to be filled by appointments made from time to time by that authority or committee."
- 1.6 However, where the Council has members who are non-aligned, this section is amended by regulation 16 of the Regulations to read as follows:
- "15(3) Where at any time the representation of different political groups on a body to which this section applies falls to be reviewed under this section by any relevant authority or committee of a relevant authority, it shall be **the duty of that authority or committee, as soon as practicable after the review to determine the allocation to each of those groups of such of the seats**

which fall to be filled by appointments made from time to time by that authority or committee as bear to the total of all of those seats the same proportion as is borne by the number of members of that group to the membership of the authority.

- 1.7 Additionally, where there are non-aligned members, section 16(2A) of the Local Government and Housing Act 1989 has effect. This provides:

“Where appointments fall to be made to seats on a body to which section 15 applies otherwise than in accordance with a determination under that section, it shall be the duty of the authority or the committee, as the case may be, so to exercise their power to make appointments as to secure that the persons appointed to those seats are not members of any political group”

- 1.8 The implications of these changes to paragraph 15(3) taken with section 16(2A) is to require that the Council must allocate seats to the political parties in accordance with the four principles set out above. If there are any seats left over, they must then make appointments to the non-aligned groups.

2. Variations to Political Balance Principles

- 2.1 Prior to the allocation of seats, the Council may approve alternative arrangements for making appointments if it resolves to do so without any member voting against them.

3. Failure of a Political Group to Appoint to its Allocation

- 3.1 If a political group fail to express their wishes within a period of three weeks of being notified of its allocation (which shall be taken as commencing from the date of the Council meeting where this report is considered), the Council at its first meeting after this period may make such appointment as it sees fit by majority vote regardless of the principles of political balance.

4. Definition of Ordinary Committees

- 4.1 The following are a list of the ordinary committees of the Council:

- Electoral Matters Committee
- General Purposes Committee
- Governance Committee
- Planning Committee
- Regulatory Committee

- 4.2 The total number of seats on the ordinary committees of the Council is 32 seats.

Non-Ordinary Committees

- 4.3 In addition to the above ordinary committees, the Council also appoints seats on the Dover Joint Transportation Board (district council seats only) and to at least one Overview and Scrutiny Committee.

- 4.4 It is the view of the Solicitor to the Council that Section 21 (11) of the Local Government Act 2000 (under which Scrutiny Committees are appointed), makes the Scrutiny Committees 'bodies' to which the political balance rules apply. What it does not do is to make them automatically 'ordinary committees' for the purposes of the political balance rules.

5. Allocation of Seats – Other Bodies

- 5.1 In addition to the ordinary committees of the Council (and those treated as such), there are three other bodies of the Council. Although these are not bound by the

same requirements for political balance as the ordinary committees it should be noted that seats on the individual bodies have historically been allocated separately on the basis of political balance.

- 5.2 The bodies are the Licensing Committee, the Dover Joint Transportation Board, the Joint Staff Consultative Forum and the Joint Health, Safety and Welfare Consultative Forum.

Allocation of Seats – Licensing Committee

- 5.3 Pursuant to Section 6 of the Licensing Act 2003, the Licensing Committee must have at least ten, but no more than fifteen, members. The current arrangement of fifteen members allows the Licensing Committee to appoint five broadly area-based sub-committees to conduct hearings and has functioned effectively since its introduction in 2003. An important reason for having 5 area-based sub-committees is that Members as a matter of convention do not sit on Licensing Sub-Committees considering applications relating to their wards. Accordingly, this report recommends the continued appointment of 15 councillors to the Licensing Committee.
- 5.4 The Licensing Committee is not subject to the requirements of the Local Government and Housing Act 1989 with regard to political proportionality, although this principle has voluntarily been applied in allocating the seats at the annual Council meetings held since May 2006. It is however at the discretion of the Council to set the size of the Licensing Committee and the allocation of seats, subject to the restriction mentioned above.

Allocation of Seats – Joint Staff Consultative Forum and the Joint Health, Safety and Welfare forum

- 5.5 In accordance with s.15(6) of the Local Government and Housing Act 1989, a seat on an advisory committee shall not be treated as being subject to the political balance requirements unless the authority have determined that it must be so filled. However, the Council has historically voluntarily applied the principles of proportionality in allocating seats to these fora.

Allocation of Seats – Executive Committees

- 5.6 The allocation of seats on the Executive and Executive Committees is a matter for the Cabinet and is outside the scope of this report.

Allocation of Seats – Dover Joint Transportation Board

- 5.7 The Dover Joint Transportation Board is not an ‘ordinary committee’ for the purposes of seat allocation.

Allocation of Seats – East Kent Services Committee

- 4.7 The terms of reference of the East Kent Services Committee specify that its membership must be composed of the Leader and Deputy Leader of the Council. As less than three members are appointed by the Council, it is not required to be politically balanced.

Single Overview and Scrutiny Committee

- 1.1 As political balance applies to the Overview and Scrutiny Committee, the four principles will need to be applied.

1st Principle: That not all seats on the body are allocated to the same political group

- 1.2 The determinations set out in this Appendix are consistent with this principle.

2nd Principle The majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership

- 1.3 The Conservative Group is the majority (17 or more councillors) of the Council's membership with representing 59.38% (19 out of 32 councillors) of the Council's total membership. This would result in the following allocation to give them a majority of the seats on the body:

Committee	CON
Overview and Scrutiny Committee (10 seats)	6

3rd Principle: Subject to [the first two principles], that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority

- 1.4 This does not apply as the bodies in question are not ordinary committees.

4th Principle: Subject to [principles 1-3 above], that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority

- 1.5 When applied to the non-ordinary committee this would result in the following determination:

Committee	CON	LAB (37.50%)	Allocated Seats	Actual Seats	Unallocated
Overview and Scrutiny Committee	6	3 (3.75)	9	10	1

- 1.6 The remaining seats on the bodies are allocated to the Non-Aligned Members in accordance with section 16(2A) of the Local Government and Housing Act 1989, resulting in a final determination as follows, resulting in a final determination as follows:

Committee	CON	LAB	NAM	Allocated Seats	Actual Seats	Unallocated
Overview and Scrutiny Committee	6	3	1	10	10	0

- 1.7 Council will need to vote on the allocation of each seat to non-aligned members on an individual basis in accordance with Council Procedure Rule 18.7. However, as there is only one non-aligned member the seat can only be allocated to that non-aligned member.

Subject: PROGRAMME OF ORDINARY MEETINGS 2019/20

Meeting and Date: COUNCIL – 24 JULY 2019

Report of: HEAD OF GOVERNANCE

Classification: UNRESTRICTED

Purpose of the report: Following the review of the Council’s Committee Structure there arises a need to review the agreed programme of meetings for 2019/20 and make any resulting amendments from the deletion or creation of committees.

Recommendation: That Council consider the Programme of Ordinary Meetings for 2019/20.

1. Summary

1.1 At the Annual Meeting of the Council on 17 May 2019 a Programme of Ordinary Meetings was adopted for the municipal year 2019/20. Following a review of the Council’s committee structure the Council may need to agree amendments to deliver the new structure.

2. Introduction and Background

2.1 The Programme of Ordinary Meetings for 2019/20 is based on a cycle that commences with a meeting of the Cabinet and ends with a meeting of the Council. In between those two points all other committee business takes place.

2.2 Wherever possible efforts have been made to avoid school holiday dates and political party conferences.

2.3 It should be emphasised that the current programme set out in Appendix 1 only applies to committees with scheduled meetings.

3. Governance Committee Recommendations

3.1 The Governance Committee at its meeting held on 27 June 2019 recommended the abolition of the two scrutiny committee model in favour of the single scrutiny committee model. In the event that such an amendment to the committee structure is adopted, the new committee (referred to here as the ‘Overview and Scrutiny Committee’) will need to have a programme of meetings agreed for the municipal year 2019/20. An example of possible dates is set out in Appendix 3.

4. Joint Staff Consultative Forum and Joint Health, Safety and Welfare Consultative Forum

4.1 In addition to any changes arising from the review of the Council’s committee structure a request has been received from the staff representatives to move the day of the Joint Fora meetings from a Tuesday to a Wednesday due to availability issues with the Tuesday date. The proposed alternative dates are set out in Appendix 2.

5. Identification of Options

5.1 There are four options available to the Council:

5.2 Option A – Do nothing.

5.3 Option B - To approve an amended Programme of Ordinary Meetings for 2019/20 to reflect the proposed change of dates to the Joint Staff Consultative Forum and the

Joint Health, Safety and Welfare Consultative Forum. These are set out in Appendix 2.

- 5.4 Option C – To approve an amended Programme of Ordinary Meetings for 2019/20, without the changes to the dates of the Joint Fora, with additional amendments to reflect changes to the committee structure. This would be an amendment to the dates set out in Appendix 1.
- 5.5 Option D – To approve an amended Programme of Ordinary Meetings for 2019/20, with the changes to the dates of the Joint Fora, with additional amendments to reflect changes to the committee structure. This would be an amendment to the dates set out in Appendix 2 (possibly using dates set out in Appendix 3 for a single scrutiny committee model).
- 5.6 For Options C and D, an example of potential dates for a single scrutiny committee model in accordance with the Governance Committee recommendations are set out in Appendix 3.

6. **Evaluation of Options**

- 6.1 Option A the existing Programme of Ordinary Meetings for 2019/20 approved in May remains unchanged.
- 6.2 Option B seeks to ensure that quorate meetings of the Joint Fora are held by making the meetings at a day of the week suitable to the majority of staff representatives. This option does not include any other changes to the committee structure (i.e. it preserves the two scrutiny committee model).
- 6.3 Option C does not provide for amendments to the dates of the Joint Fora, thereby increasing the risk of inquorate or rescheduled meetings.
- 6.4 Option D is recommended in the event that the committee structure is amended as it also includes the amendments to the Joint Fora meeting dates. In the event that changes are made to the scrutiny committee model, the suggested dates set out in Appendix 3 are those that are feasible to deliver.
- 6.5 In the event that any Member wishes to propose an option not set out in the report they are asked to contact the Democratic Services Manager prior to the date of the meeting at which this report is considered in order that the feasibility of arranging the meeting dates can be established.

7. **Resource Implications**

- 5.1 There are no resource implications arising from this report as set out.

8. **Appendices**

Appendix 1 – Adopted Programme of Ordinary Meetings 2019/20

Appendix 2 – Amended Programme of Ordinary Meetings 2019/20 (to reflect changes to the Joint Fora)

Appendix 3 – Example of Overview and Scrutiny Committee Meeting Dates 2019/20

9. **Background Papers**

None

Contact Officer: Rebecca Brough, Democratic Services Manager 01304 872304

Appendix 1

CALENDAR OF COUNCIL MEETINGS 2019/20

Committee	Start at (B)	2019								2020					
		May (H)	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May (I)	
Cabinet	11.00am		3	1		2	7	4	2		13	3	2	6	11
Council	6.00pm	17 ^(A)		24			30				29 ^(D)		4 ^(C)		13 ^(A)
Dover Joint Transportation Board	6.00pm		13			19		28					26		
Governance Committee	6.00pm		27	30 ^(E)		26			12				19		
Licensing Committee	varies ^(K)	28					30 ^(K)						4 ^(K)		13
Planning Committee	6.00pm	30	20	18	15	12	10	7	5	16	13	12	16	21	
Regulatory Committee	10.00am	28	18	16		17		19		21		17		26	
Scrutiny (Community & Regeneration) Committee	6.00pm		5	3		4	9	6	4	15	12	11	8	20	
Scrutiny (Policy & Performance) Committee	6.00pm		4	2		3	8	5	3	14	11 ^(F)	10	7	19	
Joint Health, Safety & Welfare Consultative Forum Joint Staff Consultative Forum ^(G) ^(L)	2.30pm			9			15			28		31			
Publication of Notice of Forthcoming Key Decisions ^(J)	N/A	3 & 31		5	2	6	4	1	6	3 & 31		6	9		

Footnotes

- (A) Denotes the Annual General Meeting of Council which will be held on a Friday in 2019. All other meetings of the full Council are held on a Wednesday.
- (B) All meetings generally commence at the times indicated but are subject to change.
- (C) Denotes Budget and Council Tax Setting Meeting
- (D) Council Tax Base
- (E) Final Accounts
- (F) Budget Scrutiny Meeting
- (G) Denotes that these meetings are not open to the public.

- (H) The Dover District Council elections are scheduled for **Thursday 2 May 2019**
- (I) The Kent Police and Crime Commissioner elections are scheduled for **Thursday 7 May 2020**
- (J) This is not a committee meeting but the date of the publication of the Notice of Forthcoming Key Decision.
- (K) Licensing Committee start times to be agreed with the Chairman depending on the business to be conducted.
- (L) Meetings are only held as required. The meetings of the Joint Staff Consultative Forum will be held immediately upon the rising of the Joint Health, Safety and Welfare Consultative Forum if called.

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

Appendix 2

CALENDAR OF COUNCIL MEETINGS 2019/20

Committee	Start at (B)	2019								2020				
		May (H)	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May (I)
Cabinet	11.00am		3	1		2	7	4	2	13	3	2	6	11
Council	6.00pm	17 ^(A)		24			30			29 ^(D)		4 ^(C)		13 ^(A)
Dover Joint Transportation Board	6.00pm		13			19		28				26		
Governance Committee	6.00pm		27	30 ^(E)		26			12			19		
Licensing Committee	varies ^(K)	28					30 ^(K)					4 ^(K)		13
Planning Committee	6.00pm	30	20	18	15	12	10	7	5	16	13	12	16	21
Regulatory Committee	10.00am	28	18	16		17		19		21		17		26
Scrutiny (Community & Regeneration) Committee	6.00pm		5	3		4	9	6	4	15	12	11	8	20
Scrutiny (Policy & Performance) Committee	6.00pm		4	2		3	8	5	3	14	11 ^(F)	10	7	19
Joint Health, Safety & Welfare Consultative Forum Joint Staff Consultative Forum ^(G) ^(L)	2.30pm			9			15/16			28	5	31	15	
Publication of Notice of Forthcoming Key Decisions ^(J)	N/A	3 & 31		5	2	6	4	1	6	3 & 31		6	9	

Footnotes

- (A) Denotes the Annual General Meeting of Council which will be held on a Friday in 2019. All other meetings of the full Council are held on a Wednesday.
- (B) All meetings generally commence at the times indicated but are subject to change.
- (C) Denotes Budget and Council Tax Setting Meeting
- (D) Council Tax Base
- (E) Final Accounts
- (F) Budget Scrutiny Meeting
- (G) Denotes that these meetings are not open to the public.

- (H) The Dover District Council elections are scheduled for **Thursday 2 May 2019**
- (I) The Kent Police and Crime Commissioner elections are scheduled for **Thursday 7 May 2020**
- (J) This is not a committee meeting but the date of the publication of the Notice of Forthcoming Key Decision.
- (K) Licensing Committee start times to be agreed with the Chairman depending on the business to be conducted.
- (L) Meetings are only held as required. The meetings of the Joint Staff Consultative Forum will be held immediately upon the rising of the Joint Health, Safety and Welfare Consultative Forum if called.

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

CALENDAR OF COUNCIL MEETINGS 2019/20

Possible Single Scrutiny Committee Dates	Start at	2019								2020				
		May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May
Overview and Scrutiny Committee ^(A)	6.00pm	/	/	/	/	9	14	11	9	20	10	9	20*	18
Overview and Scrutiny Committee ^(B)	6.00pm	/	/	/	/	3	8	5	3	14	11	10	7	19
Overview and Scrutiny Committee ^(C)	6.00pm	/	/	/	/	4	9	6	4	15	12	11	8	20

Footnotes

- (A) This is scheduled for the Monday of the following week after Cabinet. It is still within the call-in window (which would expire 10am the following day) and after the Record of Decision has been published. The advantage of this date is that it provides for the Overview and Scrutiny Committee with longer to consider the decisions of Cabinet before scrutinising matters and it is a day of the week on which there are no scheduled meetings currently. The disadvantage is that it leaves less time for call-in after scrutiny has considered an item though it is still feasible.
- (B) This is for a Tuesday meeting the same week as Cabinet. It uses the dates of the Scrutiny (Policy and Performance) Committee. It is within the call-in window which would start the following day. The advantage of this date is its immediacy to the decision of Cabinet. The disadvantage is that it is before the Record of Decision has been published and it doesn't provide for Members time to consider the decision of Cabinet.
- (C) This is for a Wednesday meeting the same week as Cabinet. It uses the dates of the Scrutiny (Community and Regeneration) Committee. It is within the call-in window which starts that day. The advantage of this date is its immediacy to the decision of Cabinet and it is held on the same day that the Record of Decision is published. The disadvantage is that the Record of Decision would only have been published hours before the meeting.
- (*) This date is a week later due to Easter.

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

AGENDA ITEM 6: SEAT ALLOCATION AND GROUP APPOINTMENTS

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

(a) Labour Group

Councillor K Mills has advised of the following change to the Labour Group's appointments:

Committee	Member Removed	Replacement Member
Governance Committee	C F Woodgate	S J Jones

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

COUNCIL – 24 JULY 2019

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 P Walker will ask the Leader of the Council, Councillor K E Morris:
“Can the Leader update the Council on what actions have been taken in relation to the future Betteshanger Country Park and what discussions he has had with the various partners involved to secure both its future, particularly the developing Mining Museum and green energy elements, and the future of the proposed business park?”
- (2) Councillor P Walker will ask the Portfolio Holder for Community and Tourism, Councillor M J Holloway:
“Could the Portfolio Holder for Community and Tourism give an update of developments with regard to Tourism within the District, having regard to the financial input and facilities such as Museum rearrangements?”
- (3) Councillor E A Biggs will ask the Portfolio Holder for Housing and Health, Councillor S S Chandler:
“Can the Portfolio Holder for Housing and Health, tell us the number of applications registered on HOMECHOICE and number of households accepted as homeless with a duty to assist and how these statistics have changed in the last year?”
- (4) Councillor H M Williams will ask the Portfolio Holder for Transport and Licensing, Councillor N J Collor:
“Can the Portfolio holder for Licensing and Transport which includes the role of KCC Liaison Officer advise if KCC has conducted a survey of schools to identify the risk of asbestos, if so are the results available?”

- (5) Councillor H M Williams will ask the Portfolio Holder for Planning and Regulatory Services, Councillor N S Kenton:
“Does DDC collect information on air pollution in areas containing schools at peak times?”
- (6) Councillor E A Biggs will ask the Portfolio Holder for Planning and Regulatory Services, Councillor N S Kenton:
“How does the Council ensure that robust and impartial decisions are made on planning decisions in relation to financial viability of developers? While understanding that financial viability is not within the remit of planning, it clearly has a strong bearing on the outcome. I cite a recent case in Mongeham, where a development was approved on a flood plain and it was suggested that unless this was approved the developer was going to go bankrupt. Also the outline for the Buckland hospital development was given in spite of the developer having a net worth of -9k.”
- (7) Councillor L A Keen will ask the Portfolio Holder for Planning and Regulatory Services, Councillor N S Kenton:
“What is DDC doing to ensure that Persimmon completes, to a suitable scheduled timetable, all the outstanding fire remedial works on the new houses in Aylesham, which were found recently to be deficient in meeting statutory fire protection requirements, and that these works meet the full required regulatory standards?”
- (8) Councillor P M Brivio will ask the Portfolio Holder for Transport and Licensing, Councillor N J Collor:
“Can the Portfolio Holder for Licensing and Transport update members on the progress of Electric charging points in the DDC area?”

COUNCIL – 24 JULY 2019

Motions on Notice by Members

- (1) **This Motion has been withdrawn at the request of Councillor P Walker.**
- (2) **In accordance with Council Procedure Rule 13, Councillor J P J Burman will move:**
- “The council will direct its efforts to urgently mitigate climate change, starting with a commitment that all section 106 agreements with developers include a minimum of 30% of s106 funds being directed to carbon use reduction (e.g. installation of PV panels, habitat creation, grey water systems etc.)”
- (3) **In accordance with Council Procedure Rule 13, Councillor J P J Burman will move:**

“On the 8th of October 2018 the IPCC (Intergovernmental Panel on Climate Change) warned that “rapid, far-reaching, and unprecedented changes in all aspects of society” will be required in order to limit global temperature to 1.5C above pre-industrial level and that we have only 12 years in which we can realistically accomplish this. Even half a degree above that will significantly worsen the risks of drought, floods, mass extinctions of animal species, and extreme heat and poverty for hundreds of millions of people.

Within the current financial and regulatory framework, addressing this is primarily a matter for governments – local authorities have limited influence over the development of the local economy, transport, and human behaviour. Councils need significantly increased powers to make real change locally, and significantly greater intervention by central government to reduce climate change and reduce dependency on fossil carbon.

Nevertheless, there are actions the council can take, to limit our own use of fossil carbon and encourage others to do the same, although this is limited by available resources and the scale of government cuts the council has to cope with. Dover & Deal District must take this matter seriously and be committed to taking a lead on this and set a target for Dover & Deal to become carbon neutral.

To this end, we will:

- Recommend to the Overview and Scrutiny Committee that it establish an ongoing Climate Change working group (as a panel of the Overview and Scrutiny Committee), which will scrutinise the council’s policies and actions to make sure they take into account the climate change impact of everything we do;

- Develop a procurement policy that reduces our carbon emissions, procuring locally where possible, prioritising goods and services that are less dependent on fossil carbon, and prioritising companies who are taking steps to reduce their impact on climate change;
- Use whatever powers and influence we have, taking advantage of any new powers as they are made available to us by central government, to aim to make Dover & Deal carbon neutral by 2030, aiming for the District to become energy self-sufficient through local sustainable energy generation, and call on Kent County Council to adopt a parallel commitment for Dover & Deal;
- Press ahead with a programme of sustainable energy generation on council-owned and other land and buildings, investigating every viable council-owned site, as well as other sites, aiming towards supplying 30% of the town's electricity by 2030;
- Use the current review of the Local Plan to introduce policy requirements that new buildings should meet the most rigorous possible energy efficiency standards (for example, the 'Passivhaus' standards), include electric vehicle charging points in new housing and commercial developments, minimise the impacts of climate change (for example, by making sure contribution to flooding is minimised) and include solar arrays or other sustainable energy generation wherever possible;
- Ensure council land is maintained in a way that maximises species diversity and mitigates species extinction;
- Encourage existing supermarkets to install EV charging points, lobby ESCC to take up existing government grants to install on-street EV charging points, and press for a properly co-ordinated national EV charging network;
- Include an evaluation of climate change implications in all reports to council committees;
- Build on our existing single use plastic policy by not only eliminating single use plastics in council buildings, but also at festivals and events held on council land. We will also strongly encourage local businesses to cut back on their use of SUPs;