

Public Document Pack



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

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

25 August 2022

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **CABINET** will be held at these offices (Council Chamber) on Monday 5 September 2022 at 11.00 am when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith, Democratic Services Officer, on (01304) 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nicky', written over a horizontal line.

Chief Executive

Cabinet Membership:

T J Bartlett	Leader of the Council
M Bates	Portfolio Holder for Transport, Licensing and Regulatory Services
N S Kenton	Portfolio Holder for Planning and Environment
D P Murphy	Portfolio Holder for Social Housing, Port Health, Skills and Education
O C de R Richardson	Deputy Leader of the Council & Portfolio Holder for Community and Corporate Property
C A Vinson	Portfolio Holder for Finance, Governance, Digital and Climate Change

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **DECLARATIONS OF INTEREST** (Page 4)

To receive any declarations of interest from Members in respect of business to be

transacted on the agenda.

3 **RECORD OF DECISIONS** (Pages 5-15)

The decisions of the meeting of the Cabinet held on 4 July 2022 numbered CAB 15 to CAB 26 (inclusive) are attached.

ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES

To consider any issues arising from Overview and Scrutiny or other Committees not specifically detailed elsewhere on the agenda.

EXECUTIVE - KEY DECISIONS

4 **DOVER DISTRICT COUNCIL LOCAL DEVELOPMENT SCHEME** (Pages 16-32)

To consider the attached report of the Planning Policy Officer (Planning and Development).

Responsibility: Portfolio Holder for Planning and Environment

5 **ENERGY COMPANY OBLIGATION 4 (ECO4)** (Pages 33-36)

To consider the attached report of the Strategic Director (Operations and Commercial).

Responsibility: Portfolio Holder for Finance, Governance, Digital and Climate Change

EXECUTIVE - NON-KEY DECISIONS

6 **ANNUAL GOVERNANCE ASSURANCE STATEMENT 2021/22** (Pages 37-53)

To consider the attached report of the Head of Governance and HR.

Responsibility: Portfolio Holder for Finance, Governance, Digital and Climate Change

7 **APPOINTMENT OF TIDES LEISURE CENTRE PROJECT ADVISORY GROUP** (Pages 54-56)

To consider the attached report of the Head of Governance and HR.

Responsibility: Leader of the Council

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 step free access via the Council Chamber entrance and an accessible toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- In order to facilitate the broadcast of meetings there have been cameras set up in the Council Chamber that communicate with Microsoft Teams Live. This enables meetings held in the Council Chamber to be broadcast for public viewing through the Council's website. These meetings are only available for viewing live and the Council does not retain copies of the broadcast.

The meetings in which these cameras will be used include meetings of: (a) Council; (b) Cabinet; (c) General Purposes Committee; (d) Governance Committee; (e) Planning Committee; and (f) Overview and Scrutiny Committee.

- 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.
- Members of the Council may receive confidential information relating to personal data as part of an item of an exempt or confidential business on the agenda. It is each Member's responsibility to ensure that this information is handled securely and confidentially as required under data protection legislation. This information must only be retained for as long as necessary and when no longer required disposed of via a shredder or the Council's secure disposal arrangements.

For further information about how this information should be processed, please view the Council's Data Protection Policy and Appropriate Policy Document at www.dover.gov.uk/Corporate-Information/PDF/Data-Protection-Policy.pdf

- 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 Kate Batty-Smith, Democratic Services Officer, democraticservices@dover.gov.uk, telephone: (01304) 872303 or email: democraticservices@dover.gov.uk for details.

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

Record of the decisions of the meeting of the **CABINET** held at the Council Offices, Whitfield on Monday, 4 July 2022 at 11.00 am.

Present:

Chairman: Councillor T J Bartlett

Councillors: M Bates
D P Murphy
O C de R Richardson
C A Vinson

Also Present: Mr T Pinnington (The Sports Consultancy)*
Mr R Thompson (Hadron Consulting)*
Councillor S H Beer
Councillor D R Friend
Councillor K Mills

Officers: Chief Executive
Strategic Director (Operations and Commercial)
Head of Community and Digital Services
Head of Finance and Investment
Head of Governance and HR
Head of Housing
Digital Services Manager
Kent Homechoice Partnership Manager
Principal Policy and Infrastructure Planner
Technology Solutions Co-ordinator
PR and Marketing Officer
Democratic Services Officer

* Attended remotely via Teams

The formal decisions of the executive are detailed in the following schedule.

Record of Decisions: Executive Functions

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 15 4.7.22 Open Key Decisions No Call-in to apply Yes Implementation Date 12 July 2022	<u>APOLOGIES</u> It was noted that an apology for absence had been received from Councillor N S Kenton.	None.	To note any apologies for absence.	
Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 16 4.7.22 Open Key Decisions No Call-in to apply Yes Implementation Date 12 July 2022	<u>DECLARATIONS OF INTEREST</u> There were no declarations of interest.	None.	To note any declarations of interest.	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 17 4.7.22 Open Key Decisions No Call-in to apply Yes Implementation Date 12 July 2022	<u>RECORD OF DECISIONS</u> It was agreed that the decisions of the meeting held on 6 June 2022, as detailed in decision numbers CAB 1 to CAB 14, be approved as a correct record and signed by the Chairman.	None.	Cabinet is required to approve the Record of Decisions of the Cabinet meeting held on 6 June 2022.	
Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 18 4.7.22 Open Key Decisions No Call-in to apply (a) Yes (b) No Implementation Date (a) 12 July 2022 (b) 21 July 2022	<u>COMPLAINTS POLICY</u> (a) It was agreed that the Complaints Policy in respect of Executive functions be adopted. (b) It was agreed to recommend to Council that the Complaints Policy for Council functions be adopted.	None.	Since the Council's Complaints Policy was reviewed in 2007/08, its Housing Service has been outsourced and subsequently brought back in house. Guidance from the Housing Ombudsman has changed during this time, and the policy has therefore been	

			revised to reflect those changes and a general review undertaken to ensure it is fit for purpose.	
Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 19 4.7.22 Open</p> <p>Key Decisions Yes</p> <p>Call-in to apply Yes</p> <p>Implementation Date 12 July 2022</p>	<p><u>DRAFT INDOOR SPORTS FACILITY STRATEGY</u></p> <p>It was agreed that the draft Indoor Sports Facility Strategy dated July 2022 and attached at Appendix 1 of the report be approved for consultation.</p>	None.	<p>The Council's Indoor Sports Facility Strategy was last reviewed in 2016 and is now out-of-date. The draft Strategy looks at current and future supply and demand for nine types of indoor sports facilities across the district, and will guide future decisions around rationalisation, investment and strategic objectives, etc. The final document will also become a supporting document to the Local Plan 2040</p>	

			<p>which is under preparation.</p> <p>The draft Strategy will be subject to a public consultation period of 11 weeks before the final document is approved by Cabinet.</p>	
Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 20 4.7.22 Open</p> <p>Key Decisions Yes</p> <p>Call-in to apply Yes</p> <p>Implementation Date 12 July 2022</p>	<p><u>TIDES LEISURE CENTRE</u></p> <p>It was agreed:</p> <p>(a) That, following consideration of the options set out in the report regarding future provision of indoor leisure facilities in Deal, agreement to further develop a project to construct a new build wetside and health & fitness centre (retaining the sports hall and tennis centre) on the existing site at Tides Leisure Centre, in taking forward the recommended Preferred New Build Option, as detailed in paragraph 3.8, Table 1 of the report, into RIBA Stage 2, be confirmed.</p> <p>(b) That the proposed Sustainability Strategy and potential options to be developed further in future stages of work which will aim to reduce carbon emissions in the new build as far as pragmatically and financially possible, subject to a business case, be noted, and options be investigated for decarbonising the existing indoor tennis centre and sports hall facilities.</p>	<p>None.</p>	<p>At its meeting held on 3 February 2020, Cabinet agreed that a project to construct a new build wetside and health & fitness facility at Tides Leisure Centre be taken forward (CAB 130). After a hiatus due to the Covid-19 pandemic, consultants were appointed in October 2021 to update an options and feasibility study that had previously</p>	

	<p>(c) That the allocation of £600,000 from the Tides Replacement capital project to support the next stage of the project be approved.</p> <p>(d) That the appointment of BAM Construction Limited as the main contractor via a direct award through the Procure Partnerships Framework under a two-stage tender process be approved, and the Strategic Director (Operations and Commercial) be authorised to undertake all necessary further procurement activities pursuant to the award.</p> <p>(e) That the Working Project Budget of £24.88 million, including the estimated project/build cost, risk allocation and internal Dover District Council costs, be noted.</p>		<p>been considered by Cabinet before the pandemic.</p> <p>Cabinet is requested, amongst other things, to confirm its agreement that a project to construct a new build facility at Tides, details of which are set out at paragraph 3.8 of the report, be taken forward to RIBA (Royal Institute of British Architects) Stage 2, and BAM Construction Limited be appointed as the main contractor.</p>	
Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 21 4.7.22 Open</p> <p>Key Decisions No</p>	<p><u>HOMELESSNESS PROJECT ADVISORY GROUP: REVISED TERMS OF REFERENCE</u></p> <p>It was agreed:</p> <p>(a) That the contents of the report be noted.</p>	<p>None.</p>	<p>The Homelessness Project Advisory Group (PAG) was established in 2017 to review performance and consider</p>	

<p>Call-in to apply Yes</p> <p>Implementation Date 12 July 2022</p>	<p>(b) That the revised Terms of Reference for the Homelessness Project Advisory Group, as set out at Appendix 1 of the report, be approved.</p>		<p>opportunities for service improvement relating to homelessness.</p> <p>The PAG's terms of reference have not changed since then. The number of homeless cases is now rising and the situation is volatile following a period of stability during the Covid-19 pandemic. It is therefore proposed that the PAG should reconvene with updated terms of reference that focus on performance, good practice and the management of the Council's interim accommodation, etc.</p>	
<p>Decision Status</p>	<p>Record of Decision</p>	<p>Alternative options considered and rejected (if any)</p>	<p>Reasons for Decision</p>	<p>Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)</p>
<p>CAB 22 4.7.22</p>	<p><u>EXCLUSION OF THE PRESS AND PUBLIC</u></p>	<p>None.</p>		

<p>Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> <p>Implementation Date Immediate</p>	<p>That, in accordance with the provisions of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the press and the public be excluded during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Local Government Act 1972.</p>			
<p>Decision Status</p>	<p>Record of Decision</p>	<p>Alternative options considered and rejected (if any)</p>	<p>Reasons for Decision</p>	<p>Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)</p>
<p>CAB 23 4.7.22 Exempt</p> <p>Key Decisions Yes</p> <p>Call-in to apply Yes</p> <p>Implementation Date 12 July 2022</p>	<p><u>AWARD OF FOUR-YEAR CONTRACT FOR PROVISION OF KENT HOMECHOICE HOUSING OPTIONS SYSTEM</u></p> <p>It was agreed:</p> <p>(a) That the award of a four-year contract (with provision to extend for a further two years in yearly increments) to Huume Ltd for the provision of the Kent Homechoice Housing Options System be approved.</p> <p>(b) That the Strategic Director (Operations and Commercial) be authorised, in consultation with the Portfolio Holder for Social Housing, Port Health, Skills and Education, to make future minor amendments to the contract as required.</p>	<p>None.</p>	<p>Kent Homechoice is a partnership of 13 local authorities, 28 housing associations and Kent County Council and was established to provide a Kent-wide, choice-based lettings system.</p> <p>Cabinet is requested to approve the award of a four-year contract for the provision of the back-office/software system that</p>	

			<p>supports the operation of the Kent Homechoice system.</p> <p>A competitive tender exercise was undertaken and three compliant bids were received.</p>	
Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 24 4.7.22 Exempt</p> <p>Key Decisions Yes</p> <p>Call-in to apply Yes</p> <p>Implementation Date 12 July 2022</p>	<p><u>AWARD OF THREE-YEAR CONTRACT FOR MS365 LICENCES</u></p> <p>It was agreed that the award of a three-year contract to Boxxe for Microsoft 365 Licences be approved.</p>	None.	<p>The current contract for Microsoft 365 licences will expire on 30 September 2022.</p> <p>A competitive tender exercise was undertaken and four bids were received.</p>	
Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 25 4.7.22 Exempt</p>	<p><u>DEVELOPMENT OF NEW AFFORDABLE HOUSING ON A SITE AT MILITARY ROAD, DOVER</u></p>	None.	In September 2020 Cabinet agreed that there should	

<p>Key Decisions Yes</p> <p>Call-in to apply Yes</p> <p>Implementation Date 12 July 2022</p>	<p>It was agreed:</p> <p>(a) That a project to develop eight affordable homes on Council-owned land at Military Road, Dover be approved.</p> <p>(b) That the Strategic Director (Corporate Resources) be authorised, in consultation with the Portfolio Holder for Social Housing, Port Health, Skills and Education, to take the necessary decisions and actions to progress the project and construct the properties including (but not limited to) appointing any necessary professional advisers and procuring and letting the construction contract.</p>		<p>be an increased programme of affordable housing development/ delivery undertaken by the Council (CAB 4).</p> <p>Feasibility studies have been completed on a number of Council-owned sites and the one at Military Road is deemed suitable for the development of eight affordable homes.</p>	
<p>Decision Status</p>	<p>Record of Decision</p>	<p>Alternative options considered and rejected (if any)</p>	<p>Reasons for Decision</p>	<p>Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)</p>
<p>CAB 26 4.7.22 Exempt</p> <p>Key Decisions Yes</p> <p>Call-in to apply Yes</p> <p>Implementation Date</p>	<p><u>PURCHASE OF NEW AFFORDABLE HOUSING AT A SITE ON MONGEHAM ROAD, GREAT MONGEHAM</u></p> <p>It was agreed:</p> <p>(a) That a project to acquire the freehold of ten affordable homes, to be developed on land at Mongeham Road, Great Mongeham, and the subsequent sale of shares in three of the properties designated as Shared Ownership homes, be approved.</p> <p>(b) That the Strategic Director (Corporate Resources) be authorised, in consultation with the Portfolio Holder for Social Housing, Port</p>	<p>None.</p>	<p>In September 2020 Cabinet agreed that there should be an increased programme of affordable housing development/ delivery undertaken by the Council (CAB 4).</p> <p>The Council has</p>	

12 July 2022	Health, Skills and Education, to take the necessary decisions and actions to progress the project and purchase the properties including (but not limited to) agreeing the purchase price, approving the sale purchase agreements, and appointing any necessary professional advisers.		been approached by a developer in connection with the acquisition of ten units of affordable housing at a site at Mongeham Road. The number of units is too small to be of interest to registered providers of social housing and the Council will therefore take the opportunity to acquire the homes to help meet a local need.	
--------------	---	--	---	--

The meeting ended at 11.46 am.

Subject: DOVER DISTRICT COUNCIL LOCAL DEVELOPMENT SCHEME

Meeting and Date: Cabinet – 5 September 2022

Report of: Alex Newson, Planning Policy Officer (Planning and Development)

Portfolio Holder: Councillor Nicholas Kenton, Portfolio Holder for Planning and Environment

Decision Type: Key Decision

Classification: Unrestricted

Purpose of the report: To seek approval to:

1. Bring the revised Local Development Scheme (LDS) dated September 2022 into effect.
 2. Use £50,000 from the Regeneration Reserve to cover additional costs needed to deliver the Local Plan.
-

Recommendation: Cabinet agrees:

1. That the revised LDS attached at Appendix 1 is brought into immediate effect; and
 2. £50,000 be taken from the Regeneration Reserve to cover additional costs needed to deliver the Local Plan.
-

1. Summary

1.1 The Planning and Compulsory Purchase Act 2004 (as amended) places a statutory duty on the Council to maintain an up-to-date Local Development Scheme (LDS). The revised LDS attached to this report (Appendix 1) would fulfil this requirement as it sets out the timetable for the production of the Council's Local Plan. Owing to the fact that it is a legal requirement, it is important that the LDS is kept up-to-date to reflect the Council's progress and keep residents and key stakeholders informed.

1.2 Accordingly, failing to keep its LDS up-to-date could result in the Council's Local Plan failing at examination due to the requirement in National Planning Policy Framework (NPPF) paragraph 35 to produce a legally compliant Plan.

1.3 This LDS supersedes the Council's previous LDS that was published in November 2021. It has been updated to take into account changes to the preparation, consultation and adoption of:

- District Local Plan; and
- Conservation Area Character Appraisals

2. Introduction and Background

2.1 The LDS is a project plan that sets out the timetable for the production of new or revised Development Plan Documents that will form the Council's Local Plan. The LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS must specify (among other matters) the documents that, when prepared, will comprise the Local Plan for the

area. It must be made publicly available on the Council's website and be kept up-to-date to enable local communities and interested parties to keep track of progress. The LDS is reviewed annually through the Council's Authority Monitoring Report.

- 2.2 It is important that the local community, businesses and others with an interest in the future planning of the District are aware of the planning documents that the Council intends to produce and the timescale for their preparation, consultation and adoption.
- 2.3 Although consultations on the District Local Plan will continue to be advertised and interested parties notified in accordance with the Council's adopted Statement of Community Involvement and the District Local Plan Engagement Strategy, the LDS provides information about when consultations are likely to happen.
- 2.4 The LDS is also a useful tool for establishing and reflecting the Council's priorities and enables work programmes to be set for the preparation of planning documents. It also provides a context for the review of planning documents once they have been prepared.
- 2.5 The key updates in this LDS are set out below:

District Local Plan

- 2.6 The proposed timetable for the District Local Plan has been adjusted to account for two strategic delays to its production which occurred since the publication of the previous LDS dated November 2021. Namely:
 - The impacts of Natural England's (NE) advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites. For development in Dover this affects proposals which connect to Dambridge Waste Water Treatment Works in Wingham, which had the potential to impact upon the Stodmarsh protected site in Canterbury District. NE have since accepted Dover District Council's (DDC) evidence that the hydrological connection from Dambridge to Stodmarsh is only in effect some of the time, and DDC is carrying out further modelling to assess the nutrient loading of development proposed by the Plan up to 2040, as well as looking at mitigation requirements. The outputs of this work will inform DDC's approach to mitigating the nutrient impacts of development, and sufficient progress has been made to allow work to continue on the District Local Plan.
 - The need for further time to agree an approach with National Highways (NH) and Kent County Council (KCC) to mitigate the development proposed at Whitfield on the Whitfield and Duke of York roundabouts. An approach has now been agreed between the parties which can mitigate the growth and enables work on the District Local Plan to continue.
- 2.7 The timetable for the Local Plan now identifies that:
 - Consultation on the Regulation 18 draft Local Plan was completed in 2021;
 - Publication required by Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012, to take place in October 2022 and will last 7 weeks;
 - Submission of the Local Plan to the Planning Inspectorate in quarter 1-2 of 2023;
 - Examination in Public of the Local Plan in quarter 3-4 of 2023; and,
 - Adoption of the Local Plan in 2024.
- 2.8 Every effort will be made to progress the Local Plan, however the timetable for the examination of the Plan is in the control of the Planning Inspectorate (PINS) and therefore the exact schedule and dates for the examination cannot be known at this stage. The Plan examination officially runs for around six months from the time the Plan is submitted to PINS, with the examination hearings likely to take around eight

weeks during this time. PINS guidance advises that their Inspectors may split the hearing sessions into two or more blocks: the first dealing with legal compliance and strategic policies (and any strategic sites) and subsequent one(s) dealing with non-strategic site allocations, development management policies and other matters.

Conservation Area Character Appraisals (CACA)

- 2.9 There are presently seven CACAs approved within the District. The St Margaret's Bay CACA has been completed to draft stage in collaboration with the St Margaret's Bay Conservation Association, and is planned for adoption early in 2023. Work has also recommenced on the Dover Town Centre and Upper Walmer CACAs, both of which are at first draft stage.
- 2.10 However, CACAs have been removed from the LDS and it is the intention of the Council to produce a separate timetable for bringing them forward.

Neighbourhood Development Plans

- 2.11 The Localism Act 2011 enables local communities to produce Neighbourhood Plans to support development in their area. If the Plans are 'made' by the Council they then have the same weight as other Development Plan documents for the District.
- 2.12 Neighbourhood Development Plans are produced by local communities with advice and assistance from the Council. There are two 'made' Plans within the District, Worth (2015) and Ash (2021). There are 5 other designated neighbourhood areas at early stages of producing Plans.
- 2.13 The Council is not responsible for the production of Neighbourhood Plans and therefore no timetable can be included in the LDS for them. However, the Local Plan Team explores with Town and Parish Councils that have a designated Neighbourhood Area, if there are any issues holding back progression of their Plans and to offer assistance where appropriate.

Duty to Co-operate

- 2.14 The Duty to Co-operate was introduced in the Localism Act 2011 and is contained in the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities and county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.
- 2.15 The Duty to Co-operate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.
- 2.16 Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plan. If a local planning authority cannot demonstrate that it has complied with the duty, then a Local Plan will not be able to proceed further in examination.
- 2.17 The various meetings that have taken place in connection with the Duty to Co-operate are recorded annually in the Council's AMR. The Council has also entered into Statements of Common Ground with duty to co-operate bodies where this has been necessary to demonstrate compliance with the duty to co-operate.

3. Identification of Options

- 3.1 Cabinet approves the revised Local Development Scheme September 2022 and associated budget requirement. This is the recommended option.

3.2 Cabinet does not approve the revised Local Development Scheme September 2022. This option is not recommended.

4. Evaluation of Options

4.1 It is a legal requirement that local planning authorities prepare and maintain a Local Development Scheme (LDS) to update residents and key stakeholders of their progress in producing development plan documents and to inform them of when they will be consulted as part of the Plan making process.

4.2 The LDS September 2022 (Appendix 1) has been prepared to meet the Council's obligation to maintain its LDS. It is considered necessary to update the LDS now due to the Local Plan progressing towards the Regulation 19 submission draft Local Plan consultation. It is essential that local communities should be able to keep track of this progress. The preferred option is for Cabinet to approve the revised LDS, and in doing so this ensures that the LDS is up to date and accurately reflects the work priorities of the Council and is in accordance with Planning Regulations.

5. Resource Implications

5.1 Agreeing the LDS September 2022 will require a copy of the document to be published on the Council's website and this can be carried out within the existing Local Plan team's resourcing.

5.2 The cost of preparing the Local Plan, the associated evidence base and a proportion of staffing costs has been included in the Special Projects programme. This includes two projects the Local Plan Review and the Dover District Transportation Study.

5.3 The following table sets out a summary of the budget position and identifies the need for further funding to cover additional costs that have been incurred due to the delay in the Plan's production, for which £50k will need to be drawn down from the regeneration reserve, in addition to that agreed in November 2021.

5.4 The current expected total cost to the Council for the Local Plan project is £932k. The existing and proposed budget requirements are detailed below:

	Local Plan Review £000	Dover District Transportation Study £000	Total £000
Approved budget	285	287	572
Whitfield Roundabout Study	0	40	40
External Funding	0	(100)	(100)
Total DDC Contribution	285	227	512
November 2021 additional approved budget	320	50	370
Further additional budget required	50	0	50
Total Forecast Spend (after external funding)	655	277	932

5.5 The Regeneration reserve has been generated from variety of sources including New Homes Bonus funding, retained planning income and annual contributions to smooth

the impact of the one-off costs of the Local Plan examination and for potential planning appeal costs. The reserve has sufficient funding to support the additional budget requirement for the current process. The on-going annual contributions will be reviewed as part of the 2022/23 budget setting process to assess the appropriate level to support future requirements.

6. Climate Change and Environmental Implications

6.1 As this report is only seeking agreement for the revised LDS timetable, there are no specific Climate Change and Environmental implications.

7. Corporate Implications

7.1 Comment from Finance (linked to the MTFP): Accountancy have been consulted and have no further comment (MR).

7.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

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

8. Appendices

Appendix 1 – Local Development Scheme, September 2022

9. Background Papers

Relevant background material which has informed this report is identified in the table below:

Background Paper:	Link to Document:
Dover District Corporate Plan 2020-2024	Dover District Corporate Plan 2020-2024
Regulation 18 Consultation on the Draft Dover District Local Plan (2021)	Regulation 18 Consultation on the Draft Dover District Local Plan
Statement of Community Involvement (2019)	Statement of Community Involvement (2019)
Authority Monitoring Report 2020-21	Authority Monitoring Report 2020-21
Local Development Scheme (November 2021)	Local Development Scheme (November 2021)

Contact Officer: Alex Newson, Planning Policy Officer, 42772.



Dover District
**Local Development
Scheme**
September 2022



Dover District **Local Plan**
Supporting document



Local Development Scheme 2022

Introduction.....	2
Local Policy Documents and Guidance.....	3
Development Planning Documents Under Preparation.....	5

Appendices

A Timetable for the Preparation of Future Planning Documents.....	9
---	---

Introduction

What is the Local Development Scheme?

1.1 Dover District Council is required to prepare and maintain a Local Development Scheme (LDS) in accordance with the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

The scheme must specify:

- The local development documents which are to be development plan documents;
- The subject matter and geographical area to which each development plan document is to relate;
- Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
- Any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under section 29;
- The timetable for the preparation and revision of the development plan documents

Planning and Compulsory Purchase Act 2004 (Section 15)

1.2 The LDS is a project plan that sets out the timetable for the production of new or revised Development Plan Documents which will form the Council's Local Development Plan. This LDS supersedes the November 2021 LDS. It will be reviewed annually through the Authority Monitoring Report which can be found here: [Authority Monitoring Report](#)

Why do we need a Local Development Scheme?

1.3 It is important that the local community, businesses and others with an interest in the future planning of the District are aware of the planning documents that we intend to produce and the timescale for their preparation, consultation and adoption.

1.4 Although consultations on the District Local Plan will continue to be advertised and interested parties notified in accordance with the Council's Statement of Community Involvement and the Local Plan Engagement Strategy, the LDS provides information about when consultations are likely to happen. The Statement of Community Involvement can be found here: [Statement of Community Involvement](#)

1.5 The LDS is also a useful tool for establishing and reflecting the Council's priorities and enables work programmes to be set for the preparation of planning documents. It also provides a context for the review of planning documents once they have been prepared.

What is the Development Plan?

1.6 Local Planning Authorities are required to produce a Development Plan for their area. The Development Plan currently consists of:

- Dover District Core Strategy (2010);
- Dover District Land Allocations Local Plan (2015);
- Dover District Local Plan 2002 (saved policies);
- Worth Neighbourhood Development Plan (2015);
- Ash Neighbourhood Development Plan (2021); and,
- Kent Minerals and Waste Local Plan (2016) and partial early review (2020),

1.7 The National Planning Policy Framework (NPPF) emphasises the need to involve all sections of the community in Plan-making. The Council also has a legal duty to consult residents and businesses when appropriate. Many individuals and organisations contribute to the preparation of planning documents. These are set out in the Council's Statement of Community Involvement (SCI) which explains how to become involved in decisions about plan-making and planning applications.

Local Policy Documents and Guidance

Existing Position

Statement of Community Involvement

2.1 The Statement of Community Involvement (SCI) sets out how, when and where the Council will consult with local and statutory stakeholders both during production of development plan documents, and within the development management function. The Council is required by law to produce a SCI and, once adopted, provisions that relate to plan-making become binding. The Statement of Community Involvement can be found here: [Statement of Community Involvement](#)

Core Strategy

2.2 The Core Strategy is the principal document in the Local Plan. It was adopted in February 2010 and contains the Council's vision and spatial strategy for the future development of the District for the period up to 2026. The Core Strategy allocates four strategic sites for housing and mixed use development, which are central to the success of the Plan. It also contains a separate section on Development Management Policies, which replaced some of the 'saved' Local Plan policies. These policies form part of the Development Plan and are used in the decision making process and would be reviewed and, where appropriate, replaced as part of the Local Plan review.

Saved Dover District Local Plan Policies 2002

2.3 The Dover District Local Plan was adopted in 2002 and covered the period to 2006. In September 2007 the Secretary of State confirmed that a number of the existing Local Plan policies could be 'saved' until they are subsequently superseded by new or revised policies. All of 'saved' 2002 Local Plan policies would be reviewed and replaced as part of the Local Plan review.

Land Allocations Local Plan

2.4 The Land Allocations Local Plan (LALP) was adopted by the Council in January 2015. Its primary purpose is to allocate land for development and to set out any issues or criteria that subsequent planning applications will need to address. In setting out what type of development is promoted where, the Plan provides local communities, landowners, developers and infrastructure providers a large degree of certainty about the future pattern of development in the District. Specific development proposals for the sites identified in the Plan will, however, need to gain planning permission before development can take place. Policies in the LALP would be reviewed and replaced as part of Local Plan review.

Neighbourhood Development Plans

2.5 Regulations introduced by the Government in 2012 concerning neighbourhood planning make provision for Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build.

Worth

2.6 Worth Parish Council was the first Parish in the District to produce a Neighbourhood Plan and to go successfully through the referendum process. The Worth Neighbourhood Plan was made part of the Council's Development Plan for Worth on the 28th January 2015. Policies in the Worth NP would be reviewed and where appropriate, replaced as part of Local Plan review as Worth Parish Council are not updating their Neighbourhood Plan.

Ash

2.7 The Ash Neighbourhood Plan received a successful referendum in July 2021. Subsequently, the Ash Neighbourhood Plan was made part of the Council's Development Plan for Ash Parish on the 15th September 2021.

The Kent Minerals and Waste Local Plan

2.8 The Kent Minerals and Waste Local Plan (KMWLP) sets out the vision and strategy for mineral provision and waste management in Kent to the year 2030. It contains a number of minerals and waste development management policies for evaluating planning applications and considers strategic site provisions. The KMWLP was adopted by the County Council in July 2016. An early partial review of the KMWLP was undertaken in 2019 to amend several of the policies relating to waste management. After independent examination and consultation on the modifications, the early partial review was adopted in April 2020.

Authority Monitoring Report

2.9 The Council publishes the Authority Monitoring Report (AMR) around the end of each year. The report monitors the effectiveness of planning policies and proposals, and records progress with meeting the milestones identified in the LDS. Further information on the AMR is available here: [Authority Monitoring Report](#)

Local Plan Evidence Base

2.10 A robust evidence base was prepared to support the planning policies in the Core Strategy and Land Allocations Local Plan. This is published in the form of background documents. Further information on the Council's evidence base is available here: [Evidence Base](#)

2.11 The evidence base to support the Local Plan review was published as part of the Regulation 18 consultation on the Local Plan. This evidence base will be updated as part of preparing the Regulation 19 submission version of the Local Plan. Further information on the Local Plan evidence base is available here: [Regulation 18 Evidence base](#)

The Policies Map

2.12 The Council has a Policies Map that shows the adopted Development Plan spatial policies. The Map is updated when new Development Plan Documents containing spatial policies are adopted or in the case of Neighbourhood Development Plans made by the Council.

Supplementary Planning Documents

2.13 Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPGs) should be prepared only where necessary and in line with the National Planning Policy Framework. They should build upon and provide more detailed advice or guidance on the policies in the Local Plan. They should not add unnecessarily to the financial burdens on development. Regulations 11 to 16 of the Town and Country

Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents. In exceptional circumstances a Strategic Environmental Assessment may be required when producing a Supplementary Planning Document.

2.14 The Council has prepared a number of SPDs and SPGs and these are available here: [Planning Guidance](#)

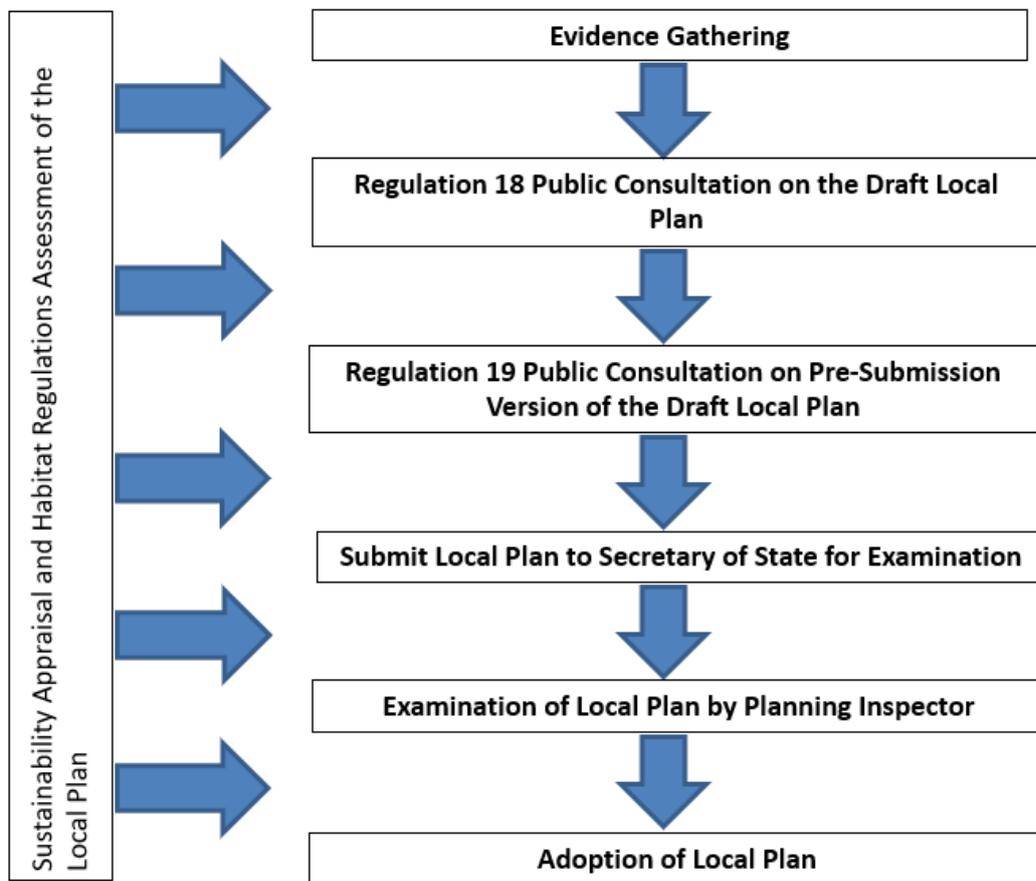
Development Planning Documents Under Preparation

District Local Plan Review

3.1 The policies in the Adopted Core Strategy (CS) predate and in some case are not compliant with the NPPF/PPG as they were prepared when the Regional Spatial Strategy (RSS) was in place. At the time of preparing the CS the Council made a specific policy decision to not repeat policies in the RSS or the Government's Planning Policy Guidance which were in force at the time. This means that as part of a District Local Plan Review it will be important to carefully consider whether there is a need for any locally distinct policies. A comprehensive review will need to be undertaken on all of the policies in the CS/LALP along with the 'saved' 2002 Local Plan policies in order to update and amalgamate them into one set of policies that is compliant with current Government policy and practice.

3.2 The Local Plan Review would have the added advantage that all of the Development Management Policies could be consolidated into one single Local Plan which would make it easier for Council Members, the general public, developers and Town and Parish Councils to understand the planning policy framework that operates in the District.

Figure 3.1



3.3 The timetable for the production and consultation on the District Local Plan Review is set out in Appendix A

Pre-Publication Stage (Regulation 18)

3.4 This Initial stage involves extensive evidence gathering, engaging with the local community, businesses and stakeholders on emerging issues and options, consulting with statutory environmental consultees on the scope of the sustainability appraisal, and infrastructure providers with regards to the development options.

Publication of Submission Draft local Plan (Regulation 19)

3.5 There would be public consultation on the Submission version of a Local Plan and would take place at the next stage of the Local Plan making process (Regulation 19) prior to the submission of the Local Plan to the Secretary of State for an independent Examination.

Submission and Examination of the Local Plan (Regulation 22)

3.6 Following Regulation 19 stage, the next stage for the council is to formally submit the draft Local Plan and evidence base to the Planning Inspectorate for examination on behalf of the Secretary of State. An independent Planning Inspector will assess the Plan against the tests of soundness contained in the NPPF, taking account of any representations (comments) received.

Adoption

3.7 If the Plan is found to be 'Sound', the Council can adopt the Plan as soon as practicable following receipt of the Inspector's report, unless the Secretary of State intervenes. Once adopted the Local Plan will form the main part of the statutory development plan for the District.

Evidence Base

3.8 In order to withstand close scrutiny at an Examination, the Local Plan Review needs to be based on proportionate and up-to-date relevant evidence about the economic, social and environmental characteristics and prospects of the District. The Evidence Base can be found here: [Evidence Base](#)

Sustainability Appraisal and Habitat Regulations Assessment

3.9 A Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) is a legal requirement for certain plans and proposals including the District Local Plan and Neighbourhood Plans. This ensures that social, economic and environmental considerations are taken fully into account at every stage of the process for preparing Development Plan Documents. Alongside the SA, a Habitat Regulations Assessment (HRA) considers the potential effects of a Plan on the protected wildlife habitats in the Natura 2000 network, Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar areas.

3.10 The timetable for the production and consultation of the SA and HRA is set out in Appendix A. The Sustainability Appraisal of Draft Local Plan Reg 18 is available here: [Draft Local Plan Reg 18 Sustainability Appraisal](#)

Local Development Documents

3.11 The Dover District Heritage Strategy (reviewed and updated September 2020) acknowledges that most of the districts conservation areas do not have an approved character appraisal, and it recommends that the Council should encourage local community groups to carry out such appraisals in conjunction with the Council.

3.12 A Conservation Area Character Appraisal (CACA) should consider what features make a positive or negative contribution to the significance of the conservation area, thereby identifying opportunities for beneficial change, or the need for further planning control. This information will be helpful to those considering investment in an area, and can be used to guide and inform new development. Character appraisals also have a wider application as educational and informative documents for the local community. There is a requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990, for local planning authorities to review their conservation areas and to formulate and publish proposals for their preservation and enhancement. A CACA considers what features contribute to the historic and architectural character and appearance of the conservation area, and helps to identify opportunities for beneficial change or the need for further planning control, for example through the use of Article 4 directions.

3.13 There are presently seven CACAs approved within the District. The St Margaret's Bay CACA has been completed to draft stage in collaboration with the St Margaret's Bay Conservation Association, and is planned for adoption early in 2023. Work has also recommenced on the Dover Town Centre and Upper Walmer CACAs, both of which are at first draft stage.

3.14 CACAs have been removed from the LDS diagram provided in Chapter 4, but the Council is working on a separate timetable for bringing them forward.

Neighbourhood Development Plans

3.15 The Localism Act 2011 enables local communities to produce Neighbourhood Plans to support development in their area. If the Plans are 'made' by the Council then they have the same weight as other Development Plan documents for the District.

3.16 The first stage in producing a Neighbourhood Plan is to designate a Neighbourhood Area. Whilst seven areas have been designated, only two have become 'made' parts of the Council's Development Plan and only two (Dover Town and Langdon) are currently progressing with work on their Neighbourhood Plans.

3.17 Whilst the Council is not responsible for the production of Neighbourhood Plans and therefore no timetable can be included in the LDS for them, officers need to explore with the Town/Parish Councils that have a designated Neighbourhood Area if there are any issues holding back the progression of their Neighbourhood Plans and offer assistance where appropriate.

3.18 The Council will monitor the progress of Neighbourhood Plans in the District through the AMR. The SCI sets out how the Council will help neighbourhood plan-making bodies.

Monitoring

3.19 The Council will continue to review the effectiveness of its planning policies and evidence base annually through the AMR.

Duty to Co-operate

3.20 The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.

3.21 The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.

3.22 Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

3.23 Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters.

3.24 The various meetings that have taken place in connection with the duty to cooperate are recorded annually in the Council's AMR which is available on the DDC website here: [Authority Monitoring Report](#).

A Timetable for the Preparation of Future Planning Documents

Figure A.1



- Consultation on the Regulation 18 draft Local Plan was completed in 2021;
- Publication required by Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012, to take place in October 2022 and will last 7 weeks;
- Submission of the Local Plan to the Planning Inspectorate in quarter 1 - 2 of 2023;
- Examination in Public of the Local Plan in quarter 3 - 4 of 2023; and,
- Adoption of the Local Plan in 2024.

Subject:	ENERGY COMPANY OBLIGATION 4 (ECO4)
Meeting and Date:	Cabinet – 5 September 2022
Report of:	Roger Walton, Strategic Director (Operations and Commercial)
Portfolio Holder:	Councillor Chris Vinson, Portfolio Holder for Finance, Governance, Digital and Climate Change
Decision Type:	Executive Key Decision
Classification:	Unrestricted

Purpose of the report: To seek agreement to a direct call-off from the FUSION 21 framework enabling Council Officers to continue to refer low income, vulnerable, fuel-poor households to a contractor that holds energy suppliers' ECO funding for energy efficiency/heating measures.

Recommendation: To appoint a contractor through the FUSION 21 framework to ensure that residents can be referred for energy efficiency measures that will cut energy requirements and improve comfort levels in their homes.

1. Summary

Energy companies are obliged to provide funding (the Energy Company Obligation or ECO) to be used to improve insulation and energy performance for low income, vulnerable and fuel poor households living in the least energy efficient homes. Companies on the FUSION 21 procurement framework have access to/ hold such funding. The Council's role is to identify suitable families (through means testing and other eligibility criteria set out in Ofgem guidance) living in the lowest Energy Performance Certificate (EPC) rated homes (D, E, F, G) and direct them to the approved companies so that the improvement works can be provided, fully funded, for their homes. The cost to DDC is for an additional 1.0 FTE to manage the scheme.

2. Introduction and Background

The Energy Company Obligation has been one of the key domestic energy efficiency policies since 2013 and is not dependent on bid applications. It is a requirement for the largest energy suppliers to help households reduce the costs of their home heating by installing energy-saving measures. The focus of the scheme is on low income, vulnerable and fuel poor households.

Energy Suppliers decide the level of funding and which installers they work with. Therefore, not all insulation/heating contractors have access to ECO funding.

- 2.1 ECO4 is a 4-year funding stream that passed into law on 19 July 2022 and is worth £4 billion over the lifetime of the scheme.
- 2.2 ECO4 will be a valuable long-term source of funding to help improve the energy performance of thermally inefficient owner occupied and private rented properties (landlord contribution and permission required).
- 2.3 Since ECO launched in 2013 the Council has used the Kent & Medway Sustainable Energy Partnership (formerly Kent & Medway Green Deal Partnership) framework developed by KCC as the procurement route for a contractor. The framework ended in December 2021, leaving only those households already 'in the process' able to receive ECO measures.

- 2.4 There has been a gap between ECO3 ending Spring 2022, and ECO4 passing into law. The Council has been able to continue referring residents for energy efficiency measures as a partner of the Local Authority Delivery scheme (LADS) led by Dartford Borough Council. However, the Local Authority Delivery 1b and 2 schemes are due to end in August 2022 and September 2022 respectively.
- 2.5 Promotion and targeting activity by the contractor delivering LADS, together with concerns over rising energy prices has resulted in demand outstripping funding limits and timescales resulting in a waiting list of suitable properties and qualifying households.
- 2.6 Direct award through the FUSION 21 framework would enable continual seamless delivery to households already in the pipeline and certainty that households in the district will be able to access funding for energy efficiency measures in the foreseeable future.

3. Identification of Options

- 3.1 Option 1: DDC use the FUSION 21 framework to direct award an ECO4 contract to enable continual provision of energy efficiency measures to the worst performing properties in the district and residents deemed to be in fuel poverty, or with a vulnerability (age/ poor health) to living in a cold home. It would result in a seamless customer journey for those district households already identified and the ability for new and future households to be signposted to a contractor who has proven delivery capacity and has a funding commitment from large energy contractors
- 3.2 Option 2: not supporting the above option could involve lengthy procurement processes with the knock-on effect of delays to accessing much needed funding to retrofit the worst energy efficiency properties in the district, and much needed funding to help reduce energy costs for residents deemed to be fuel poor, or on a low income with a vulnerability to living in a cold home. The forthcoming energy price cap rise will add pressure to these residents' already stretched finances.

4. Evaluation of Options

- 4.1 Option 1 This is the preferred option as it enables seamless delivery from a customer's point of view and ensures that existing funding streams can be blended to ensure the maximum number of measures can be installed in the property at the same time. It also gives contractor confidence that the Council considers retrofitting housing in the district and assisting fuel poor households to achieve affordable warmth important. This in turn supports a supply chain that has been severely reduced due to the stop start nature funding schemes over many years and could encourage much needed investment in skills/employment in this area.
- 4.2 Option 2. Is not recommended as this would add delays in accessing funding. It would also risk district residents not being able to access funding already committed. It would add difficulty to already complex delivery mechanisms, possibly resulting in measures funded through different streams being carried out by different contractors (especially for those households already being processed) in the same household which would not be resource or cost effective and be very disruptive for the household It could also mean the district misses an opportunity to use its influence to cut carbon emissions from the worst performing homes (owner occupied and a limited number of privately rented properties) - approximately one third of district emissions are from the domestic sector.

5. Resource Implications

- 5.1 There will be an additional administrative resource as the Council is required to obtain and retain evidence of low income/ health vulnerabilities and there are additional

reporting requirements to the scheme regulator, the Office of Gas and Electricity Markets (OFGEM) It is difficult at this stage to be precise about the level of resource required as that depends to a large degree on the uptake rate from the public but there is about one and half hour's worth of administrative work per transaction and anticipated levels of activity are 5 transactions per day. That equates to approximately 1.0 FTE. The resource required cannot be met from within the current climate change team. Given the uncertainty about activity levels and the increasing pressures on revenue budgets it is proposed that initially a suitably skilled member of staff is temporarily seconded to the Climate Change team or an alternative resource found, at the discretion of the Head of Paid service, The role of the Council essentially is one of collating information, much of which is already held by the Council, assessing eligibility requirements and communicating this information to the relevant parties. Within the secondment period one stream of work will be identify actions to streamline and automate the process with a view to minimising the level of human resource required, whilst not adversely affecting the customer experience.

6. **Climate Change and Environmental Implications**

Improving the thermal efficiency of fuel poor homes in our district helps the resident to heat their homes at a lower cost, reduces the health inequalities and impacts of living in a cold/ damp home and reduces the carbon emissions as heating requirement from fossil fuels is reduced. ECO4 is part of an ongoing government scheme to support low-income households and to create more energy efficient homes. Therefore, maximising the opportunity this funding brings will have positive human, economic and environmental benefits. The Council has a Statutory Duty under HECA 1995 Act to report on action taken to reduce fuel poverty, the Energy and Low Emission Strategy (supported by the Council) includes the need for action to reduce fuel poverty and this funding reflects commitment in the Council's own Climate Change Strategy and Corporate Plan to support the district to become carbon neutral by 2050.

7. **Corporate Implications**

- 7.1 Comment from the Director of Finance (linked to the MTFP): Inflation and other finance pressures indicate an expected General Fund revenue budget deficit for 2022/23 of £800k+. The MTFP previously forecast a deficit of £900k for 2023/24, so that may now be in the region of £1.7m.
- 7.2 Members are therefore reminded that the proposal to dedicate 1.0 FTE to this initiative takes place against an overall requirement to make significant savings. (MD)
- 7.3 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 7.4 Comment from the Equalities Officer: 'The preferred option could potentially have a positive impact on those with relevant protected characteristics. In discharging their duties, Members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>' KM(4/8/22)
- 7.5 Other Officers (as appropriate):

8. **Appendices**

None.

9. **Background Papers**

[Draft Energy Company Obligation \(ECO4\) Guidance: Delivery VO.1](#)

The Electricity and Gas (Energy Company Obligation) Order 2022
Sustainable Warmth: protecting vulnerable households in England

Contact Officer: Amanda Martin, Principal Climate Change and Sustainability Officer

Subject:	ANNUAL GOVERNANCE ASSURANCE STATEMENT 2021/22
Meeting and Date:	Cabinet – 5 September 2022 Governance Committee – 29 September 2022
Report of:	Louise May, Head of Governance and HR
Portfolio Holder:	Councillor Chris Vinson, Portfolio Holder for Finance, Governance, Digital and Climate Change
Decision Type:	Non-Key
Classification:	Unrestricted

Purpose of the report: To approve the Annual Governance Assurance Statement 2021/22.

Recommendation:

- (1) Cabinet approves the Annual Governance Assurance Statement and requests that the Leader and the Head of Paid Service sign this statement on behalf of the Council.
- (2) Governance Committee is asked to accept the Annual Governance Assurance Statement alongside the 2021/22 Statement of Accounts.

1. Summary

- 1.1 Annually, the Council is required to conduct a review of the effectiveness of our system of internal control and also report on the extent to which we comply with our own Local Code of Corporate Governance. This must be conducted in accordance with the Delivering Good Governance in Local Government Framework 2016 Edition and is reported as the Annual Governance Assurance Statement. Cabinet is asked to accept the Annual Governance Assurance Statement for 2021/22, as recommended by the Corporate Management Team and request that the Leader and the Head of Paid Service sign this statement on behalf of the Council.
- 1.2 The Governance Committee is asked to accept the Annual Governance Assurance Statement alongside the 2021/22 Accounts.
- 1.3 The Accounts and Audit (Amendment) Regulations 2021 were introduced by the Government to support the timely completion of local government audits and the ongoing stability of the local audit market. The proposals include extending the published/audited deadline to 30 November 2022 for the 2021/22 statement of accounts, then reverting to 30 September for five years until 2027/28. The Annual Governance Assurance Statement 2021/22 has been produced to align with these revised timescales.

2. Introduction and Background

- 2.1 The Accounts and Audit Regulations 2015, require that the Council conducts at least annually, a review of the effectiveness of its system of internal control and also report on the extent to which we comply with our own Local Code of Corporate Governance. The Council's Annual Governance Assurance Statement is prepared to

meet these requirements and will be provided alongside the published Statement of Accounts in accordance with the Accounts and Audit Regulations 2015.

2.2 The statement is to be signed by the Leader of the Council and the Chief Executive, having paid due regard to any matters raised by the Head of Governance and HR and the Monitoring Officer. In particular, they should have particular regard to the opinion of the Head of Governance and HR and the Monitoring Officer on the level of assurance that the governance arrangements can provide and that the arrangements continue to be regarded as fit for purpose in accordance with the governance framework.

2.3 The Annual Governance Assurance Statement for 2021/22 is attached and has been agreed by the Corporate Management Team in August 2022. The statement has been prepared taking into account the following information:

- A detailed review of the Council's performance measured against the Core and Sub Principles as detailed in the Delivering Good Governance in Local Government Framework 2016 Edition.
- The service review work performed by Internal Audit during the year.
- Internal Audit's review of Corporate Governance arrangements.
- Assurance Statements produced by individual Strategic Directors.
- The information gathered as a result of risk assessment and management.
- The annual reports of the Scrutiny and Governance Committees.

2.4 Members will note that there is no action plan provided this year. This has been removed as it is considered to be of limited value, given that other mechanisms of control are in place to ensure compliance with the Council's governance processes. Furthermore, the timing of the action plan no longer correlates with the revised deadlines for the production of the Statement.

3. Identification of Options

3.1 Option 1: Agree the Annual Governance Assurance Statement including the key actions identified, for signature by the Leader and the Head of Paid Service and then for inclusion in the 2021/22 Accounts

3.2 Option 2: Do not agree the Annual Governance Assurance Statement and require further analysis and clarification.

4. Evaluation of Options

4.1 Option 1 is the preferred option, as in preparing the Annual Governance Assurance Statement this fully meets the requirements of the Accounts and Audit Regulations 2015. Delivering Good Governance in Local Government Framework (2016 Edition) states:

"The preparation and publication of an Annual Governance Statement in accordance with Delivering Good Governance in Local Government: Framework (2016) would fulfil the statutory requirements across the United Kingdom for a local authority to conduct a review at least once in each financial year of the effectiveness of its

system of internal control and to include a statement reporting on the review with its Statement of Accounts. In England the Accounts and Audit Regulations 2015 stipulate that the Annual Governance Statement must be "prepared in accordance with proper practices in relation to accounts". Therefore a local authority in England shall provide this statement in accordance with Delivering Good Governance in Local Government: Framework (2016)".

5. Resource Implications

None.

6. Climate Change and Environmental Implications

There are no climate change or environmental implications arising from the Annual Governance Assurance Statement for 2021/22.

7. Corporate Implications

7.1 Comment from the Section 151 Officer: Accountancy has been consulted and has no further comment (AT).

7.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

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

8. Appendices

Appendix – Annual Governance Assurance Statement

9. Background Papers

Accounts and Audit Regulations 2015

CIPFA Delivering Good Governance in Local Government Framework 2016 Edition

Contact Officer: Louise May, Head of Governance and HR

Dover District Council

Annual Governance Assurance Statement

1 APRIL 2021 TO 31 MARCH 2022

1. WHAT WE ARE RESPONSIBLE FOR

We are responsible for ensuring that our business is conducted in line with the law and proper accounting standards, and for using public money economically, efficiently and effectively. We have a duty under the Local Government Act 1999 to continually review and improve the way we work and at the same time have regard to a combination of economy, efficiency and effectiveness.

In order to meet our responsibility, we have in place proper arrangements for overseeing what we do, and this is called Governance. These arrangements make sure that we do the right things in the right way, that our services reach the right people and that we are open, honest and accountable in the way that we deliver those services. This all contributes to our sound system of governance

We have approved and adopted a Local Code of Corporate Governance and a copy of this is available on our website at <http://www.dover.gov.uk/Corporate-Information/CorporateGovernance.aspx>.

2. THE AIM OF THE GOVERNANCE FRAMEWORK

The Governance Framework details the systems, processes, culture and values that we are controlled by and which we are answerable to. It also shows what we get involved with and how we engage with the community. It also shows how we monitor what we are achieving so that we can deliver services that are appropriate and value for money.

The system of internal control is an important part of the framework and is designed to manage risk to a reasonable level. It cannot remove all risk of failure to achieve policies and aims and can only provide reasonable protection. The system of internal control is based on an ongoing process designed to:

- Identify and prioritise anything that could prevent us from achieving our policies and aims
- Assess how likely it is that identified risks might happen and what the result would be if they did
- Manage those risks efficiently, effectively and economically

The Governance Framework describes what has been in place at Dover District Council for the year ended 31 March 2022 and up to the date of approval of the Council's accounts.

3. OUR GOVERNANCE FRAMEWORK

Our Governance Framework is underpinned by seven core principles and supported by our Corporate Plan as well as many systems, policies, procedures and operations, which together ensure that the intended outcomes for our community and stakeholders are defined

and achieved. Good governance is dynamic, and Dover District Council is committed to improving governance on a continuing basis through a process of evaluation and review.

The key features are:

(a) **Our Core and Supporting Principles**

The seven core principles are taken from the International Framework: *Good Governance in the Public Sector* and help this Council demonstrate good governance. Each of these principles translates into a range of specific requirements and they are also reflected in this Corporate Governance Local Code:

- A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.
- B. Ensuring openness and comprehensive stakeholder engagement.
- C. Defining outcomes in terms of sustainable economic, social, and environmental benefits.
- D. Determining the interventions necessary to optimise the achievement of the intended outcomes.
- E. Developing the entity's capacity, including the capability of its leadership and the individuals within it.
- F. Managing risks and performance through robust internal control and strong public financial management.
- G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

(b) **Our Corporate Plan**

This is our main strategic document providing a framework for the delivery of our services and providing context for all the other strategies and plans that we have. The Corporate Plan for 2020-2024 is published and is available on the Council's website. The Council approved a new Corporate Plan in February 2020 which continues with the overall direction of travel as the previous version.

The following strategic priorities have been identified in the 2020-2024 Corporate Plan:

- Regeneration - Tourism and Inward Investment
- Housing and Community
- Climate Change, Environment and Assets – a cleaner sustainable environment
- Working Smartly and Delivering Services

(c) **Business Plans**

The Business Plan is one of the central mechanisms for each Head of Service managing their own area of activity and therefore sits at the centre of the Corporate

Governance process. The business plans support the aims of the Corporate Plan which include performance indicators that are used to measure our achievements.

(d) **Our Constitution**

Our Constitution details how we operate, how decisions are made and the procedures, which are to be followed. It also ensures that we work in an efficient and transparent way and that we are accountable to local people. The Monitoring Officer is responsible for keeping the Constitution under review.

(e) **The Executive**

The Executive are responsible for most decisions and is made up of the Leader and a Cabinet. Major decisions to be taken are published in advance in the Executive's Notice of Forthcoming Key Decisions and will generally be discussed in a meeting open to the public. All decisions must be in line with our overall policies and budget. Any decisions the Executive wishes to take outside the budget or policy framework must be referred to Council as a whole to decide.

(f) **Corporate Management Team**

The Corporate Management Team comprises the Chief Executive (and Head of Paid Service); Strategic Director (Corporate Resources) (and Section 151 Officer) and Strategic Director (Operations and Commercial).

Members of Corporate Management Team have a responsibility for the day to day running of each Directorate of the Council. They must regularly assess their Directorate's assurance arrangements and provide the Council with the opportunity to keep check on the adequacy of its overall arrangements.

(g) **Governance Committee**

The seven appointed members of the Council provide independent assurance of the adequacy of the risk management framework and the associated control environment together with independent review of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment. The Committee oversees the financial reporting process by considering the final Statement of Accounts. The Committee promotes high standards of conduct amongst the 32 members of Dover District Council and (up to) 317 members of Town and Parish Councils in the District. Complaints of service maladministration are investigated and reported to the Committee. Lessons learned from these complaints are reviewed and acted on.

The Chairman provides an Annual Report of the Governance Committee to the Annual Council Meeting

(h) **Overview and Scrutiny**

In July 2019, and as a result of the reduction in elected members, the Council voted to reduce to one overview and scrutiny committee who support and monitor the work of the Executive. A "call-in" procedure or addition to the work programme allows scrutiny to review Executive decisions before they are implemented, thus presenting challenge and the opportunity for a decision to be reconsidered. The Monitoring Officer provides an Annual Report of the Scrutiny Committees to the Annual Council Meeting.

(i) **Monitoring Officer**

The Monitoring Officer is charged by law with the responsibility for identifying and reporting on any acts or omissions of the Council which he considers to be contrary to law. He is also responsible for considering allegations of Members breaches of the codes of conduct. In January 2021, the Council agreed that this role could be undertaken on a part time basis with effect from 1 April 2021. The Deputy Monitoring Officer continues to work full time.

(j) **Our Solicitor**

The Solicitor to the Council provides his opinion on our compliance with our legal obligations. As from 1 January 2019 the same officer fulfils the role of Monitoring officer and Solicitor to the Council.

(k) **Data Protection Officer**

We have appointed a Data Protection Officer in accordance with Article 37 of the General Data Protection Regulation 2016. We support the Data Protection Officer by providing resources to undertake tasks and access to personal data and process and operations and to maintain expert knowledge. The Data Protection Officer his duties in an independent manner and we may not give the Data Protection Officer instruction on exercising his role. The Data Protection Officer is currently the Solicitor to the Council.

(l) **Financial procedures and Contract Standing Orders**

We have to ensure that we act in accordance with the law as well as various other regulations. We have developed policies and procedures for our officers to ensure that, as far as are possible, they understand their responsibilities both to the Council and to the public. Two key documents are the Financial Procedure Rules and the Contract Standing Orders, which are available to all officers via the Council's Intranet, as well as available to the public as part of the Constitution.

(m) **Financial Management**

Our financial management arrangements conform with the requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government. In addition to the Financial and Contractual procedure rules contained within the constitution, in order to maintain its financial management, the Council operates budgetary control procedures which are used in conjunction with a Medium-Term Financial Plan (MTFP).

Responsibility for ensuring that an effective system of internal financial control is maintained rests with the Section 151 Officer. The systems of internal financial control provide reasonable and not absolute assurance that assets are safeguarded, that transactions are authorised and properly recorded, and that material errors or irregularities are either prevented or would be detected quickly.

Internal financial control is based on a framework of management information, financial regulations and administrative procedures, which include the segregation of duties, management supervision and a system of delegation and accountability. On-going development and maintenance of the various processes may be the responsibility of other managers.

In particular, the process includes:

- The setting of annual budgets;
- Producing the Medium-Term Financial Plan
- Monitoring of actual income and expenditure against the annual budget;
- A mid-year review of the annual budget;
- Setting of financial and performance targets, including the use of the prudential code and associated indicators;
- Quarterly reporting of the Council's financial position to Members;
- Clearly defined capital expenditure guidelines;
- Treasury Management Strategy
- The monitoring of finances against a Medium-Term Financial Plan;
- Managing risk in key financial service areas.
- A continuous and effective internal audit.

Through our budget monitoring processes we are able to ensure that financial resources are being used to their best advantage, this includes quarterly management reporting to the Corporate Management Team and Members.

Financial planning is underpinned by business planning. Increased expenditure in any service area has to be justified to the Corporate Management Team, and where necessary approved by the Executive. Corporate Management Team is tasked with prioritising resources to ensure that the objectives within Corporate Plan are supported by the individual business plans, and that improvements are in line with corporate objectives.

(n) **Policies**

Corporate policies on a range of topics such as Equality, Information Governance and Data Protection are all subject to internal review. We keep all staff aware of changes in policy, or documentation through internal communications. The corporate training needs are identified each year and appropriate training for all, or key members of staff is provided.

(o) **Risk**

The risk management strategy, which forms part of the Corporate Governance Local Code, shows the role both Members and Officers have in the identification and minimisation of risk. Risks are recorded in a Corporate Risk Register and are then subject to regular review.

(p) **Service Assurance**

A Service Assurance Statement is produced annually by all Directors of this Council and of Shared Services detailing their assessment of their services. They are required to give assurance that risks have been identified that sound business arrangements operate in their service areas, and that the service is subject to monitoring and review in order to assess performance.

(q) **Performance Management Framework**

Progress towards the achievement of our objectives is monitored through our Performance Management Framework. A quarterly Performance Report is produced

and reviewed by Corporate Management Team, by Cabinet and by the Overview and Scrutiny Committee.

(r) **Internal Audit**

The Internal Audit function for the Council is performed by the East Kent Audit Partnership (EKAP), which provides internal audit services to the councils of Canterbury, Dover, Folkestone and Thanet. As a result of this collaborative approach the partnership is able to provide a mechanism for promulgating best practice to the East Kent authorities that use its services. The East Kent Audit Partnership Internal Audit Team reports to the Section 151 Officer. They operate under a Charter, which defines their relationship with officers, and the Governance and Audit Committee. Through their audit assurance work, internal audit provides an opinion on the effectiveness of the systems of internal control. As part of the annual review of governance arrangements and in particular the system of internal control, the Council undertakes an annual review of the effectiveness of the system of internal audit.

Internal Audit has responsibility to:

- Report on the level of assurance in respect of the Council's internal control systems.
- Provide an overall independent annual Opinion from the Head of the Audit Partnership highlighting areas of concern. This is compiled from the Internal Audit work programme and a review of the Council's risk management and Corporate Governance arrangements.

(s) **External Audit**

The work is currently undertaken by Grant Thornton, who are required to deliver their audit work in line with Local Audit and Accountability Act 2014 and in accordance with the Code of Practice issued by the National Audit Office (NAO) on behalf of the Comptroller and Auditor General in April 2015.

(t) **Core Strategy and Local Plan**

The Core Strategy is the overarching statutory planning document for the District and was adopted by the Council in February 2010. The Core Strategy identifies the overall economic, social and environmental objectives for the District and the amount, type and broad location of development that is needed to fulfil those objectives. The Land Allocations Local Plan, which was adopted in 2015, identifies and allocates specific sites that are suitable for development in order to meet the Core Strategy's requirements.

Work is well underway in the development of a new District Local Plan which will replace the policies and proposals in the Council's Adopted Core Strategy, Land Allocations Local Plan and 'saved' policies from the 2002 Local Plan. Statutory consultation under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 in respect of revised Local Plan took place between 20 January and 17 March 2021. The next formal stage of the process, which is the publication (consultation) of the Submission version of the Plan is expected to take place between October and December 2022. Further details of the progress to adopt the new Local Plan can be found at the dedicated website [here](#).

(u) **State of the District Report**

This report is a backward look at the state of the district, highlighting key information under the headings of: District Overview, Population Profile; Housing; Economy, Business and Employment; Finance; Education and Skills; Regeneration Delivery; Health and Wellbeing; Deprivation and Poverty; Community Safety and Quality of Life.

Not all information is collected and reported annually, as it is collated from a wide range of sources that is sporadically updated. In addition, periodically the process of capturing information is changed, this in turn makes year-on-year comparisons and trends difficult to assess. The report is published on our website and there will be regular updates as new data is published, with members informed in a timely manner of any significant changes.

(v) **Communication and Consultation**

Strategies are in place. We have active Twitter, Facebook and Instagram accounts, enabling the Council to communicate effectively with our communities and also enabling members of the public to communicate their views on a wide range of matters. In 2015 the Council launched its 'Keep Me Posted' email alert service which enables members of the public to subscribe to email messages from the Council on a wide range of topics.

(w) **Equality**

As part of our equalities responsibilities, we publish our equality objectives and progress against the targets to ensure that all groups in our community have a voice, can be heard and know how we make our decisions. A revised equality policy was adopted by Cabinet in March 2016.

(x) **Whistleblowing**

A confidential reporting hotline is in place to enable internal and external whistle blowing. Informants are requested to be open in their disclosure, but it is recognised that on occasions informants will wish to remain anonymous. There are also processes in place for staff to report through their line managers, Corporate Management Team or East Kent Audit Partnership.

(y) **Employment Management**

The Council's Human Resources service came back in-house during 2021/22 and the Head of Paid Service decided that the Employment Management Group be dissolved and replaced by a more streamlined Authority to Recruit process which is managed by the Human Resources Team, in consultation with Accountancy. Any requests that are not within agreed budgets are considered by the Authority to Recruit group before being referred to the Head of Paid Service who provides the final decision as to which posts can be filled.

(z) **Partnerships**

Partnership evaluation criteria have been established to help ensure that all key governance criteria are incorporated into new and existing partnerships.

4. REVIEW OF EFFECTIVENESS OF THE GOVERNANCE FRAMEWORK

We have a responsibility for conducting, at least annually, a review of the effectiveness of our governance framework including the system of internal control. This review is informed by the ongoing monitoring and review by the Strategic Director (Corporate Resources), East Kent Internal Audit Partnership and the Head of the Audit Partnership's Annual Report, the work of our Strategic Directors and Heads of Services and their managers who have responsibility for the development and maintenance of the governance environment. This review is also informed by the findings and reports of our external auditors together with any other review agencies or inspectorates.

(a) The Monitoring Officer has responsibility for:

- Monitoring the Constitution and keeping it up to date
- Identifying and reporting on any acts or omissions of the Council which he considers to be contrary to law
- Ensuring ethical standards and conduct are met

(b) The Strategic Director (Corporate Resources) has responsibility for:

- Publishing financial information and statements accurately and reliably.
- Confirmation that resources are managed efficiently and effectively.
- Overseeing and monitoring the Corporate Governance Local Code
- Maintaining and updating the code if required by best practice
- Reporting annually to members on performance and compliance with the code
- The overall review of the internal control opinion and framework evidence, including service assurance statements, the audit review of Corporate Governance, Performance reporting, Risk management arrangements and the individual audit and risk management assessments.
- Review of the Effectiveness of Internal Audit.
- The External Auditor's Annual Audit and Inspection Letter, service assessments and other associated reviews and ensuring that they are acted upon.

(c) All Strategic Directors have responsibility via a Service Assurance Statement to ensure that:

- Risks have been identified. They are recorded and monitored in accordance with the Council's Risk Management Strategy.
- Staff are fully aware of the requirements of their job and have access to the appropriate Council rules and policies to assist them.
- Internal and External Audit reports and recommendations have been acted on.
- Reports from other review agencies have been acted on.
- Business arrangements are conducted in accordance with the law and proper standards.
- Public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.
- The service has in place appropriate management and reporting arrangements to enable it to satisfy itself that its approach to Corporate Governance is both adequate and effective.
- A statement of assurance that improvement plans exist to rectify any acknowledged deficiency.

- (d) **Solicitor to the Council has responsibility:**
- Via his annual statement to give his opinion on the Council's compliance with relevant laws and regulations, and its legal obligations and requirements
- (e) **Cabinet has responsibility for:**
- All Executive Decisions in respect of functions delegated to it by the Leader of the Council
 - Setting robust and challenging targets and
 - Monitoring the achievement of key priorities
- (f) **Council has responsibility for:**
- Agreeing or amending the Policy Framework
 - Agreeing or amending the budget, including the borrowing or capital expenditure strategy and setting the Council Tax
- (g) **Overview and Scrutiny Committee has responsibility for:**
- Scrutiny of budgets and major policies
 - Monitoring the achievement of key priorities
 - Scrutiny co-ordination
- (h) **The Governance Committee has a responsibility for:**
- Ensuring effective internal audit and internal control arrangements
 - Receiving the annual Internal Audit Programme of work
 - Receiving quarterly updates from the Head of the Audit Partnership on the assurance which can be placed against various systems and processes during the year
 - Reviewing the annual assessment at the year end.
 - Receiving the annual review of internal control
 - Receiving the annual constitutional review
 - Reviewing risk management arrangements
 - Receiving Quarterly Treasury Management Reports
 - Receiving the Annual Statement of Accounts
 - Ethical standards of members and complaints against members
- (i) **Internal Audit has responsibility to:**
- Provide an independent annual statement on the systems of internal control, highlighting areas of concern
 - Report on the level of assurance in respect of the Council's internal control systems
 - Provide an overall Assurance Statement from the Head of the Audit Partnership. This is compiled from the Internal Audit work programme and a review of this Council's Corporate Governance arrangements.

5. **THIS YEAR'S REVIEW**

(a) **Council**

Article 15 of the Council's Constitution makes provision for the regular review of the Constitution by the Monitoring Officer. The key focus of the review in 2021/22 was reviewing the incorporation of changes previously agreed by the full Council (such as amendments to the Members' Allowances Scheme); reflecting structural changes to the Council's organisational structure; reflecting legislative changes in the Scheme of Officer Delegations (particularly around the Port Health function); the collation of changes made by decision-making bodies such as the Cabinet or Council during the course of the previous year; and general administrative amendments.

(b) **Cabinet**

Key Executive decisions were considered by the Cabinet, in particular relating to the budget and medium-term financial plan, and the delivery of key regeneration priorities.

The Council's Quarterly Performance Report was received and reviewed quarterly. This examines our performance against agreed performance targets and our key priorities.

(c) **Scrutiny**

The Council's key priorities and Performance Indicators were reviewed regularly and challenged if necessary.

The Annual Report of the work of the Scrutiny Committees for 2021/22 was presented to the Annual Council Meeting on 18 May 2022. This identified sound governance arrangements, including an effective scrutiny process, which underpins the achievement of the Council's corporate objectives.

(d) **Governance Committee**

The Governance Committee received quarterly updates from the Head of East Kent Audit Partnership on the assurance which can be placed against various systems and processes during the year, including reviews of internal controls, along with the annual assessment. The Committee kept a check on those areas that have not achieved expected levels of audit assurance.

This Committee also reviewed the effectiveness of the Council's risk management arrangements.

The Monitoring Officer is responsible for ensuring that the Constitution is reviewed regularly. It is not practical to undertake a review of the whole Constitution each year, so specific areas are selected each year. During 2021/22, the key focus of the review was on the incorporation of changes previously agreed by the full Council (such as the single scrutiny committee and amendments to the Members' Allowances Scheme); reflecting structural changes to the Council's organisational structure; reflecting legislative changes in the Scheme of Officer Delegations (particularly around the Port Health function); the collation of changes made by decision-making bodies such as the Cabinet or Council during the course of the previous year; and general administrative amendments. The Governance Committee recommended the changes for approval by the Council. All are documented on our website.

The Annual Report of the work of the Governance Committee for 2021/22 was presented to the Annual Council Meeting on 18 May 2022. This gave a positive opinion on the system of internal control. The Governance Committee continued to be assured of the integrity and reliability of data held in financial statements. The work undertaken by Internal and External Audit provided detailed assurance on those areas of the Council's work which were the subject of reports.

The assurances from the Strategic Director (Corporate Resources) and the Strategic Director (Operations and Commercial) and the work of Internal and External Audit together supported the Committee in forming their opinion of the financial statements, enabling them to agree to sign the 2019/20 accounts. At present the 2019/20 accounts are awaiting final sign off by External Audit, who are waiting the outcomes of the CIPFA consultation on treatment of Infrastructure Assets. The 2020/21 audit process is due to commence in Summer 2022. For this year, the process will be delayed again but the Committee will be provided with the necessary assurances to approve the 2021/22 accounts once the 2021/22 audit process has been completed. The deadline for the final accounts to be approved has been changed by legislation owing to the Covid-19 pandemic.

The submission of this Annual Report continues to enhance the effective communication of our governance processes.

The Governance Committee received annual reports on the progress of formal service complaints against the Council and lessons learned from those complaints.

The Local Government and Social Care Ombudsman received 15 complaints and enquiries against the Council during the 2020/21 municipal year. Four were 'upheld', one was 'not upheld', six were closed after initial enquiries and four had been received prematurely and were referred to the Council to be processed through our complaints process. The Council received no decisions from the Housing Ombudsman for the 2020/21 financial year, but the housing management service only returned to the Council on 1 October 2020.

The Local Government and Social Care Ombudsman received 23 complaints and enquiries against the Council during the 2021/22 municipal year. One was 'upheld', one was 'not upheld' and ten were closed after initial enquiries and 11 had been received prematurely and were referred to the Council to be processed through our complaints process.

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

(f) **Review of Internal Audit**

The effectiveness of internal audit is monitored by the Section 151 Officer through:

- Quarterly review meetings with the Head of Internal Audit
- Sign off of the Audit Plan
- Review of the internal audit annual report
- Attendance at Governance Committee

- Review of individual audit reports
- Meetings with the S151 officers of the other partners

(g) **The Work of Internal Audit**

The overall opinion of the System of Internal Controls in operation throughout 2021/22 based on the work of the East Kent Audit Partnership is presented in their annual report to the Governance Committee in July.

- The internal auditors are independent to the management of the Council and have direct access to the Chair of the Governance Committee if required. They provide a regular update to the Committee at each of the quarterly meetings and may attend any special meetings that may be convened during the year.
- As at 31 March 2022 the Internal Auditors completed 297.6 days of review equating to 99.2% of planned completion.
- The EKAP undertakes a regular schedule of follow up audits to ensure that management have implemented the action plans arising from each audit. Members can see full details within the Internal Audit Annual Report 2021/22.
- The EKAP met as a team in March 2020 and considered the Public Sector Internal Audit Standards (PSIAS) Checklist for compliance. The results of this self-assessment showed that internal audit is currently working towards full compliance and has agreed an action plan to achieve this. The lack of an External Quality Assessment (EQA) against the PSIAS is hereby disclosed as non-conformance in this Annual Governance Statement. The four Section 151 Officers acting as the EKAP Client Officer Group continue to be content to rely on the self-assessment process for the PSIAS and not commission an EQA.
- As part of EKAP's quality monitoring arrangements Members should be aware that following the completion of each audit, a satisfaction questionnaire is completed by the managers of the service that has been audited enabling the officers involved to comment on the conduct and outcome of the audit. This information is used, in part, to inform the self-assessment and continuous improvement.

(h) **External Reviews**

There were no external reviews held this year.

(i) **Training**

Comprehensive Training is provided at the outset for the new Council, and this is refreshed during the four-year term, to ensure that the councillors have the skills and expertise to make sound and effective decisions.

The officer performance appraisal includes a personal development plan, where training and development needs are discussed and agreed. These will now be provided annually to the HR Manger to help inform the training needs of the organisation, some of which will be delivered corporately via the Corporate Training Plan. In 2020/21 a number of Managers and Team Leaders continued to work

towards an Institute of Learning and Management qualification (level 3 or level 5), which helps enhance their skills and knowledge as leaders in the organisation.

(j) **Members Code of Conduct**

During 2021/22 the Monitoring Officer has received 23 complaints, an increase of 1 when compared against the previous year. The 23 complaints received in 2021/22 related to members at 7 authorities, a decrease from 10 authorities the previous year.

The Governance Committee Hearing Panel was not called upon to meet during 2021/22. In accordance with Annex 1 of the Arrangements, it is reported that there were a total of three decisions of Informal Resolution agreed in respect of Members at Deal Town Council, Walmer Town Council and Sandwich Town Council.

During the municipal year 2021/22 there were no requests for dispensations.

6. **SIGNIFICANT GOVERNANCE ISSUES DURING THE YEAR**

- (a) The Annual Reports of the Scrutiny and Governance Committees provide a positive statement and opinion regarding the governance arrangements and the effectiveness of the internal control environment operating across this Council.
- (b) There were 15 cases reviewed by the Local Government Ombudsman during 2020/21, with maladministration being found in four cases (one each for Housing Repairs and Property Services and two in relation to Planning).
- (c) There were 23 cases reviewed by the Local Government Ombudsman during 2021/22, with maladministration being found in one case relating to Housing Needs.
- (d) The Notice of Forthcoming Key Decisions continues to publish key decisions to be taken by the Cabinet. Cabinet Reports are considered by Finance, Legal and Equalities Officers and then by CMT to ensure that outcomes are consistent with the Council's corporate direction.
- (e) A suite of performance indicator targets were previously approved by Cabinet and were then measured via the quarterly performance reports. A revised set of targets will be brought forward and reported via a Performance Dashboard in 2022/23.
- (f) It has been over four years since the General Data Protection Regulations (GDPR) came into force on 25 May 2018. The Council continues to progress with the requirements of data protection legislation. Including, but not limited to all staff training, reviewing data processing activity, developing our suite of privacy notices and retention schedules for services across the Council, and completing our records of processing activity using a new privacy management solution. Data Protection and the Rights and Freedoms of Individuals are at the forefront of personal data processing activities.
- (g) During the Covid 19 pandemic the Government introduced legislation to allow for local authorities to live broadcast its remotely held Council and Committee meetings that would in normal circumstances be open to the public. This proved to be very successful with levels of public viewing on several occasions in excess of that which could be comfortably accommodated in normal circumstances in the Council Chamber. Council approved for a trial period to test the feasibility of broadcasting

meetings of the Executive, Council and Committees. The trial was subsequently extended for a further six months to the end of 2021/22.

- (h) During 2021/22, the Council agreed the creation of an additional Strategic Director post, to be designated as a Chief Officer in accordance with the Council's Constitution and the revised distribution of Chief Officer functions be approved. Following unsuccessful recruitment, it was decided that internal only recruitment would take place instead and this process will be concluded during 2022/23.

7. **IMPROVEMENTS DURING THE YEAR**

- (a) The Council continues to work with the Cabinet Office to obtain continued Public Sector Network (PSN) Compliance. This included IT Equipment, systems and software upgrades to ensure PSN compliance and to ensure that staff and members can work safely and securely from any location.
- (b) The East Kent Corporate Information Governance Group continues to meet on a regular basis with the suite of Information Governance Policies (16 in total) being kept under regular review by the group. A full review of the policies was undertaken and approved by the General Purposes Committee in December 2020. The Head of Governance remains appointed as the Council's Senior Information Risk Officer (SIRO) with the Digital Services Manager as the Deputy SIRO.
- (c) The 2021/22 Pay Policy Statement was delivered and adopted at the Council Meeting in March 2022.

8. **OPINION OF THE HEAD OF GOVERNANCE**

I can confirm that the governance arrangements provide and continue to be regarded as fit for purpose in accordance with the governance framework and will ensure that that the implementation is monitored as part of the next annual review.

Signature:: _____ Date: _____
Louise May
Head of Governance and HR

9. **STATEMENT OF THE LEADER OF THE COUNCIL AND THE CHIEF EXECUTIVE**

We have reviewed the effectiveness of the Council's governance framework and noted the opinion and commitment of the Head of Governance. We sign this Annual Governance Assurance Statement on behalf of the Council.

Signature:: _____ Date: _____
Councillor Trevor Bartlett
Leader of the Council

Signature:: _____ Date: _____
Nadeem Aziz
Chief Executive

Subject:	APPOINTMENT OF TIDES LEISURE CENTRE PROJECT ADVISORY GROUP
Meeting and Date:	Cabinet – 5 September 2022
Report of:	Louise May, Head of Governance and HR
Portfolio Holder:	Councillor Trevor Bartlett, Leader of the Council
Decision Type:	Non-Key
Classification:	Unrestricted

Purpose of the report:

- (a) To appoint a replacement for Councillor Derek Murphy on the Tides Leisure Centre Project Advisory Group (PAG) as he has indicated that he wishes to stand down from the PAG; and
- (b) To ask Cabinet to reconfirm the membership of the PAG which was last appointed by the Leader of the Council in March 2022.

Recommendation:

- (a) That Councillor Trevor Bond be appointed to replace Councillor Derek Murphy on the Tides Leisure Centre Project Advisory Group.
- (b) That the membership of the Tides Leisure Centre Project Advisory Group for the Council Year 2022/23 be confirmed as: Portfolio Holders for Community & Corporate Property (Chairman); Finance, Governance, Digital & Climate Change (Vice-Chairman) and Planning & Environment and Councillors Helen Williams and Trevor Bond.

1. Summary

1.2 Councillor Derek Murphy has advised that he is no longer able to serve on the Tides Leisure Centre Project Advisory Group (PAG) due to his commitments as a Kent County Council Cabinet Member. Councillor Trevor Bond has confirmed his willingness to join the PAG, and is considered to be an appropriate choice as Tides leisure centre is situated in his ward. It is therefore recommended that Councillor Bond replaces Councillor Murphy.

1.3 The membership of the Tides Leisure Centre PAG was approved by Councillor Trevor Bartlett as a Leader of the Council decision in March 2022 for an indeterminate period. To align the Tides Leisure Centre PAG with other PAGs whose memberships are agreed by Cabinet on an annual basis, it is suggested that the PAG's membership for the Council Year 2022/23 is confirmed by Cabinet now. Its membership will then be appointed annually (usually in May or June) to bring it into line with the other PAGs.

2. Introduction and Background

2.1 At its meeting held on 3 February 2020, Cabinet agreed that a Tides Leisure Centre PAG should be established and approved its Terms of Reference. Following

changes to Cabinet members' portfolio titles and responsibilities, the PAG's membership and Terms of Reference were updated to reflect these changes and approved by the Leader of the Council on 18 March 2022.

- 2.2 Should Cabinet approve Councillor Bond as Councillor Murphy's replacement on the PAG, the Terms of Reference will be amended accordingly.
- 2.3 The Council's Constitution advises that, unless agreed otherwise by the Leader of the Council/Cabinet, Advisory Groups shall:
 - (a) comprise of 5 members including the Leader or appropriate Portfolio Holder who shall chair the Group;
 - (b) be appointed, as far as possible, in accordance with the rules on political balance; and
 - (c) shall include a relevant ward member.
- 2.4 The purpose of Advisory Groups is:
 - (a) To provide a forum for consultation with other members of Council before particular issues are determined by the executive;
 - (b) To advise the Leader or Cabinet/Portfolio Holder on any matter which concerns a project or relevant function/activity to be determined by the Leader/executive;
 - (c) To assist and support the Leader or Cabinet/Portfolio Holder with regard to background information or preliminary work or research in connection with a project or function/activity to be determined by the Leader/executive.

3. Identification of Options

- 3.1 Option 1 - To appoint Councillor Trevor Bond as the replacement for Councillor Derek Murphy on the Tides Leisure Centre PAG. Furthermore, to confirm the PAG's membership for the Council Year 2022/23 so that it aligns with other PAGs which are appointed on an annual basis.
- 3.2 Option 2 – To appoint another Member as Councillor Derek Murphy's replacement, and/or leave the terms of appointment to the Tides Leisure Centre PAG open-ended.
- 3.3 Option 3 – Not to appoint a replacement for Councillor Derek Murphy and leave the PAG membership as it is.

4. Evaluation of Options

- 4.1 Option 1 is the recommended option.

5. Resource Implications

- 5.1 None. PAG meetings are held on Teams as they are not subject to the same legislation as other committees which requires Members to attend meetings in person. There are therefore no resource implications arising from Member travel claims for attending the offices.

6. Climate Change Implications

- 6.1 The Principal Climate Change and Sustainability Officer has no comments to make on the report.

7. **Corporate Implications**

- 7.1 Comment from the Section 151 Officer: Accountancy has been consulted and has no further comments. (VL)
- 7.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 7.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications. However, in discharging their duties, Members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>.
- 7.4 Other Officers (as appropriate): None.

8. **Appendices**

None.

9. **Background Papers**

None.

Contact Officer: Kate Batty-Smith, Democratic Services Officer – 01304 872303