



Council Meeting

Council Offices White Cliffs Business Park Dover

Wednesday, 1 March 2023

Summons and Agenda

Nadeem Aziz
Chief Executive



Democratic Services
White Cliffs Business Park

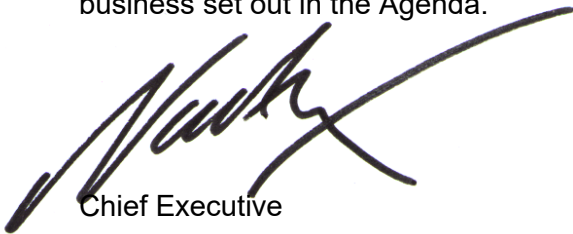
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21 February 2023

To the Members of the Council,

You are hereby summoned to attend a meeting of the **COUNCIL** to be held in the Council Chamber at these Offices on Wednesday 1 March 2023 at 6.00 pm for the transaction of the business set out in the Agenda.



Chief Executive

Members of the Council:

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

AGENDA

1 **APOLOGIES** (Page 8)

To receive any apologies for absence.

2 **MINUTES** (Page 9)

To confirm the Minutes of the meeting held on 25 January 2023 (to follow).

3 **DECLARATIONS OF INTEREST** (Page 10)

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

4 **ANNOUNCEMENTS** (Page 11)

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

5 **LEADER'S TIME** (Page 12)

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

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

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

6 **SEAT ALLOCATION AND GROUP APPOINTMENTS** (Page 13)

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

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

7 **QUESTIONS FROM THE PUBLIC** (Pages 14 - 15)

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

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

Questions from the Public

The questions received during the notice period are set out in the agenda papers.

8 **PAY POLICY STATEMENT 2023/24** (Pages 16 - 26)

To consider the attached report of the Chief Executive and Head of Paid Service.

9 **COUNCIL BUDGET 2023/24 AND MEDIUM-TERM FINANCIAL PLAN 2023/24 - 2026/27**

To consider the report of the Strategic Director (Finance and Housing).

This report is to follow.

In accordance with Council Procedure Rule 18.6 this item is subject to a recorded vote.

10 **VACANCY ON THE EAST KENT JOINT INDEPENDENT REMUNERATION PANEL** (Pages 27 - 29)

To consider the attached report of the Strategic Director (Corporate and Regulatory).

11 **REVISED PETITION SCHEME** (Pages 30 - 38)

To consider the attached report of the Democratic and Corporate Services Manager.

12 **REVIEW OF THE CONSTITUTION 2022-23** (Pages 39 - 42)

To consider the attached report of the Monitoring Officer.

Due to the size of the document the Constitution will be circulated as a supplementary paper.

13 **QUESTIONS FROM MEMBERS** (Pages 43 - 44)

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

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

The questions received are set out in the order received in the agenda papers.

14 **MOTIONS** (Page 45)

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

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

The Motions received are set out in the agenda papers.

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

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is 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.
- The meetings in which these cameras will be used include meetings of: (a) Council; (b) Cabinet; (c) Dover Joint Transportation Advisory Board; (d) General Purposes Committee; (e) Electoral Matters Committee; (f) Governance Committee; (g) Planning Committee; (h) General Purposes Committee and (i) Overview and Scrutiny Committee. Only agenda items open to the press and public to view will be broadcast.
- These recordings will be retained for 30 days from the date of the meeting. The recordings will be uploaded to YouTube as soon as practicable after the day of the meeting. In normal circumstances this would be within 2 working days of the meeting. However, there may be circumstances where it will take longer. The recordings can be viewed on the Council's YouTube Channel - [Council meetings - YouTube \(@doverdc\)](#)
- The broadcasts and recordings are the copyright of the Council and may not be copied, displayed or published to the public, adapted or dealt with in any other way restricted by the Copyright, Designs and Patents Act 1988.
- The Council will not make available copies of the recordings either in whole or in part other than in compliance with a legal requirement arising under The Freedom of Information Act 2000, UK GDPR, The Data Protection Act 2018 or some other enactment, rule of law or direction of a court or tribunal which is binding on it.
- 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 Committee 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 Democratic Services, democraticservices@dover.gov.uk, telephone: (01304) 872304 or email: democraticservices@dover.gov.uk for details.

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

APOLOGIES

To receive any apologies for absence.

MINUTES

To confirm the Minutes of the meeting held on 25 January 2023 (to follow).

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.

ANNOUNCEMENTS

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

LEADER'S TIME

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

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

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

AGENDA ITEM 6: SEAT ALLOCATION AND GROUP APPOINTMENTS

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

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

Questions Raised on Notice by Members of the Public

(a) To the Executive

In accordance with Rule 11 of the Council Procedure Rules, notice was given by a member of the public to ask the following question:

(1) Mike Eddy will ask the Leader of the Council, Councillor T J Bartlett:

“Given the scale of expenditure on Dover’s Maison Dieu and the recently announced funding for the Bench Street area, when will Dover District Council take action to assert its rights and duties of ownership of the important heritage asset that is the Dover Roman Painted House?”

(2) Adrian Sullivan will ask the Portfolio Holder for Planning and Environment, Councillor N S Kenton:

“What actions has the Council taken, and what actions will the Council take in the future, to show it is implementing the Kent Biodiversity Strategy 2020-2045?”

(3) Peter Isaac will ask the Portfolio Holder for Transport, Licensing and Regulatory Services, Councillor M Bates:

A Welsh “Judge” ruled that Teachers had a right to teach children as young as 3 years and up about sex including gender and LGBTQ+ nullifying the parent’s right to protect children.

Duties of DDC include regulation at a local level and Duty of care and statutory duty of care for Health, Safety, and welfare, etc.

Referencing the wide spread use of Neuro-Linguistic Programming (NLP) in schools and play-schools an unregulated system which is open to abuse by accident or design.

NLP falsely renamed a New Learning Pattern was implemented in schools in 2015; Richard Bandler co-creator referred to its Hypnotic effect.

Under our English Common and Statutory Law, DDC have entrusted duties to ensure children’s safety against the unregulated use and abuse of systems such as NLP, Hypnotism of children.

My question poses a duty on the council to state publicly whether under your care and trust duties because you can regulate health safety and welfare requirements upon schools / play schools etc. Within the Dover District which are not been regulated elsewhere; ensuring that persons trained on or self-taught in these systems are regulated to the following safety requirements.

1. Trained to a specific standard to
 - a. Ensure what they are saying or doing does not adversely affect any child either emotionally, psychologically or physically, or gain any undue influence over children regardless of the intention.
 - b. Declare on a local register that they are trained to use this system safely, that they are required to inform children, work colleagues, and most importantly the parents/Guardians of its use and serious safety risks associated to people not associated with but in the vicinity of its use.
 - c. Declare to the children, parents and colleagues of the risks associated to the Children's Health Safety and Welfare as stated above and to allow opt in/out and non consent.
2. Ensure that their actions are not passed on through a third party in the following ways.
 - a. Ensure that people are aware of the risk of adverse effects of NLP when they may be aware they are using it e.g. the written work from a colleague.
 - b. By speech
 - c. By actions
 - d. By the written word
3. All Staff must be trained up to recognize and report the dangerous risks to our children of Health safety and welfare of children regarding "Unregulated NLP" hypnotic systems, if not why not this is a breach of your lawful obligation to Duty of Care and a breach of Trust?

In general it is illegal to hypnotise children under the age of 18.

In accordance with Council Procedure Rule 11.7, the Chairman will invite the questioner to put the question exactly as submitted to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

In accordance with Council Procedure Rule 11.8, a questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply.

A maximum of three minutes shall be allowed for the question to be read. The period for questions by the public shall be limited so that no further question shall be put after the elapse of 15 minutes from the commencement of the first question.

Any questions which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

Subject:	PAY POLICY STATEMENT
Meeting and Date:	Council – 1 March 2023
Report of:	Nadeem Aziz, Chief Executive and Head of Paid Service
Decision Type:	Council
Classification:	Unrestricted

Purpose of the report:	To agree a Pay Policy Statement for 2023/24
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Recommendation:	That the Council approves the Pay Policy Statement set out at Appendix 1 to this report prior to publication on the Council's website.
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1. Summary

- 1.1 A Pay Policy Statement must be agreed by full Council for publication by 31 March 2022. The Pay Policy Statement sets out the main aspects of the current remuneration strategy of the Council and is prepared to comply with the requirements of the Localism Act 2011.

2. Introduction and Background

- 2.1 Section 38 (1) of the Localism Act 2011 came into force on 15 January 2012 and required local authorities to produce a Pay Policy Statement for 2012/13 and for each financial year after that. The Council adopted its first Pay Policy on 7 March 2012 for 2012/13 and has each subsequent year since.

- 2.2 The matters that must be included in the statutory Pay Policy Statement are as follows:

- a local authority's policy on the level and elements of remuneration for each chief officer
- a requirement for the full Council to approve any salary packages for new appointments in excess of £100,000
- a local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition)
- a local authority's policy on the relationship between the remuneration of its chief officers and other officers
- a local authority's policy on other specific aspects of chief officers' remuneration: remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments, and transparency.

The reference to 'chief officer' refers to the statutory posts of Head of Paid Service, Monitoring Officer and Section 151 Officer plus non statutory posts of Strategic Director (Place & Environment), Strategic Director (Corporate & Regulatory), and Head of Transformation together with any deputy chief officers (within the meaning of s. 2(8) Local Government and Housing Act 1989), which in our organisation includes anyone at Head of Service level or above.

2.3 With regard to the process for approval, the Pay Policy Statement:

- Must be approved formally by the full Council meeting
- Must be approved by the end of March each year
- Can be amended in year but any amendments must approved by full Council
- Must be published on the authority's website, ensuring that it is easily accessible and readily available to the public
- Must be complied with when the authority sets the terms and conditions for a chief officer

2.4 In creating the Pay Policy Statement it is necessary to have due regard to the guidance issued by the Secretary of State. On 17 February 2012, DCLG published "Openness and Accountability in Local Pay: Guidance under S40 of the Localism Act. In February 2013, DCLG published Supplementary Guidance, which this Council is also required to take into account.

2.5 The Act specifically mentions that the Pay Policy Statement may set out the authority's policies relating to other terms and conditions for chief officers and in the interest of open government there are recommendations that the Pay Policy Statement sets out as much information relating to employee terms and conditions as is practical.

2.6 In March 2018, the authority approved an Apprenticeship pay structure and so the Pay Policy for 2023 reflects Apprentices as the "lowest paid employees".

3. **Identification of Options**

Option 1

3.1 The Council publicises a reduced version of the Pay Policy Statement that meets the minimum requirements of the Act.

Option 2

3.2 The Council publicises a version of the Pay Policy Statement that meets the requirements of the Local Government Transparency Code 2014 and Openness and Accountability in Local Pay: Guidance and Supplementary Guidance under S40 of the Localism Act, together with the requirements of s.38 of the Act.

4. **Evaluation of Options**

Option 1

- 4.1 This is not the recommended approach as it does not satisfy the spirit of transparency, neither does it address the requirement of s.38 of the Localism Act.

Option 2

- 4.2 This is the preferred option. This approach meets the recommended best practice and has been followed since 2012.

5. Resource Implications

- 5.1 There are no additional resource implications

6. Corporate Implications

- 6.1 Comment from the Section 151 Officer: Accountancy have been consulted and has no further comment to make (JS)

- 6.2 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.

- 6.3 Comment from the Equalities Officer:

The Pay Policy Statement 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 <https://www.legislation.gov.uk/ukpga/2010/15/section/149>.

7. Appendices

Appendix 1 – Pay Policy Statement for 2023/2024

8. Background Papers

The Local Government Transparency Code 2014.

Openness and Accountability in Local Pay: Guidance under S40 of the Localism Act and Supplementary Guidance issued in February 2013

Relevant Employment Policies

Contact Officer: Louise May, Strategic Director (Corporate & Regulatory)

Dover District Council Pay Policy Statement Financial year 2023-24

1. Purpose

This Pay Policy Statement is provided in accordance with Section 38(1) of the Localism Act 2011 and is updated annually from April each year.

This pay policy statement sets out Dover District Council policies relating to the pay of its workforce for the financial year 2023-24, in particular:

- a) the remuneration of its Chief Officers
- b) the remuneration of its "lowest paid employees"
- c) the relationship between
 - the remuneration of its Chief Officers and
 - the remuneration of its employees who are not Chief Officers

2. Definitions

For the purpose of this pay policy the following definitions will apply: -

2.1 "Pay" in addition to salary, includes charges, fees, allowances, benefits in kind, increases in/enhancements to pension entitlements, and termination payments.

2.2 "Chief Officer" refers to the following roles within Dover District Council:

- 2.2.1 The Council's Statutory Chief Officers:
- Chief Executive, as Head of Paid Service*
 - Strategic Director (Finance and Housing and Section 151 Officer) *
 - Solicitor to the Council (as Monitoring Officer)

- 2.2.2 The Council's Non-Statutory Chief Officers:
- Strategic Director (Place and Environment) *
 - Strategic Director (Corporate and Regulatory) *
 - Head of Transformation

- 2.2.3 The Council's Heads of Service:
- Head of Finance & Investment
 - Head of Investment, Growth & Tourism
 - Head of Assets and Building Control
 - Head of Commercial Services
 - Head of Planning and Development
 - Head of Museums & Culture
 - Head of Housing
 - Head of Audit Partnership
 - Head of Port Health & Public Protection.

The Officers identified at paragraphs 2.2.1 to 2.2.3 report directly to the Head of Paid Service or are directly accountable to a statutory or non-statutory Chief Officer in respect of all or most of their duties

2.2.5 The Head of East Kent Audit Partnership who is employed by this Council and reports to a statutory Chief Officer of this Council provides the Internal Audit service to this Council and Canterbury City Council, Folkestone & Hythe District Council and Thanet District Council.

2.2.6 The Strategic Director (Corporate and Regulatory) has been appointed as the Head of Collaborative Services by the East Kent Services Committee. The Strategic Director (Corporate and Regulatory) is responsible for provision of the Payroll & Systems service to this Council and Canterbury City Council and Thanet District Council.

** Members of the Council's Corporate Management Team (CMT)*

2.3 **"Lowest paid employees"** refers to those staff employed as apprentices and paid in accordance with the Council's approved Apprenticeship Pay Structure

2.4 **"Employee who is not a Chief Officer"** refers to all staff that are not covered under the "Chief Officer" group above. This includes the "lowest paid employees".

No staff are governed by National consultation groups.

3. Pay framework and remuneration levels

3.1 General approach

Remuneration at all levels needs to be adequate to secure and retain high-quality employees dedicated to fulfilling the council's business objectives and delivering services to the public. This has to be balanced by ensuring remuneration is not unnecessarily excessive. The council has responsibility for balancing these factors, to manage its own unique challenges and opportunities, and in doing so, to retain flexibility to cope with various circumstances that may arise that might necessitate the use of honoraria and market supplements or other such mechanisms for individual categories of posts where appropriate.

3.2 Responsibility for decisions on remuneration

It is essential for good governance that decisions on pay and reward packages for chief executives and chief officers are made in an open, transparent and accountable way and that there is a verified and accountable process for recommending the levels of top salaries.

Pay for all employees is determined by the Joint Negotiation Forum (JNF), which comprises members of Corporate Management Team, and the recognised Trades Unions and is approved by General Purposes Committee. The General Purposes Committee comprises elected Councillors, is politically balanced and has responsibility for local terms and conditions of employment for staff within the Dover District Council's pay framework.

The Council's pay framework was implemented with effect from 1 April 2009 and is based on the job evaluation methodology, JESS, which although a universal system, has been developed with local authorities in mind. It is a factor-based, analytical scheme designed to evaluate all jobs within an organisation, from Chief Executive and

Strategic Directors to the most junior positions. The system is of the type recommended by the Equality and Human Rights Commission. The system is used throughout different sectors of the UK employment market and has a clear link to pay because of the strong correlation between job weight and pay throughout the wider UK economy.

The Council's JNF will consider matters relating to conditions of employment and other matters of common concern in order to reach understanding and agreement. It is a forum for communication, consultation and negotiation.

For the purpose of the Council's Collective Bargaining Agreement, negotiation is the process of discussion between DDC and the Trade Unions with a view to reaching agreement and avoiding disputes. Consultation is the process by which management and the Unions consider and discuss issues of mutual concern.

The Head of Paid Service will seek independent advice on market positioning regarding pay and the JNF will provide the structure for negotiation and for settlement of pay and conditions of service in the light of locally agreed decisions. The recognised trades unions may either consider and respond directly and/or after seeking their own independent advice.

The purpose of the JNF will be, inter alia, to negotiate on matters, which are incorporated into the contract of employment, including the defined procedures of the Conditions of Service.

3.3 Salary grades and grading framework

There are 12 grades (Bands A-L) in the JESS pay framework, grade L being the lowest and grade A the highest. There is a separate Apprenticeship Pay Structure, which was approved by the Council in 2018. Each employee will be either on one of the 12 grades based on the job evaluation of their role via a consistent job evaluation process or paid as an apprentice under the Apprenticeship Pay Structure. Employees within the JESS framework can progress to the salary range maximum of their grade subject to incremental progression based on satisfactory performance determined through the Council's performance appraisal process. Officers will advance at the rate of one increment per year, subject to satisfactory performance, until the maximum of their Band is reached, with effect from 1 April, subject to the Officer having been in post prior to 1 October in the preceding year.

Apprentices will be paid in accordance with their level of study and their age and will be reviewed on an annual basis on the anniversary of their employment start date.

The Head of Paid Service, either acting alone or at the request of the Chief Officers, who are members of Corporate Management Team may, in exceptional circumstances, award accelerated incremental advancement within a Band in consultation with Human Resources.

Pay awards are considered annually for all staff through the Joint Negotiation Forum in negotiation with the recognised local Trades Unions.

There was an annual pay award of 3.25% on the base salary of all staff from 1 April 2022. There was an additional 0.6% applied to the lowest salary, to bring in line with National Minimum wage legislation. This was approved by the Council's General Purposes Committee.

4. Remuneration – level and element

4.1 Salaries

4.1.1 "Chief Officers" who are identified in paragraph 2.2 above are paid within the Council's pay framework, which applies to all other employees.

The annual pay review for these Chief Officers, as well as all other officers is considered by the Joint Negotiation Forum each year. To support the annual review, the Head of Paid Service will seek independent advice on market positioning regarding pay and the JNF will provide the structure for negotiation and for settlement of pay and conditions of service in the light of locally agreed decisions. The recognised trades unions may consider and respond directly and/or after seeking their own independent advice.

These Chief Officers have received the same percentage pay award as other managers and staff groups within the Council in each year since implementation of the local pay framework.

4.1.2 "Chief Officers" who are members of the Corporate Management Team

For this group of Chief Officers remuneration on appointment may also have regard to the relative size and challenge of the role compared to other Chief Officer roles within the Council. Account is also taken of other relevant available information, including the salaries of Chief Officers in other similar sized organisations.

The full Council will approve remuneration packages for new appointments in excess of £100k (incl. Salary, fees, allowances, benefits in kind etc.). The only posts paid over £100,000 are the Chief Executive and the Strategic Directors.

Details of chief officers' remuneration is published on the Council's website which can be found at www.dover.gov.uk

4.2 "Lowest paid employees"

Each "lowest paid employee" is paid as an apprentice and paid in accordance with the Council's approved Apprenticeship Pay Structure

4.3 Bonuses

There is no provision for bonus payments for the "lowest paid employees" or for "employees who are not Chief Officers" or for "Chief Officers".

Honoraria - Any Officer who, for any reason other than the annual leave of another Officer, is called upon at the request of a Chief Officer to undertake either the full or part duties of a higher graded post for a continuous period of at least four weeks, may be paid the salary or part salary of the higher graded post. The size of the award paid to employee(s) should be commensurate with the work being rewarded. This is controlled through the Authority to Recruit process and in consultation with the Head of Paid Service.

Market Supplements may be awarded from time to time where there is proven evidence that a role, at any grade, is difficult to recruit to, or where the retention of the incumbent provides greater value for money than re-recruitment to the role. Any

payment that is made will be appropriately benchmarked against the market and reviewed on a defined basis, usually of no more than one year.

4.4 Other pay elements

"Chief Officers" are subject to the same incremental progression as the "lowest paid employees" and "employees who are not Chief Officers".

All employees receive incremental progression until the top of their grade is reached, subject to satisfactory performance being achieved.

4.5 Charges, fees or allowances

Any allowance or other payments will only be made to staff in connection with their role or the patterns of hours they work and must be in accordance with the Council's Collective Bargaining Agreement and Conditions of Service. These policies include:

Maternity, Paternity and Adoption Pay: Employees with more than one year's service are entitled to Occupational Maternity, Paternity or Adoption Pay in addition to any statutory entitlements in recognition of the Council's desire to be an employer of choice and the importance of work / life balance. The Occupational element is payable regardless of grade.

Subsistence Allowance: The Council is committed to avoiding unnecessary expenditure incurred through attending business activities outside the workplace but recognises that on occasion it is appropriate to recompense employees for carrying out their duties elsewhere. All employees regardless of grade are eligible to claim reasonable expenses to enable them to carry out their role.

Mileage Allowance: Employees are eligible to claim reimbursement for necessary business mileage at the current HMRC rates. All claims are paid in accordance with the Council's agreed Mileage Policy.

Professional Subscriptions: All Officers at Band F or higher are eligible to claim reimbursement of one professional subscription in relation to their job or work.

Shift Allowances: Shift allowances are paid to various job holders, in order to compensate employees whose attendance at work is routinely alternated to meet the job requirement. All payments are made in accordance with the Council's Shift Premium Policy.

Disturbance Allowance: A payment may be paid to any Officer, regardless of grade, for a defined period where that Officer incurs additional personal expense if their work location has been changed at the request of the Council.

Elections: The Returning Officer has the overall responsibility for the conduct of elections. The Returning Officer is an officer of the Council who is appointed under the Representation of the People Act 1983. Although appointed by the Council, the role of Returning Officer is one of a personal nature and is separate and distinct from their duties as an employee of the Council. Dover District Council has adopted the Kent scale of fees for local elections as outlined in para 36(4) of the Representation of the People Act 1983. Fees for the conduct of national elections (i.e. European, Parliamentary and Police Commissioner) are set by Central Government.

4.6 Performance related pay

The Council does not operate a system of performance related pay at this time. All employees, including the lowest paid and Chief Officers move through their salary banding through incremental progression, subject to satisfactory performance.

4.7 Benefits in kind

Cash for Car Allowance or Lease Car: Following implementation of the Council's Job Evaluation Scheme in April 2009, car allowances were retained but paid only to officers in Bands A – E, i.e., from the Chief Executive to Heads of Service and some Service Managers. In making this part of the employment package, consideration was given to market data, which suggested that employees in comparable posts throughout the employment market were entitled to car allowances. The levels of allowance were determined by researching Croner Reward data on average car allowances for senior managers of comparable rank in medium sized companies (annual turnover between £5m - £50m). The amount is non-pensionable pay, which does not incur additional financial pressure to the Council.

Salary Sacrifice Schemes: The Council offers a salary sacrifice scheme to enable all eligible employees to lease low emission vehicles and a salary sacrifice Cycle to Work Scheme.

Benenden Health Care: All Officers are eligible to join Benenden Health Care, a mutual health provider, which is paid for by the Council in order to support the health and wellbeing of its employees.

Post-Entry Training: The Council will pay for the training of any Officer undertaking work related training or qualifications, subject to management approval and budget availability, on the condition that the Officer pays back the funding should they leave the Council's employment within two years of completing the training.

Eye Tests: The Council will pay for any Officer to undergo an eye test, when requested by that Officer, in order to comply with its duties under the Display Screen Equipment regulations and to promote the health and wellbeing of its employees.

4.8 Pension

All employees as a result of their employment are eligible to join the Local Government Pension Scheme. UK employers have to automatically enroll their staff into a workplace pension if they meet certain criteria. We have a compliant scheme for automatic enrolment in place.

During 2014, this Council adopted its Pensions Discretion Policy Statement, required under the Local Government Pension Scheme Regulations 2013. This was reviewed and revised in December 2020.

The Council's [Statement of Policy Discretions](#) is published on its website.

4.9 Severance Payments

The Council publishes its policy on [discretionary payments on early termination of employment](#) as well as the policy on increasing an employee's total pension scheme membership and on awarding additional pension. Details can be found in the Council's

statement of accounts and is available on the website and within the Council policies in respect of:

- early retirement
- flexible retirement

These policies are available to staff on the Council's intranet and to the public on request.

The full Council will approve severance packages in excess of £100k. The Council in considering a package over £100k will be provided with the components of relevant severance packages. This will include salary paid in lieu, redundancy compensation, pension entitlement, holiday pay and any fees, allowances or benefits in kind paid.

It is important that the Council has the flexibility to respond to unforeseen circumstances with regards re-employing former employees. If we re-employ a previous employee who received a redundancy or severance package on leaving, or if that person returns on a 'contract for services', or if they are in receipt of a Local Government Pension (with the same or another local authority), then our policy is to leave a minimum period of four weeks between the periods of employment. The post will then be considered through the Authority to Recruit process.

4.10 New starters joining the Council

Employees who are new to the Council will normally be appointed to the first point of the salary range for their grade. Where the candidate's current employment package would make the first point of the salary range unattractive (and this can be demonstrated by the applicant in relation to current earnings) or where the employee already operates at a level commensurate with a higher salary, a higher salary may be considered by the recruiting manager. This will be within the salary range for the grade. The candidate's level of skill and experience should be consistent with that of other employees in a similar position on the salary range.

In professions where there is a particular skills shortage, as a temporary arrangement, it may be necessary to consider a market premium to attract high quality applicants. With all salaries, there can be scope for negotiation over the exact starting salary at the point of job offer, and a range of factors will be considered. The final decision as regards any discretion lies with the Head of Paid Service.

5. Relationship between remuneration of "Chief Officers" and "employees who are not Chief Officers"

5.1 Salary Grades

- 5.1.1 The lowest paid JESS grade for Dover District Council is grade L. The pay range for grade L is currently £18,329 to £18,658 per annum, which is in excess of the current national living wage (pre-April 2023). The lowest paid apprentices are paid the National Minimum Wage for apprentices, currently 4.81 x 1.5 which equates to an annual rate of pay of £13,929. The highest paid post is that of Chief Executive with a pay scale of £118,846 to £134,483 per annum plus non-pensionable pay of £15,108, which is made up of a car allowance of £11,881 per annum and a fuel allowance of £3,227 per annum.

5.2 Pay multiples.

- 5.2.1 The ratio between highest pay scale and the median pay scale of whole authority's workforce is 4.4:1 at the mid pay point on the respective scales.
- 5.2.2 The Council does not have a specific policy on pay ratios between the highest and lowest graded points.

February 2023

Subject: VACANCY ON THE EAST KENT JOINT INDEPENDENT REMUNERATION PANEL

Meeting and Date: COUNCIL – 1 MARCH 2023

Report of: STRATEGIC DIRECTOR (CORPORATE AND REGULATORY)

Classification: UNRESTRICTED

Purpose of the report: A vacancy has arisen amongst Dover District Council's two appointees of the East Kent Independent Remuneration Panel and Council is asked to determine whether to fill the vacancy.

Recommendation: That the vacancy in one of Dover District Council's two appointees on the East Kent Joint Independent Remuneration Panel not be filled for the remainder of the term of appointment.

1. Summary

- 1.1 The Council is required to appoint an Independent Remuneration Panel under the Local Authorities (Members' Allowances) (England) Regulations 2003 for the purpose of making recommendations to the Council in respect of its Members' Allowances Scheme.
- 1.2 A vacancy has occurred on the Panel following the resignation of one of the two members appointed by Dover District Council. The terms of appointment of all five members of the Panel are due to expire on 30 November 2023.

2. Introduction and Background

- 2.1 The Council is required to appoint an Independent Remuneration Panel under the Local Authorities (Members' Allowances) (England) Regulations 2003 for the purpose of making recommendations to the Council in respect of its Members' Allowances Scheme.
- 2.2 Since 2002 the Council has operated a Joint Independent Remuneration Panel with neighbouring authorities. The current East Kent Joint Independent Remuneration Panel ('the Panel') was formed in 2008 and consists of 5 members appointed by Canterbury City Council (1 member), Dover District Council (2 members) and Thanet District Council (2 members). The term of office of the current Panel members expires on 30 November 2023.
- 2.3 The three participating authorities will be asked to indicate whether they wish to continue participating in the Panel for another four-year term after the May 2023 elections. If they do, new members will be appointed and their appointment will run until November 2027.
- 2.4 The Regulations require that the Panel be composed of "at least three members none of whom... is also a member of an authority in respect of which it makes recommendations...or...is disqualified from being or becoming a member of an authority".
- 2.5 The two Dover appointees were former independent members of the Council's Standards Committee prior to being appointed to the Panel. The key responsibilities of the Panel as set out in the Regulations are to make recommendations as to the responsibilities or duties in respect of which the following allowances should be made available and the amount of allowance:

- Basic Allowance;
- Special Responsibility Allowances;
- Member Travel and Subsistence allowances;
- Dependent Carers Allowances; and
- Index linking arrangements for allowances.

2.6 The Council has a duty to have regard to the recommendations of the Panel when making a decision in respect of any of the allowances set out above but does not have to adopt the recommendations of the Panel.

The Vacancy on the Panel

2.7 It is proposed that the Council does not seek to appoint to the vacancy for the remainder of the Panel's current term expiring on 30 November 2023.

2.8 The expiration of the Panel's four-year term of appointment is scheduled to enable the three authorities to make a decision as to whether to continue their participation in the Panel following the local elections.

2.9 The Panel is still able to operate until the end of its term of appointment as the quorum is three members and there are currently four members on the Panel. As the participating local authorities set their Members' Allowances Schemes to operate from 1 April 2023 it is unlikely that the Panel will need to be called upon until later in the year with the potential for any appointee to not be called upon to attend a meeting prior to the expiration of their term of appointment in November 2023. Further, as part of the normal recruitment process, the Council would be seeking to advertise for new Panel members to interview in Summer 2023 with a view to making appointments by full Council in Autumn 2023 for each participating authority.

2.10 Considering the limited time before the Councils are due to begin the process of recruiting again for the Panel's next term and the fact that the Panel is still able to operate above quorum, it is not recommended to fill the vacancy on the Panel until the Panel's entire membership comes up for appointment later in 2023.

2.11 The view of the Chairman of the East Kent Joint Independent Remuneration Panel has been sought and he indicated he would have no objection to the vacant position remaining unfilled for the remainder of its term.

3. Identification of Options

3.1 Option 1: To not fill the Dover vacancy on the East Kent Joint Independent Remuneration Panel for the remainder of the term of appointment. This is the recommended option.

3.2 Option 2: To fill the Dover vacancy on the East Kent Joint Independent Remuneration Panel for the remainder of the term of appointment until 30 November 2023.

4. Evaluation of Options

4.1 Option 1 is the recommended option. The Panel is able to operate at above quorum levels for the remainder of its term and it saves the time and expense of undertaking a recruitment process that would not be potentially filled until the Annual Meeting of Council in May 2023. As there has not traditionally needed to be a meeting of the Panel in the summer period, it is highly likely that the appointee's term would expire before the Panel had met.

4.2 Furthermore, any successful candidate appointed to fill the remainder of the term would need to reapply for the Panel's next term of operation shortly after being appointed with the rest of the Panel.

4.3 Option 2 is not the recommended option for the reasons stated above. There is little difference between recruiting for one position or two positions and due to the timescales for reappointing the Panel, the recruitment process would need to be repeated within two months of it concluding if the vacancy were to be filled.

5. **Resource Implications**

5.1 Option 1 has no adverse resource implications and would result in a small saving (c.£130) to the authority in the fee paid to Panel member for the remainder of the vacant term of appointment.

5.2 Option 2 will incur costs for recruiting to the vacant position on the Panel. The costs of recruitment adverts across a range of media are estimated at c.£300.

6. **Climate Change and Environmental Implications**

6.1 There are no direct climate change and environmental implications arising from the report.

7. **Corporate Implications**

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

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 regarding a vacancy on the East Kent Joint Independent Remuneration Panel 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**

None.

9. **Background Papers**

Local Authorities (Members' Allowances) (England) Regulations 2003

Contact Officer: Rebecca Brough, Democratic and Corporate Services Manager,
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Subject:	REVISED PETITION SCHEME
Meeting and Date:	Governance Committee – 27 February 2023 Council – 1 March 2023
Report of:	Democratic and Corporate Services Manager
Classification:	UNRESTRICTED

Purpose of the report: To consider a revised Petition Scheme.

Recommendation: That the Council approve the new Petition Scheme as set out in Appendix 1 of the report and incorporate it into the Constitution of the Council (Issue 25).

1. Summary

In accordance with the requirements of the Local Democracy, Economic Development and Construction Act 2009 the Council adopted a 'Petition Scheme' reflecting statutory guidance at its meeting held on 19 May 2010. As part of this, the previous Petition Scheme of the Council was repealed.

The intention was always to review the Petition Scheme after sufficient time had passed so that its performance could be assessed. Following the repeal of the provisions within the Local Democracy, Economic Development and Construction Act 2009, the statutory guidance was also repealed allowing the Council to conduct a fuller review of its arrangements.

2. Introduction and Background

2.1 The Council's Petition Scheme currently reflects the now repealed statutory guidance for Local Authority Petition Schemes in full. This Scheme has been in operation for over a decade and the need to review it was identified in a previous review of the Constitution. This was in part delayed by Covid but the opportunity has now presented itself for review as at the time of writing the Council is not in receipt of an active petition. As part of the review, consideration has been given to the operation of the current Petition Scheme and what has worked well or needs improvement and the elements of the pre-2010 petition scheme that would benefit from reintroduction to a revised scheme. There has also been benchmarking against a number of other Local Authorities that have revised their schemes since the abolition of the statutory guidance.

2.2 The review has also examined two new features introduced in 2010 to the Petition Scheme which were the arrangements for a threshold for petitions to require senior officers to account for their decisions to the Overview and Scrutiny Committee (these petitions required 800 signatures) and a threshold for petitions to go directly to consideration by the full Council (these petitions require 1,600 signatures).

Overview and Scrutiny Committee

2.3 The operation of the 2010 Petition Scheme has evolved over time to make the Overview and Scrutiny Committee the main gatekeeper for petitions received by the Council. This has been very successful given the range of statutory powers that the Overview and Scrutiny Committee has in holding officers and cabinet members to account.

- 2.4 It is proposed that this position be formalised with the assignment of the receipt of petitions being placed with the Overview and Scrutiny Committee in the scheme. This ensures that Members have an early intervention in the process and reflects the pre-2010 Petition Scheme that required all petitions with 20 or more signatures to be received by the then Scrutiny (Policy and Performance) Committee.

Signatures

- 2.5 The current Petition Scheme has no minimum number of signatures required which has resulted in one petition having been received with 2 signatures on it. It is proposed that a minimum threshold of 20 signatures be introduced in the new Petition Scheme which reflects the qualifying threshold in the pre-2010 Petition Scheme of the Council. That petition scheme required that a “petition must bear the signatures of at least 20 local government electors for the District”.
- 2.6 It is not proposed to adopt the requirement that signatories to a petition be local government electors in order to allow younger members of the district below the voting age to still have the opportunity to engage with their elected Members through a petition. As a result, the revised Petition Scheme does not contain a minimum age requirement for signatories.
- 2.7 Where a petition has received less than 20 signatures it is proposed that it will be automatically referred to the relevant manager to respond to rather than go through the petition scheme. This will ensure that no petition will go unanswered.
- 2.8 The revised Petition Scheme has replaced the ‘live, work and study in the district’ qualification for signatories with a provision that signatories be resident in the district. This is an amended version of the pre-2010 petition scheme’s requirement that signatories be resident in the Dover District, though this time as residents rather than local government electors.
- 2.9 The Council has previously received petitions with signatures from every constituent country in the United Kingdom and every continent on the planet with the exception of Antarctica. This has led to decisions having to be made as to the validity of signatures outside of the district as whether they could realistically be said to work or study in the district. To simplify this, the revised scheme has been amended to focus on those who are resident in the Dover district in line with the pre-2010 petition scheme.

Officer Evidence

- 2.10 This function that required senior officers to account for their decisions to the Overview and Scrutiny Committee (where a petition requesting this had 800 or more signatures) has never been used at Dover. It is proposed to remove this provision as the Overview and Scrutiny Committee already has this function at its disposal to bring senior officers and cabinet members before it to account for their decisions and regularly exercises this function in respect of petitions. For example, in respect of a recent petition on enclosed dog parks the Head of Commercial Services attended a meeting of the Overview and Scrutiny Committee to speak to the petition in response to questions from Members.
- 2.11 The proposed removal of this function on the revised Petition Scheme does not weaken the holding of officers to account for decisions as the Overview and Scrutiny Committee already has this function. Indeed, the existing powers of the Overview and Scrutiny Committee are wider as they include the ability to bring Cabinet Members before the Committee in respect of petitions.

Petitions to the Council

- 2.12 The current Petition Scheme has a requirement that petitions of a certain size (1,600 signatures) can be brought before the full Council for consideration. The Petition

Organiser would have 10 minutes to present the petition followed by 20 minutes for the full Council to debate the petition.

2.13 It is proposed to remove that signature threshold for referrals to the full Council and instead place that responsibility for deciding whether a matter should be referred to full Council with the Overview and Scrutiny Committee. If a petition is referred by the Overview and Scrutiny Committee to the full Council for consideration, the Petition Organiser would be given the opportunity to speak for up to 10 minutes in support of their petition at the Council meeting.

2.14 This change preserves the essence of the current scheme that there are some petitions that should be debated by the full Council, while at the same time empowering members of the Overview and Scrutiny Committee with the flexibility to decide which petitions should be referred.

3. Identification of Options

3.1 Option 1: To approve the revised Petition Scheme and incorporate it into the Constitution of the Council (Issue 25).

3.2 Option 2: To amend the revised Petition Scheme and incorporate it into the Constitution of the Council (Issue 25).

3.3 Option 3: To reject the revised Petition Scheme and retain the current Scheme.

4. Evaluation of Options

4.1 Option 1: This is the option recommended by the author of this report and by the Council's statutory officers. It draws on practice at other local authorities and preserves the elements of the current petition scheme that work well and codifies current best practice. The new scheme is intended to be more user-friendly and formalise the role of the Overview and Scrutiny Committee as the gatekeeper for petitions. It provides a new scheme that is intended to combine the best elements of participatory and representative democracy to form an improved Petition Scheme.

4.2 Option 2: This is not the recommended option, though depending on the nature of the amendments may be able to be incorporated into the scheme with modest change. In the event that significant changes are required it is proposed that officers be instructed to bring back a revised Petition Scheme that reflects the desired changes.

4.3 Option 3: This is not the recommended option as it does not introduce the best elements of other practice elsewhere or previous DDC practice and retains a Petition Scheme based on withdrawn statutory guidance. As it retains the status quo there are no negative impacts to this decision other than the loss of the opportunity to improve the Scheme.

5. Resource Implications

5.1 There are no direct resource implications arising from the report.

6. Climate Change and Environmental Implications

6.1 There are no direct Climate Change and Environmental Implications arising from the report. The Council continues to encourage the use of electronic petitions to reduce the amount of paper use.

7. Corporate Implications

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

- 7.2 Comment from the Solicitor to the Council: The Solicitor to the Council/Monitoring Officer 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 relating to a revised Petition Scheme 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 – Revised Petition Scheme
9. **Background Papers**
Local Democracy, Economic Development and Construction Act 2009

Contact Officer: Rebecca Brough, Democratic and Corporate Services Manager,
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PETITION SCHEME

Introduction

1. Dover District Council welcomes petitions as they are one of several ways in which residents can communicate their concerns and priorities to the Council. Our residents are at the heart of everything that we do as a Council, and we recognise that petitions are one way that individuals can participate in the democratic process, by raising issues of public concern with the Council and allowing Councillors to consider the case for change.

Application of Petition Scheme

2. This petition scheme supersedes all previous schemes adopted by Dover District Council ('the Council'). It will come into effect from the date of its adoption by the Council on 1 March 2023.

Scope of the Petition Scheme

3. The Council will, subject to the exclusions at paragraph 4, accept petitions that relate to a matter over which the Council has responsibility or any matter affecting the area or its inhabitants.
4. The Council will not accept Petitions that contain:
 - (a) Complaints about the conduct of councillors. The Localism Act 2011 created a statutory framework for considering [councillor complaints](#) and details of this can be found on the Council's website (dover.gov.uk).
 - (b) A complaint relating to a failure or degradation of service provision by the Council, except where the allegation is that there has been a systemic failure (partial or total) in the delivery of a Council function. Petitions relating to such matters where there is no allegation of systemic failure will be dealt with through the Council's Complaints Procedure which gives the option of appealing to the relevant Local Government Ombudsmen at the end of the process.
 - (c) Any matter relating to a planning decision (including about a development plan document or the community infrastructure levy).

Petitions in respect of planning applications can be accepted by the Council outside of the provisions of this Petition Scheme as comments on an application. A petition is counted as one representation for this purpose. For more information please see the section '[How to Comment on Applications](#)' on the Council's website.

- (d) Material which is commercially sensitive, confidential or which may cause personal distress or loss.
- (e) Any matter relating to court or legal proceedings.
- (f) Any matter relating to a licensing decision.

(g) Any other matter relating to an individual or entity in respect of which that individual or entity has the right of recourse to a review or right of appeal conferred by or under any other enactment. This includes:

- Statutory petitions (such as requesting a referendum on having an elected mayor); or
- Matters where there is already an existing right of appeal (such as council tax banding and non-domestic rates or enforcement actions).

If a statutory petition fails to meet the requirements of the enactment in question it can be addressed through the Council's petition scheme in exactly the same manner as any other non-statutory petition.

(h) Matters that are considered to be in the view of the Council to be potentially libellous, false, defamatory, vexatious, abusive or otherwise inappropriate. The Council will make a judgement on this when considering the circumstances of the individual case.

The type of petition that may be considered inappropriate includes those relating to matters which target individual members of a community or officers of the Council.

5. Additionally, Petitions relating to highways are a function of Kent County Council and outside the scope of the scheme. A separate arrangement for petitions relating to these matters in place and you will be advised what you need to do for the petition to be received and considered by the relevant body.
6. If a petition is deemed inadmissible, the petition organiser will be informed of the reasons for that decision.

Alternatives to a Petition

7. As a Council, Dover District Council tries to identify and solve problems at an early stage. The Council is committed to receiving feedback as this helps us to develop and review services. We recognise that there are a number of ways in which you can have your say including:
 - Contacting your local district councillor.
 - Asking a question on notice at a meeting of the full Council.
 - Making a complaint through the Council's corporate complaints system.

Who can raise a petition?

8. Anyone who is resident in the Dover District can raise a petition. For these purposes a person will be treated as being resident in Dover District if they have a home in the district. The person who raises the petition is known as the 'Petition Organiser' and is the point of contact for the Council in respect of the petition.

Who can sign a petition?

9. Anyone who is resident in the Dover District can sign a petition.

What should a petition contain?

10. A petition should include a brief title and a short, clear and concise statement covering the objective of the petition. It should clearly state what action the petitioner wishes the Council to take. The Council will seek further explanation from the Petition Organiser if it is unclear.
11. In order for the petition to be considered, it must clearly display:

- The title and objective of the petition.
 - The name, address and contact details (telephone number and/or email address) of the 'Petition Organiser'.
 - The name, address and signature of anyone supporting the petition.
12. As a general principle, we would expect petitions to start "We the undersigned..." or words to that effect.
13. For paper petitions, each page of signatures must be headed with this clear and concise statement to demonstrate that those that have signed the petition are supporting the submitted petition.
14. Petitions that do not follow these guidelines will not be accepted. In these cases, you will be informed in writing of the reasons why a petition cannot be accepted.

How many signatures does a petition need?

15. There must be a minimum of 20 signatures on a petition.
16. A petition with less than 20 signatures will not be accepted under the Petition Scheme and will be referred to an officer of the council to respond to the issues raised.

How Can You Submit a Petition to the Council?

17. The Council will accept petitions through one of the following methods:

(a) Paper Petition

A paper petition **MUST** include:

- A clear and concise statement covering the subject matter of the petition and what action the petitioners wish the council to take.
- The name, address and contact details (telephone number and/or email address) of the 'Petition Organiser'.
- Each page of signatures must be headed with this clear and concise statement to demonstrate that those that have signed the petition are supporting the submitted petition.
- The name, postal address in the Dover District and signature of any person supporting the petition.

Paper petitions should be sent to:

Democratic and Corporate Services Manager
 Dover District Council
 White Cliffs Business Park
 Whitfield
 Kent CT16 3PJ

(b) Electronic Petition via the Council's Website (www.dover.gov.uk)

An electronic petition (known as an 'e-petition') submitted via the Council's website **MUST** include:

- A clear and concise statement covering the subject matter of the petition and what action the petitioners wish the council to take.

- The name, address and contact details (telephone number and email address) of the 'Petition Organiser'.
- The Council's e-petition system will require the name, postal address and e-mail address (which acts as the signature of any person supporting the e-petition) when someone signs the e-petition.

(c) Electronic Petition via a Third-Party Petition Website

The Council will recognise e-petitions from the following providers:

- Change.org
- 38Degrees.org.uk

Petitions from these providers will only be accepted if the petition organiser provides the Council with the same information required for an e-petition on the Council's website.

The Council will not accept an electronic petition from any other e-petition provider.

What will the Council do with a valid petition?

18. A valid petition will be referred to a scheduled meeting of the Overview and Scrutiny Committee for consideration. A member of the Democratic Services team will advise the Petition Organiser of the date of the meeting at which the petition will be considered.
19. The Petition Organiser, or their nominated representative, will be invited to address the Overview and Scrutiny Committee for 10 minutes to speak in support of the petition.
20. After presentation of the petition, the Overview and Scrutiny Committee may select one or more of the following options:
 - Consider the petition and forward it to the Cabinet, Council or a Committee of the Council or an officer within the Council for consideration;
 - Consider the petition and forward it to another body or organisation outside the Council for consideration and response;
 - Consider the petition and invite the petition organiser to provide additional information to assist it in reaching a decision on the action to be taken in relation to the petition;
 - Consider the petition and request additional information from officers to assist it in reaching a decision on the action to be taken in relation to the petition; or
 - Consider the petition and agree to take no further action.
21. If a petition is referred by the Overview and Scrutiny Committee to the full Council for consideration, the Petition Organiser will be given the opportunity to speak for up to 10 minutes in support of their petition at the Council meeting.
22. The Committee shall then provide a formal response to the petition, which shall be recorded in the Minutes of the Overview and Scrutiny Committee meeting.

What happens if I feel the response to be inadequate?

23. The decision of the Cabinet, Council, Council Committee or Overview and Scrutiny Committee is final.

24. However, if you feel that the procedure set out in the Petition Scheme has not been correctly applied you can make a complaint under the Council's Corporate Complaints Policy.

Data Protection

Data Protection (Petition Organiser)

25. As the Petition Organiser, you must act in accordance with the provisions of the UK General Data Protection Regulation (UK GDPR). In practical terms, this means that you must have the consent of those who complete the petition to share their data.

Data Protection (The Council)

26. The Council requires the name and address of everyone who signs a petition to validate that they are a resident of the Dover District. For electronic petitions an email address is also required.

Subject:	REVIEW OF THE CONSTITUTION 2022/23
Meeting and Date:	GOVERNANCE COMMITTEE – 27 FEBRUARY 2023 COUNCIL – 1 MARCH 2023
Report of:	MONITORING OFFICER
Classification:	UNRESTRICTED

Purpose of the report: Article 15 of the Constitution requires the Monitoring Officer to conduct regular reviews of the Constitution.

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

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

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

Recommendation:

Governance Committee: That it be recommended to Council that the proposed changes in the Review of the Constitution 2022/23, as set out in Appendix 1, and specifically those changes relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) that relate to Council functions be approved and incorporated into the Council’s Constitution, issue no. 25.

Council: That the proposed changes in the Review of the Constitution 2022/23, as set out in Appendix 1, and specifically those changes relating to Part 3, Responsibility for Functions, Section 1 (Responsibility for Local Choice Functions), Section 2 (Responsibility for Council Functions) and Section 6, Sub Section C (Scheme of Officer Delegations) that relate to Council functions be approved and incorporated into the Council’s Constitution, issue no. 25.

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

1. Summary

1.1 Article 15 of the Council's Constitution makes provision for the regular review of the Constitution by the Monitoring Officer on an annual and ad-hoc basis. This 2022/23 review incorporates a number of changes to the Scheme of Officer Delegations (Part 3, Section 6, Sub Section C), in particular as a relation to services that have been moved between directorates following the appointment of a third Strategic Director in October 2022 as well as general administrative amendments.

2. Introduction and Background

2.1 Since the introduction of the first version of the Constitution in 2002, the Council has revised the Constitution twenty-one times. The Review of the Constitution 2022/23, which has been undertaken by the Monitoring Officer in conjunction with the Strategic Director (Corporate and Regulatory) and the Democratic & Corporate Services Manager will be the twenty-second revision resulting in the proposed draft version 24.

2.2 Due to the size of the Council's Constitution, it is not practical to conduct a detailed analysis of nearly 500 pages on an annual basis and instead specific areas are selected each year for review. This year's review has concerned itself with:

- (a) incorporating changes previously agreed by the full Council (such as the updated Contract Procedure Rules and amendments to the Members' Allowances Scheme);
- (b) the Council's Petition Scheme;
- (c) reflecting structural changes to the Council's organisational structure;
- (d) reflecting legislative changes in the Scheme of Officer Delegations;
- (e) the collation of changes made by decision-making bodies such as the Cabinet or Council during the course of the previous year; and
- (f) general administrative amendments.

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

Amendments to the Constitution Requiring Approval

2.4 An explanation of the key changes is set out below:

(a) Textual Amendments

2.5 There are a small number of amendments reflecting changes in job titles and organisational structure as well as general housekeeping amendments.

2.6 Additionally, referencing between the Access to Information Procedure Rules and the Protocol for Relationships between Members and Officers has been strengthened to ensure the link between the two sections is referenced clearly at the appropriate points.

(b) Petition Scheme

2.7 The Council's petition scheme was introduced in 2010 and has been revised following a review of its operation. The details of this review are contained in a report that Members have been asked to consider separately.

- 2.8 In summary, the review has streamlined the petition scheme and removed several elements that were introduced as part of the original, now repealed, statutory guidance. The intention of this was to produce a clearer, more user-friendly version of the current scheme while preserving the ability of local residents to exercise their rights to petition the Council on matters of local concern.

(c) Joint Health, Welfare and Safety Consultative Forum and Joint Staff Consultative Forum

- 2.9 The operation of the Joint Health, Welfare and Safety Consultative Forum over the last year has highlighted a deficiency in respect of the making of recommendations on operational matters to Corporate Management Team. The functions of the Forum are currently drafted as follows:

“The functions and objects of the Joint Forum shall be to consider all matters relating to the health, safety and welfare of all personnel employed by Dover District Council and to submit to the Council or Cabinet advice and recommendations thereon.”

- 2.10 In practice, matters of operational concern are more effectively addressed and resolved by the Corporate Management Team and officers have previously agreed to feed information back to relevant senior managers following meetings of the Forum. This is in keeping with the role of the Corporate Management Team in operational matters which is explicitly acknowledged in the decision-making powers of the Forum where it states:

“All decisions of the Joint Forum, other than matters of procedure, are subject to confirmation by the Council in relation to matter of policy, and by Corporate Management Team in relation to operational matters;”

- 2.11 This Review has sought to formalise a solution for situations where there has been a need to make recommendations to senior management (either collectively or individually) concerning operational matters of concern to the Forum through a small amendment to expand its functions to read:

“The functions and objects of the Joint Forum shall be to consider all matters relating to the health, safety and welfare of all personnel employed by Dover District Council and to submit to the Council or Cabinet, **or to the Corporate Management Team in respect of operational matters**, advice and recommendations thereon.”

- 2.12 The proposed changes do not remove any of the existing options open to the Forum and instead increases its range of options by formalising the function to make direct recommendation on operational matters to Corporate Management Team.

(d) Scheme of Officer Delegations

- 2.13 There are a number of changes proposed to the Section 6 (Scheme of Officer Delegations) of Part 3 (Responsibility for Functions) to reflect legislative changes, organisational changes, current procedures or to provide increased transparency or clarity.

Changes previously agreed by Cabinet or Council

(a) Members' Allowances Scheme

- 2.14 The full Council made its latest Members' Allowances Scheme on 25 January 2023. These changes are incorporated into the Constitution in Part 6.

(b) Contract Procedure Rules

- 2.15 The updated Contract Procedure Rules were approved by the full Council on 25 January 2023. These Changes are incorporated into the Constitution in Part 5.

(c) Parental Leave Policy for Councillors

- 2.16 The Council at its meeting held on 20 July 2021 adopted the Parental Leave Policy for Councillors. This has now been incorporated into the Constitution and will form part of the induction material for councillors following the May 2023 elections.

3. Identification of Options

- 3.1 Option 1: To approve the 2022/23 Review of the Constitution as submitted.
3.2 Option 2: To not approve the 2022/23 Review of the Constitution as submitted.
3.3 Option 3: To amend the Constitution in some other way.

4. Evaluation of Options

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

5. Resource Implications

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

6. Climate Change and Environmental Implications

- 6.1 There are no climate change and environmental implications arising from the Review of the Constitution. Due to the size of the Constitution document Members are encouraged to use an electronic copy of the document rather than printing a paper copy.

7. Appendices

Appendix 1 – Constitution of the Council (Issue 25 Draft)

8. Background Papers

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

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Questions Raised on Notice by Members

(a) To Chairmen/Vice-Chairmen of Committees

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

(b) To the Executive

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

- (1) Councillor D R Friend will ask the Portfolio Holder for Finance, Governance, Digital and Climate Change, Councillor C A Vinson:

“Will the Portfolio Holder for Finance, Governance, Digital and Climate Change update the Council on steps we’re taking to help residents insulate their homes and cut their energy bills, as part of our wider commitment to cut the Council’s carbon emissions to net zero by 2030, and ambition to achieve the same goal across the whole district by 2050?”

- (2) Councillor J S Back will ask the Portfolio Holder for Social Housing, Port Health, Skills and Education, Councillor D P Murphy:

“Would the Portfolio Holder for Social Housing, Port Health, Skills and Education agree with me that the construction of 26 affordable homes on Napchester Road in Whitfield is yet another positive step by this Council to meet residents’ housing needs, and could he provide an update on our programme to grow our social housing stock and improve conditions for our tenants?”

- (3) Councillor E A Biggs will ask the Portfolio Holder for Planning and Environment, Councillor N S Kenton:

“Would the Portfolio holder for Planning enforcement, Cllr Kenton, tell us what is being done to ensure that the long suffering residents of Aycliffe are not having their daily lives further disrupted by the latest Lorry park in South Military Road.”

- (4) Councillor S H Beer will ask the Portfolio Holder for Finance, Governance, Digital and Climate Change, Councillor C A Vinson:

“What steps are being taken while our digital transformation continues, to preserve multiple routes for residents to communicate with DDC?”

- (5) Councillor S H Beer will ask the Portfolio Holder for Finance, Governance, Digital and Climate Change, Councillor C A Vinson:

“Are digitally literate residents at an unfair advantage?”

- (6) Councillor M F Hibbert will ask the Leader of the Council, Councillor T J Bartlett:

“Would the Leader of the Council agree with me that keeping Dover’s Council Tax the lowest in East Kent and delivering excellent value for money is of great importance to our residents, particularly when household budgets are under significant pressure, and provide an update on our transformation programme to modernise and improve the services we provide for the future?”

- (7) Councillor D A Hawkes will ask the Leader of the Council, Councillor T J Bartlett:

“Will the Leader of the Council join me in celebrating the significant grant funding we have secured to regenerate our town centres, and will he provide an update on progress with the delivery of the Council's ambitious programme to boost tourism and inward investment?”

Motions on Notice by Members

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

“This council notes that there is more work to be done to encourage a more diverse range of candidates for elections in future, in order that councillors better represent the diverse communities they serve.

This council therefore resolves to create a working group at the annual Meeting in May 2023 to find ways to encourage a more diverse range of candidates, especially more women, to stand for council in future.”

URGENT BUSINESS

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