

Public Document Pack



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26 February 2024

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **GOVERNANCE COMMITTEE** will be held in the Council Chamber at these Offices on Tuesday 5 March 2024 at 5.30 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Democratic Services on (01304) 872305 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", written over a white background.

Chief Executive

Governance Committee Membership:

H M Williams (Chairman)
S H Beer (Vice-Chairman)
M Bates
R M Knight
J P Loffman
S C Manion
L M Wright

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

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

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

4 **REDISTRIBUTION OF FUNCTIONS AMONGST CHIEF OFFICERS** (Pages 5 - 12)

To consider the attached report of the Head of Paid Service.

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.

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- 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

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

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

Subject:	REDISTRIBUTION OF FUNCTIONS AMONGST CHIEF OFFICERS
Meeting and Date:	Governance – 5 March 2024 Council – 6 March 2024
Report of:	Nadeem Aziz, Head of Paid Service
Classification:	Unrestricted

Purpose of the report: This report seeks approval for changes to the functions and responsibilities of the Council’s Chief Officers.

If Council approves the initial redistribution of Chief Officer functions and responsibilities Council is asked to approve the changes to the Scheme of Officer Delegations (Council Functions). The Leader will separately be asked to approve changes to the Scheme of Officer Delegations (Executive Functions).

Recommendation:

Governance Committee: That Governance Committee recommend to Council that the proposed changes to Article 12 and the Scheme of Officer Delegations be approved and incorporated into the Council’s Constitution version 25a;

Council: That:

1. Council approves the re-distribution of functions between the Chief Officers who form the Council’s Corporate Management Team.
2. Subject to the agreement of 1 above, Council approves resultant changes to Article 12 and the Scheme of Officer Delegations (Council Functions) as outlined in the appendix

1. Summary

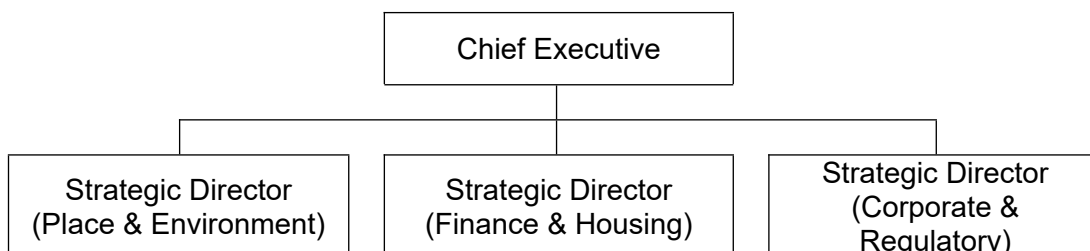
1.1 Article 12 of the Constitution, identifies the Council’s Chief Officers. Section 4 of Local Government and Housing Act 1989, (which defines the functions of the Head of Paid Service) is reflected in the Council’s Constitution. Article 12.02 This requires the Head of Paid Service to report to the full Council on the number and grade of staff required by the authority to discharge the Council’s functions. Any change to the distribution of Chief Officer functions and responsibilities requires Council approval.

2. Introduction and Background

2.1 Staffing changes have recently occurred within the wider organisation. As a result of this, it is necessary to reallocate functions amongst the Council’s Chief Officers and make changes to the Constitution.

Allocation of Functions

- 2.2 It is proposed that these are the Council's Chief Officers as identified in Article 12 of the Council's Constitution with the allocation of functions below:



Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Leadership, strategic direction and management Member/Officer relationships Change management Partnership and joint working arrangements Policy development Provision of external focus Civic Functions
Strategic Director (Finance & Housing) (Section 151 Officer)	Financial management and budgetary control Accountancy Client Officer for East Kent Audit Partnership Client Officer for EKS/Civica Housing Management Housing Needs Procurement Housing & Property Investment Community Services, Safety and CCTV Transport and Parking
Strategic Director (Place & Environment)	Planning & Development Building Control Leisure Services Regeneration, Tourism & Inward Investment Museums & Heritage Parks, Open Spaces & Countryside Property and Corporate Assets Waste Services
Strategic Director (Corporate & Regulatory)	Corporate Governance Communications and funding Democratic and Corporate Services Legal and Licensing Electoral Services Human Resources & Payroll Environmental Services Port Health Digital Services/ICT

Changes to the Constitution

2.3 The changes to Article 12 are detailed at 2.2 above. The resultant proposed changes to the Constitution are attached at Appendix 1.

2.4 Appendix 1 shows the necessary changes to the Scheme of Officer Delegations, to reflect the amended allocation of functions of the Chief Officers. The Leader will be asked to approve the Scheme of Officer Delegations insofar as they relate to Executive Functions.

3. Identification of Options

3.1 As Head of Paid Service I have recommended the redistribution of functions following staffing changes within the organisation. It is recognised that the new allocation of functions results in changes to the structure below and line management reporting changes for some service teams. The structure below chief officer level will be determined by me in accordance with Article 12 of the Constitution.

3.2 Therefore, the options for the Council are:

(a) To agree the reallocation of functions amongst the Council's Chief Officers and subsequent changes to the Constitution.

(b) Request that the Head of Paid Service looks at other options.

4. Evaluation of Options

4.1 The preferred option is shown at 3.2(a). This is felt to properly align the Council's functions following staffing changes.

5. Corporate Implications

5.1 Comment from the Section 151 Officer (linked to the MTFP): The Head of Finance and Investment has been consulted on this report and has no further comments to add. (HL)

5.2 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 (BD)

5.3 Comment from the Equalities Officer: This report on the Redistribution of Functions Amongst Chief Officers 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>.

6. Appendices

Appendix 1: Amendment to the Scheme of Officer Delegations (Council Functions) as a result of the reallocation of functions.

7. Background Papers

Constitution of this Council

Local Government and Housing Act 1989

Contact Officer: Nadeem Aziz, Head of Paid Service

Delegation to: **Strategic Director (Finance & Housing)**
Strategic Director (Place & Environment)
Community Services Manager

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
225. Events	To co-ordinate the management of events taking place within the District both on and off Council land.	
226. Local Government Act 1972 s.142	To exercise the powers and functions of the Council with regard to the provision of information concerning the services available in the area of the authority relating to matters affecting Local Government.	
227. Power to Encourage Visitors – section 144 Local Government Act 1972	To exercise the powers and functions of the Council in relation to the provision of information, publicity advertising and facilities.	
228. Local Government Act 1972 s.145	To exercise the powers and functions of the Council with regard to the provision of entertainments	

Delegation to: **Strategic Director (Finance & Housing)**
Community Services Manager

Executive Functions

Column 1 Legislation	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
229. Anti-Social Behaviour Act 2003 and all other powers	To exercise the powers and functions of the Council under the Anti-Social Behaviour Act 2003 and all other powers, to authorise the institution of proceedings for injunctions, Anti-Social Behaviour Orders and other appropriate legal proceedings in consultation with the Solicitor to the Council, in order to prevent anti-social behaviour or damage to property, occurring within the Dover District.	
230. Operation of CCTV	To discharge the Council's powers and functions with regard to the management and operation of CCTV.	In accordance with any relevant policies, codes of

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
			practice and protocols adopted by the Council
231.	Covert operations	To act as signatory for the Council in respect of targeted covert operations requested by the Police or other enforcement agencies	The Monitoring Officer will act as authorising officer for all covert surveillance operations conducted by the Council
232.	Anti-Social Behaviour Act 2003 (Part 8)	To exercise the powers and functions of the Council in relation to High Hedges.	
233.	Anti-Social Behaviour Crime and Policing Act 2014 Part 1 Part 2 Part 4 Part 6	To exercise the powers and functions of the Council under these parts of the Act subject to the exclusions within column 3	Any powers under Part 1 shall only be exercised in consultation with the Solicitor to the Council Any powers under section 43 shall only be used in consultation with the Solicitor to the Council Excludes the making of Public Space Protection Orders under section 59 which shall be reserved to Cabinet Excludes the use of Closure Notices under section 76 in respect of licensed premises Any closure notices made under section 76 shall be for a maximum period of 24 hours

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
234.	Coronavirus Act 2020	To exercise the powers and functions of the Council under the Act	

**Delegation to: Strategic Director (Finance & Housing)
Community Services Manager**

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations/Notes
235.	Traffic Management Act 2004 (Part 6)	To exercise such of the executive functions of Kent County Council under part 6 of the Act as are exercisable in the District by virtue of the Agency Agreement made with Kent County Council on 23 January 2011 as subsequently varied.	All powers to be exercised in accordance with the requirements of the agency agreement as varied
236.	Road Traffic Regulation Act 1984 and Traffic Management Act 2004 (Part 6)	To exercise the Council's powers and duties in relation to the provision and maintenance of off street parking places and to be responsible for the procedural aspects of the making of orders and making provision as to their use.	Excluding determining the level of charges
237.	Off street and on street parking places	To exercise the Council's powers and duties in relation to the management of all off street and on street parking places and to institute any legal proceedings in connection therewith.	Excluding determining the level of charges
238.	Road Traffic Regulation Act 1984 (Section 102) and Traffic Management Act 2004 (Part 6)	To move any vehicle or arrange for any vehicle to be removed from any controlled parking place when any vehicle is left in such a parking place in contravention of any of the provisions contained in the appropriate Order and to take all such further action in connection therewith as is permitted by the said Order: and further to exercise all the powers conferred on the Council.	
239.	Town Police Clauses Act 1847	To determine applications for the temporary restriction of highways.	
240.	Highways Act 1980 (Part VIIA) – Provision of amenities on certain highways	To exercise the powers and functions of the Council under Part VIIA in relation to the provision of amenities etc. on highways.	

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations/Notes
241.	Goods Vehicles (Licensing of Operators) Act 1995	To make objections and representations on behalf of the local authority to the grant of applications for operators licences.	

Delegation to: **Strategic Director (Corporate & Regulatory)**
Digital & Technology Manager

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations/Notes
242.	ICT & Digital Functions	To provide a full ICT and Digital Service to the Council	

Delegation to: **Strategic Director (Place & Environment)**
Head of Parks, Open Spaces and Countryside

Council Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
267.	Town and Country Planning Act 1990 Part VIII Chapter 1 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012	Discharge the powers and functions of the Council in relation to trees'	Except in relation to trees that are owned or maintained by the District Council

Executive Functions

Column 1 Legislation		Column 2 Brief Description	Column 3 Conditions Exclusions Limitations/Notes
268.	Local Government (Miscellaneous Provisions) Act 1976 - Section 23 to 26	To exercise the powers and functions of the Council in relation to dangerous trees and excavations.	
269.	Anti-Social Behaviour Act 2003 (Part 8)	To exercise the powers and functions of the Council in relation to High Hedges.	