



Agenda

Meeting: **Council**
Date: **22 May 2019**
Time: **7.00 pm**
Place: **Council Chamber - Civic Centre Folkestone**

To: **All Members of the Council**

YOU ARE HEREBY SUMMONED to attend a meeting of the Council on the date and at the time and place shown above. The meeting will be open to the press and public.

Anyone who wishes to have information on any matter arising on the Agenda which is not fully covered in these papers is requested to give notice prior to the meeting to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>. Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

Head of Paid Service

1. **Apologies for Absence**
2. **Election of Chairman of the Council**
3. **Election of Vice-Chairman of the Council**

Queries about the agenda? Need a different format?

Contact Jemma West – Tel: 01303 853369
Email: committee@folkestone-hythe.gov.uk or download from our
website
www.folkestone-hythe.gov.uk

4. **Declarations of Interest**

Members of the Council should declare any discloseable pecuniary interest or any other significant interests in any item/s on this agenda.

5. **Minutes (Pages 5 - 10)**

To receive the minutes of the meeting of the council held on 9 May 2018 and to authorise the Chairman of the Council to sign them as a correct record.

6. **Election of the Leader of the Council**

7. **Statement from the Leader of the Council including delegation arrangements**

8. **Appointments to Committees and Sub-Committees of the Council (including the appointment of Chairmen and Vice-Chairman) (Pages 11 - 16)**

This report lists the committees and sub-committees of the Council. The description of the role and function of each committee contained in this report is a summary only and the full definition and description of each is set out in the constitution.

Please note, the names of those nominated for each committee will be provided at the meeting.

9. **Delegation of non-executive functions (Pages 17 - 38)**

The Council's constitution requires that the scheme of delegations be agreed by the Council at its annual meeting. This report sets out the scheme.

10. **Schedule of meetings for 19/20 and provisional schedule for 20/21 (Pages 39 - 44)**

In accordance with the council rules of procedure, part 4.2, paragraph 1.1 of the constitution the Council is required to approve the annual schedule of meetings for the municipal year 2019/2020.

The proposed annual schedule of meetings for 2019/20 is appended to this report, together with the draft provisional schedule for 2020/21.

11. **Annual report on policies and strategies adopted by Cabinet and update on urgent decisions 18/19 (Pages 45 - 48)**

This report is the annual report of policies and strategies that have been adopted, by Cabinet, during the 2018/19 municipal year.

12. **Annual report of the Audit and Governance Committee 18/19 (Pages**

49 - 54)

This report summarises the achievements of the Audit and Governance Committee against the terms of reference for the period 1 April 2018 to 31 March 2019 and details the impact that it has made on the overall system of internal control in operation.

13. Annual report of the Overview and Scrutiny Committee 18/19 (Pages 55 - 60)

This report sets out the work that the Overview and Scrutiny Committee have completed during 2018/2019. This involved the identification of items from the pre-decision scrutiny and monitoring financial and performance monitoring information. The committees also developed their relationships with partners and contributed to the preparation of responses to consultations on various local matters for consideration by the Cabinet.

14. Annual Scrutiny work programme 2019/20 (Pages 61 - 68)

This report presents recommendations for the work programme for the Overview and Scrutiny Committee for 2019/20.

15. European Parliamentary Election - Expenditure of Local Returning Officer (Pages 69 - 72)

This report sets out the expenditure incurred or likely to be incurred in respect of the European Parliamentary Election

*Explanations as to different levels of interest

(a) A member with a discloseable pecuniary interest (DPI) must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares a DPI in relation to any item must leave the meeting for that item (unless a relevant dispensation has been granted).

(b) A member with an other significant interest (OSI) under the local code of conduct relating to items on this agenda must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares an OSI in relation to any item will need to remove him/herself to the public gallery before the debate and not vote on that item (unless a relevant dispensation has been granted). However, prior to leaving, the member may address the meeting in the same way that a member of the public may do so.

(c) Members may make voluntary announcements of other interests which are not required to be disclosed under (a) and (b). These are announcements made for transparency reasons alone, such as:

- membership of outside bodies that have made representations on agenda items, or
- 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.

Voluntary announcements do not prevent the member from participating or voting on the relevant item

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FOLKESTONE AND HYTHE DISTRICT COUNCIL

Minutes for the meeting of the Council held at the Council Chamber - Civic Centre Folkestone on Wednesday, 9 May 2018

Present: Councillors Mrs Ann Berry, Miss Susan Carey, John Collier, Malcolm Dearden, Alan Ewart-James, Peter Gane, Clive Goddard, David Godfrey, Miss Susie Govett, Ms Janet Holben, Mrs Jennifer Hollingsbee, Mrs Claire Jeffrey, Mrs Mary Lawes, Len Laws, Rory Love, Michael Lyons (Vice-Chair), Philip Martin, Frank McKenna, Ian Meyers, David Monk, David Owen (Chairman), Dick Pascoe, Paul Peacock, Stuart Peall, Damon Robinson, Carol Sacre, Russell Tillson, Mrs Susan Wallace, Mrs Rodica Wheeler and Roger Wilkins

1. **Election of Chairman of the Council**

Proposed by Councillor Pascoe,
Seconded by Councillor Ewart-James; and

RESOLVED –

That Councillor David Owen be elected as Chairman of the District Council of Folkestone and Hythe until the next annual meeting of the Council, and until the acceptance of office by his successor.

(Voting figures: 30 For, 0 against, 0 abstentions)

Councillor David Owen made and signed the declaration of acceptance of office, as required by Section 83 of the Local Government Act 1972, and chaired the remainder of the meeting.

The Chairman of the Council then formally thanked the Council for re-electing him to office, and also thanked his proposer and seconder.

2. **Election of Vice-Chairman of the Council**

Proposed by Councillor Owen,
Seconded by Councillor Martin; and

RESOLVED: That Councillor Michael Lyons be elected as Vice-Chairman of the District Council of Folkestone and Hythe, until the next annual meeting of the Council and until acceptance of office by his successor.

(Voting figures: 30 for, 0 against, 0 abstentions)

Councillor Michael Lyons made and signed the declaration of acceptance of office as required by Section 83 of the Local Government Act 1972.

He then formally thanked the Council for electing him to office and also thanked his proposer and seconder.

3. **Declarations of Interest**

There were no declarations of interest.

4. **Minutes**

The minutes of the Annual meeting of the Council held on 10 May 2017 were submitted, approved as a correct record, and signed by the Chairman of the Council.

5. **Chairman's Communications**

The Chairman made the following announcements:

“During the past twelve months, I have been reporting on my various activities at each of our Full Council meetings so I will not extend these proceedings unnecessarily by repeating them here but will confine my remarks to events since I last chaired our meeting on 14 March 2018. As well as supporting our District Mayors, in their charitable fund raising efforts, I was pleased to attend the Chairman of KCC’s Charity Concert given by Maidstone Symphony Orchestra and noted particularly that the violins included the leader of our own Folkestone and Hythe Symphony Orchestra.

I was also able to attend the 25th anniversary celebrations of the unveiling of the national monument to the Few at Capel le Ferne. Part of this included a fly past by two Spitfires.

On a sadder moment, I also attended the funeral of former Councillor Denise Maskell who died after a long battle with cancer. She was a political opponent who after losing her seat in Hythe East when I was elected, never failed to try to keep me up to the mark as one of her Councillors. When she was re-elected 3 years ago as an Independent on Hythe Town Council, we sat together in the Chamber and I saw a different side to Dee – she had a wicked sense of humour and I will miss that!

Three weeks ago, I welcomed some 15 pupils and teachers from Stella Maris Primary School who wanted to find out about our democracy and how a Council works. As well as drinks and buns, we had the opportunity to view the civic regalia and explain what we do. The visit ended with a debate in this chamber on the subject “should the school tuck shop hours of opening be extended?”. Various pupils spoke and a vote was eventually taken – you don’t need me to tell you which way the vote went. However, I felt that older and more responsible forces were at work and that a compromise would be worked out in teachers common room.

I also attended the Scouts St Georges Day celebrations both in Folkestone and New Romney and it was good to particularly acknowledge the many long serving local volunteers who give their time to support our youngsters.

Ten days ago I was delighted to host some twenty visiting Mayors, many from London boroughs to a day trip on the Romney Hythe Dymchurch Railway. We chartered a train which ran non-stop to Dungeness where we enjoyed a fish and chip lunch and a very informative talk by the General Manager Danny Martin and his staff. Everybody who attended seemed to have had a great time, and it was good to draw attention to our District and the Marsh in particular. My abiding memory of the day was the incredulity on the face of one London borough mayor when I told her that the nearest supermarket to Dungeness Station was some 6 miles away and the nearest largish town of Ashford was perhaps 12 to 15 miles.

Last night, Hythe Civic Society presented their annual Civic Award to Folkestone and Hythe District Council in recognition of the restoration of the former tram skelter on Princes Parade. This award is only given in exceptional circumstances and it was good that this council was rewarded in this way. Councillor Dearden and I attended the event.

That's nearly all from me but before I close I just wanted to thank the Vice-Chairman for standing in for me at the Extraordinary Council meeting when we said farewell to our former Chief Executive Alistair Stewart, and announced the appointment of our new Head of Paid Service, Dr Susan Priest. I would just like to add my personal congratulations to Dr Priest and say how much I am sure we all look forward to her leadership of her team of officers as this Council enters perhaps its most challenging but at the same time exciting period for some years.

Before I move on there is another pleasurable event that I want to announce. I would like to welcome Heather Lumby of Improvement and Efficiency South East (IESE)".

Mrs Lumby then presented the award for Transforming through technology Gold Award, which had been achieved by the Revenues Team, to the Council. The Chairman and Councillor Love (as Cabinet Member), accepted the award, and paid tribute to the council on their achievement.

6. **Appointments to Committee's and Sub-Committee's of the Council (including the appointment of Chairmen and Vice-Chairmen)**

The report listed the committees and sub-committees of the Council. The description of the role and function of each committee contained in the report was a summary only and the full definition and description of each is set out in the constitution.

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee; and

RESOLVED:

1. That report A/18/03 be received and noted

Council - 9 May 2018

2. That the necessary appointments to the committees and sub-committees of the Council for 2018/2019, as set out in the report, be made.
3. That the chairman and vice-chairman be appointed to Committee's as follows (as set out in the appendum circulated at the meeting):

	Chair	Vice-Chair
Audit and Governance	Cllr David Owen	Cllr Paul Peacock
Planning and Licensing	Cllr Clive Goddard	Cllr Roger Wilkins
Personnel	Cllr David Monk	Cllr Rory Love

(Voting figures: 30 for, 0 against, 0 abstentions)

7. Delegation of non-executive functions

The Council's constitution required that the scheme of delegations be agreed by the Council at its annual meeting. Report A/18/02 set out the scheme.

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee; and

RESOLVED:

1. That report A/18/02 be received and noted.
2. That the scheme of delegation set out in the appendix to the report be approved in so far as it relates to the non-executive functions of the Council.

(Voting figures: 27 for, 2 against, 1 abstention)

8. Schedule of meetings for 18/19 and provisional schedule for 19/20

In accordance with the council rules of procedure, part 4.2, paragraph 1.1 of the constitution, the Council is required to approve the annual schedule of meetings for the municipal year 2018/19. The proposed annual schedule of meetings for 18/19 was appended to report A/18/01 together with the draft provisional schedules for 19/20.

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee; and

RESOLVED:

1. To receive and note report A/18/01 be received and noted.
2. That the schedule of meetings for 2018/19 appended to the report as appendix 1 be approved and adopted.
3. That the provisional schedules of meetings for 2019/20 appended to this report as appendix 2 be adopted as a draft.

(Voting figures: 30 for, 0 against, 0 abstentions)

9. **Annual report on policies and strategies adopted by Cabinet and update on urgent decisions 17/18**

The report set out the policies and strategies that had been adopted by Cabinet during the 2017/18 municipal year.

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee; and

RESOLVED:

1. To receive and note report A/18/04 be received and noted.
2. That policies and/or strategies outlined in the report be included in the Policy Framework.

(Voting figures: 30 for, 0 against, 0 abstentions)

10. **Annual Audit and Governance report 17/18**

This report is the annual report of policies and strategies that have been adopted, by Cabinet, during the 2017/18 municipal year.

Proposed by Councillor Owen,
Seconded by Councillor Peacock; and

RESOLVED:

That report A/18/05 be received and noted.

(Voting figures: 30 for, 0 against, 0 abstentions)

11. **Annual report of the Overview and Scrutiny Committee 17/18**

Report A/18/06 report set out the work that the Overview and Scrutiny Committee had completed during 2017/2018. This involved the identification of items from the pre-decision scrutiny and monitoring financial and performance monitoring information. The committee also developed their relationships with partners and contributed to the preparation of responses to consultations on various local matters for consideration by the Cabinet.

Proposed by Councillor Gane,
Seconded by Councillor Mrs Jeffrey; and

RESOLVED:

To receive and note report A/18/06

(Voting figures: 30 for, 0 against, 0 abstentions)

12. **Annual Scrutiny programme 18/19**

Report A/18/07 presented recommendations for the work programme for the overview and scrutiny committee for 2018/19.

Proposed by Councillor Gane,
Seconded by Councillor Mrs Jeffrey; and

(Voting figures: 30 for, 0 against, 0 abstentions)

This report will be made public on 14 May 2019



Report number **A/19/02**

To: Council
Date: 22 May 2019
Status: Non-Executive Decision
Responsible Officer: Amandeep Khroud, Assistant Director - Governance, Law & Regulatory Services

SUBJECT: APPOINTMENTS TO COMMITTEES (INCLUDING THE APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN) AND SUB-COMMITTEES OF THE COUNCIL

SUMMARY: This report lists the committees and sub-committees of the Council. The description of the role and function of each committee contained in this report is a summary only and the full definition and description of each is set out in the constitution.

REASON FOR RECOMMENDATIONS:

The Council is asked to agree the recommendations set out below because it is required to constitute its committees for 2019/20 and elect chairmen and vice-chairmen of the committees.

RECOMMENDATIONS:

1. To receive and note report A/19/02
2. To make the necessary appointments to the committees and sub-committees of the Council for the municipal year 2019/2020.
3. To appoint, for the municipal year 19/20, the chairman and vice-chairman of:
 - Audit and Governance Committee
 - Planning and Licensing Committee
 - Personnel Committee

1. POLITICAL BALANCE

- 1.1 The Local Government and Housing Act 1989 requires the Council to allocate seats on committees to political groups in accordance with the size of each group on the council as a whole and in accordance with the following principles which should be observed as far as is reasonably practicable:

- a) That not all seats on the same committee are allocated to the same political group;
- b) That the majority of the seats on a committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's membership;
- c) That, subject to a) and b) above, the number of seats on committees allocated to each political group bears the same proportion of the total of all the seats on committees;
- d) That, subject to a) and c) above, the number of seats on a committee allocated to each political group bears the same proportion to the number of all seats on that committee.

1.2 As of May 2019, the council is presently comprised of the following political groups and individuals:

Overall balance	No	Percentage
Conservative	13	43.33%
Green	6	20.00%
Independent	1	3.33%
Labour	6	20.00%
Liberal Democrats	2	6.67%
UKIP	2	6.67%
Total	30	100%

The percentage equivalent has been used to calculate the allocation of seats for each committee:

Number of seats = 33	Cons	Green	Indep	Lab	Lib Dem	UKIP	TOTAL
Personnel	2.60	1.20	0.20	1.20	0.40	0.40	6.00
Overview and Scrutiny	4.33	2.00	0.33	2.00	0.67	0.67	10.00
Audit and Governance	2.17	1.00	0.17	1.00	0.33	0.33	5.00
Planning and Licensing	5.20	2.40	0.40	2.40	0.80	0.80	12.00
Total	14.30	6.60	1.10	6.60	2.20	2.20	33.00

1.3 Members will note that it is not possible to achieve exact political balance without rounding up or down in some cases. However the total number of seats for all the committees allocated to each political group broadly compares with the proportion of full Council seats held by each group. In addition, at individual committee level, the balance of seats broadly compares with the same proportions of seats held by each group on full council.

2. SIZE OF COMMITTEES

- 2.1 It is for Council to decide the size of committees having due regard to the requirements of the Local Government and Housing Act 1989.
- 2.2 Appointments for committees and sub-committees for 2019/2020 by group leaders will be tabled at the meeting.

3. THE OVERVIEW AND SCRUTINY COMMITTEE FUNCTION

- 3.1. The function of this committee is to
- The function of the Overview and Scrutiny Committee is to deal with policy development effecting the community, community engagement, crime and disorder and developing relationships with partners
 - In addition this committee will contribute to the reviews of the Council's policies and the performance management systems. It also contributes to development of the budget and other financial strategies. It also reviews the performance of the executive against the financial targets.

It is proposed that the Membership for the Overview and Scrutiny Committee be as shown below.

	Nominated Member	Party
1		CONS
2		CONS
3		CONS
4		CONS
5		GREEN
6		GREEN
7		LABOUR
8		LABOUR
9		LIB DEMS
10		UKIP

4. COMMITTEES OF THE COUNCIL

- 4.1 These committees report directly to the Council and are responsible for a range of non-executive functions. Members of the Executive/Cabinet may serve on some non-executive committees.

4.2 Audit and Governance Committee

The function of the Audit and Governance Committee is to

- Review the risk management framework and the associated control environment, independent review of the Council's financial and nonfinancial performance
- Promote, advise on and monitor high standards of conduct by councilors and co-opted members and deals with other aspects of the standards framework contained in the Localism Act 2011.

- Exercise all the council's non-executive functions that have not been reserved to full council or delegated to any other committee
- Advise council on any constitutional matters or revisions to the Constitution.

It is proposed that the membership of the Audit and Governance Committee be as shown below:

	Nominated Member	Party
1		CONS
2		CONS
3		GREEN
4		LABOUR
5		LIB DEM/UKIP*

* This seat is a matter for the 2 Group Leaders to discuss.

4.4 Planning and Licensing Committee

The function of this committee is to:

- Exercise the council's powers in relation to town and country planning and the control of development.
- Determine applications for licences or registration where there are objections, including liquor licensing. The Licensing sub-committee is convened to determine the majority of referred licensing applications. Its membership is drawn from the planning and licensing sub – committee. The chairman of each licensing sub-committee meeting is determined at the start of the meeting

It is proposed that the Committee Membership for the Planning and Licensing Committee remains the same, as shown below:

	Nominated Member	Party
1		CONS
2		CONS
3		CONS
4		CONS
5		CONS
6		GREEN
7		GREEN
8		LABOUR
9		LABOUR
10		LIB DEM
11		UKIP
12		INDEPENDENT**

**To provide for political balance across the committees, a seat is given to the independent member on the largest committee.

4.7 Personnel Committee

The function of this Committee is to:

- Exercise the Council's powers to determine the terms and conditions of staff
- Carry out the selection process, interview and appoint chief officers and make recommendations to the council on the appointment of the chief executive.

It is proposed that the Membership of the Personnel Committee be as shown below:

	Nominated Member	Party
1		CONS
2		CONS
3		CONS
4		GREEN
5		LABOUR
6		LIB DEM/UKIP*

* This seat is a matter for the 2 Group Leaders to discuss.

5. COMMITTEE CHAIRMEN/VICECHAIRMEN

- 5.1 The council appoints the chairmen and vice-chairmen of the committees other than the joint standards hearing committee, the chairmanship of which alternates each meeting between a district and parish / town councilor.

It is proposed that the following Chairmen and Vice-Chairman are appointed:

	Chair	Vice-Chair
Audit and Governance		
Planning and Licensing		
Personnel		

6. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

6.1 Legal officer's comments (AK)

There are no legal implications arising directly from this report.

6.2 Finance officer's comments

There are no financial implications arising directly from this report.

6.3 Diversities and equalities implications

No implications arising directly from this report.

9. CONTACT OFFICER AND BACKGROUND DOCUMENTS

Councillors with any questions arising from this report should contact the following officer prior to the meeting:

Amandeep Khroud, Head of Democratic Services and Law.

Telephone: 01303 853539

Email: amandeep.khroud@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None

This report will be made public on 14 May 2019.

Report number **A/19/03**

To: Council
Date: 22 May 2019
Status: Non – executive decision
Head of service: Amandeep Khroud, Assistant Director - Governance, Law & Regulatory Services

SUBJECT: SCHEME OF DELEGATION OF NON-EXECUTIVE FUNCTIONS

SUMMARY: The Council's constitution requires that the scheme of delegations be agreed by the Council at its annual meeting. This report sets out the scheme.

REASON FOR RECOMMENDATIONS:

The council is asked to agree the recommendations set out below because it is required to agree the scheme of delegation at its annual meeting.

RECOMMENDATIONS:

1. To receive and note report A/19/03.
2. To agree the scheme of delegation set out in the appendix to this report in so far as it relates to the non-executive functions of the Council.

1. INTRODUCTION

- 1.1 The council's constitution requires the annual council meeting to agree a scheme of delegations for non-executive functions – see part 4.2 of the Constitution "Council Rules of Procedure", rule 1.1 h.
- 1.2 The functions of the council are divided into executive and non-executive functions. The rules on which functions are executive or non-executive are set out in the Local Authorities (Functions and Responsibilities) Regulations 2000. The council decides non-executive function delegations, the Leader of the Council decides executive function delegations.

2. THE SCHEME OF DELEGATION

- 2.1 The scheme of delegation to officer is attached at appendix 1. This is the current scheme which appears at part 8.1 of the Constitution.
- 2.2 The scheme includes executive and non-executive functions. The council can only approve those parts which relate to non-executive functions and this is reflected in the recommendations.

3. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

3.1 Legal officer's comments (AK)

There are no legal implications arising directly from this report.

3.2 Finance officer's comments

There are no financial implications arising from this report.

3.3 Diversities and equalities implications

No implications arising directly from this report.

4. CONTACT OFFICER AND BACKGROUND DOCUMENTS

Councillors with any questions arising from this report should contact the following officer prior to the meeting:

Amandeep Khroud, Head of Democratic Services and Law

Telephone: 01303 853253

Email: amandeep.khroud@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None

Appendices:

Appendix 1 : Scheme of delegation to officers

Appendix 1

PART 8.1 – DELEGATION TO OFFICERS

SCHEME OF DELEGATION TO OFFICERS

1. SCHEME OF DELEGATION TO OFFICERS

NOTE: This scheme of delegation does not include functions or powers delegated by the Council, Cabinet or regulatory committees to officers for a specified period not exceeding six months. The delegations to officers are made with the intent that they lead to a streamlining and simplification of the processes of the Council and accordingly should be interpreted widely rather than narrowly. In addition under paragraph 1.4 below officers may authorise other officers to exercise their delegated powers and it is the intention for this scheme that powers are exercised at the most appropriate level.

- 1.1** Exercise of delegated powers: chief officers (as defined in Article 11 in Part 2 of the Constitution, namely the Corporate Director – Strategy (the Head of Paid Service), the Corporate Director - Place and Commercial and the Corporate Director - Customer, Support, and Specialist Services) the Assistant Directors (namely the Assistant Director - Strategy, Performance and Communications, the Assistant Director - Finance, Customer and Support Services, the Assistant Director – Environment and Corporate Assets and the Assistant Director – Governance, Law and Regulatory Services) and the Chief Service Officers (namely the Chief Human Resources Officer, the Chief Economic Development Officer, the Chief Planning Officer and the Chief Strategic Developments Officer (all collectively referred to in this scheme of delegation as “the Senior Officers of the Council”) can discharge all functions where they have managerial or professional authority except for matters specifically reserved to the Cabinet, a cabinet member, cabinet committees (if any), committees or the Council.
- 1.2** They will not take decisions that are expressly reserved to another decision-making body under this Constitution however chief officers, (or in the absence of all chief officers either the Monitoring Officer or Deputy Chief Finance Officer):
- May make key decisions, as defined in Article 12 of the Constitution, if it is impractical for the Cabinet to do so because of the urgent nature of the decision to be made; and
 - May take decisions that are reserved to Council or Cabinet under this Constitution in an emergency and if it is lawful for them to do so.
- 1.3** They may use whatever means they consider appropriate within budget and in accordance with financial regulations to discharge those functions, including:
- Incurring expenditure and collecting income;
 - Engaging and deploying staff;

- Deploying other resources within their control; and
- Placing contracts and procuring other resources within or outside the Council.

In doing so, they must act within the law and the Council's Constitution and follow Council policy and the lawful instructions of Council committees and the Cabinet. If, exceptionally, they need to depart from Council policy or those instructions, they must report to the relevant body as soon as possible.

- 1.4** They may authorise other officers to exercise delegated powers on their behalf. They may also authorise appropriately experienced officers whose services are placed at the disposal of the Council pursuant to section 113 of the Local Government Act 1972 to exercise any powers or functions delegated to them or to specified officers.
- 1.5** Emergency action taken under delegated powers must be reported to the relevant body as soon as possible.
- 1.6** Significant decisions taken by Officers will be published and recorded in accordance with the Access to Information Procedure Rules. There will be no requirement to keep a written record of operational decisions within the budget and policy framework.
- 1.7** The Senior Officers of the Council shall be entitled to exercise the powers and functions set out below.
- 1.8** Decisions Delegated to the Senior Officers of the Council after appropriate consultation

The Senior Officers of the Council, in respect of matters falling within their remit, may take any action on behalf of the Council, including action relating to executive and non-executive functions, where the proposed action conforms with the policy and budget framework but where in his or her opinion, the matter is politically sensitive or raises issues of public or local concern, after consultation with the Leader and/or relevant portfolio holder, or the chair of the appropriate non-executive committee in the case of non-executive functions, and may respond to consultation documents after consultation as set out above.

- 1.9** Decisions Delegated to the Senior Officers of the Council without prior consultation

The Senior Officers of the Council in respect of matters falling within their remit, may take any action on behalf of the Council, including action relating to Executive and non-executive functions, where the proposed action conforms with the policy and budget framework and where in their opinion it is not of such political sensitivity or public concern that consideration by members is necessary.

- 1.10** The Head of Paid Service may discharge any of the functions of any other officer unless prohibited from doing so by any legislation or regulatory rule.

2. GENERAL DELEGATION TO THE SENIOR OFFICERS OF THE COUNCIL

In addition to those matters expressly delegated to individual officers, all the Senior Officers of the Council (save where expressly reserved to chief officers only) shall have the following delegated powers:

2.1 Power to Take Urgent Decisions

Chief officers (and in the absence of all chief officers, either the Monitoring Officer or Deputy Chief Finance Officer) may take urgent decisions if they are of the opinion that circumstances exist which make it necessary for action to be taken by the Council prior to the time when such action could be approved through normal council procedures. They shall, where practicable, first consult with the Leader and relevant portfolio holder or the chair of the appropriate non-executive committee in the case of non-executive functions.

2.2 Staffing Issues

The Senior Officers of the Council may deal with any matter relating to staffing other than those expressly reserved to Council, or the Head of Paid Service under paragraph 3.2 below, provided that they are in accordance with approved human resources policies, procedures and within the approved budget framework.

2.3 Orders/Agreements for Work, Goods and Services

In accordance with standing orders, financial regulations and codes of procedure relating to contracts:

- To issue orders for work, goods and services;
- To accept tenders;
- To sign agreements;
- Tenders or quotations may be submitted and contractual arrangements entered into for carrying out work and / or providing services for other parties with the approval of the head of paid service (in consultation with the other chief officers) provided that the value of such contracts does not exceed £40,000; and
- To appoint specialist advisors or consultants.

2.4 Operational Decisions

To take decisions relating to all operational and professional matters within their remit.

2.5 Ombudsman Matters

To agree local settlements where they consider it in the interests of the Council to do so.

2.6 Land and buildings

In respect of any development of land and buildings which is proposed to be carried out for the purposes of statutory functions within the sphere of his/her responsibility, power to authorise an application for planning permission to the Planning and Licensing Committee, or for any other permission for works or the use of land, and once such permission has been received, to authorise the carrying out of such development in accordance with the terms and conditions of such permission.

2.7 Legal Proceedings

In consultation with the Assistant Director - Law, Governance and Regulatory Services, to:-

- i. institute and defend legal proceedings on the Council's behalf; and
- ii. authorise any suitable officer of the Council to appear on the Council's behalf in proceedings before any Magistrates Court and/or County Court.

2.8 Fees and charges

To exercise, in accordance with any current policy, all of the Council's functions relating to those fees and charges falling within their remit. This does not, for the avoidance of doubt, include the determination of fees.

2.9 Compensation

To pay compensation for service failure where they consider it appropriate up to a maximum amount of £1,000 in respect of any single issue.

2.10 In addition to the General Scheme of Delegation to the Senior Officers of the Council set out above, individual Senior Officers of the Council shall be entitled to exercise the powers and functions expressly delegated to them in the following paragraphs, subject to the conditions and restrictions set out above.

3. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE HEAD OF PAID SERVICE

3.1 To exercise the powers and responsibilities of the Head of Paid Service for the purpose of Section 4 of the Local Government and Housing Act 1989.

3.2 To determine and to amend staffing structures.

3.3 To give such directions as he/she may consider necessary:

- To secure the efficient management and execution of the Council's functions;
- To secure co-ordination of advice and forward planning of objectives and services;

- To secure a corporate approach to the affairs of the Council generally;
 - To achieve the efficient and effective implementation of the Council's strategies and policies and the effective deployment of the Council's resources towards those ends;
 - To maintain good internal and external relations;
 - To determine the allocation of office accommodation.
- 3.4** To take all such action as he/she considers appropriate in any emergency (as defined by the Head of Paid Service) including power to make or approve any necessary and urgent arrangements within the powers of the council for the protection of persons or property in any civil or other emergency.
- 3.5** To sign on behalf of the Council any document necessary to give effect to any resolution of the Council, the Cabinet, committees or sub-committees and/or officers acting under delegated powers.
- 3.6** To act as proper officer of the Council, except where legislation or this constitution names another officer or the Council has specifically determined otherwise.
- 3.7** In consultation with the other chief officers, settle employee and industrial relations matters, including issues involving the application or rates of pay, conditions of service or other staffing benefits etc.
- 3.8** To consider and approve applications and proposals for early retirement of staff who are subject to the Local Government Superannuation Regulations.
- 3.9** To determine and issue to officers general guidelines for the management of human resources in the areas of recruitment and planning; training and development; employee relations; health, safety and welfare (including occupational health); pay and performance and equality of opportunity.
- 3.10** To add posts to the list of politically restricted posts and to grant and supervise exemptions from political restriction under the Local Government and Housing Act 1989 (as amended).
- 3.11** To make any order requested by the chief constable and authorised by the Home Office prohibiting the holding of public processions or trespassory assemblies.
- 3.12** To provide assistance at elections to the county council, of the police and crime commissioner and to discharge functions relating to parliamentary, and local elections, referendums and polls (whether national or local) including appointment of staff and determination of fees payable to those staff.
- 3.13** To be the Council's Electoral Registration Officer pursuant to S 8(2) Representation of the People Act 1983 and to exercise all the functions of that post.

- 3.14** To be the Returning Officer pursuant to S 35(1) Representation of the People Act 1983.
- 3.15** To be the Returning Officer for the purpose of conducting parish polls pursuant to Rule 4 (1) of the Parish and Community Meetings (Polls) Rules 1987.
- 3.16** To exercise the powers and functions of the Council under S113 of the Local Government Act 1972 to enter into an agreement with another local authority;
- For the placing at the disposal of that authority for the purposes of their functions, the services of officers employed by the Council; and
 - For the placing at the disposal of the Council for the purposes of its functions, the services of officers employed by that authority.
- 3.17** To exercise the powers and functions of the Council under the Local Authorities (Goods and Services) Act 1970.
- 3.18** To exercise the Council's powers to make appointments to committees or sub-committees at the request of the relevant political group leader subject to the conditions that (a) the appointed member shall be a replacement for a committee or sub-committee member from the same political group or the appointee is to fill a vacant seat on the committee/sub-committee allocated to the political group of which he/she is a member and (b) the changes shall be reported to the next available meeting of the council. This delegation shall only be exercisable in respect of councillors who are members of a political group.
- 3.20** To grant dispensations under the Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regulations 2012 to in respect of any declared conflict of interest by a cabinet member.
- 3.21** To take the lead on organisational transformation initiatives.
- 3.22** To be the lead on matters relating to improvement, efficiency and organisational development.
- 3.23** To be responsible for the planning policy functions of the council as the local planning authority.
- 3.24** To nominate if he/she sees fit a deputy to exercise all the powers and functions of the Head of the Paid Service in his / her absence.
- 3.25** Where the post of Monitoring Officer or S151 Officer falls vacant to designate the Monitoring Officer or S151 Officer on a temporary basis pending the council's consideration of which officer to designate as one of the statutory officers.
- 3.25** To delegate any of the functions of Head of Paid Service subject to such conditions or limitations as he / she considers appropriate.

4. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE CORPORATE DIRECTOR - CUSTOMER SUPPORT AND SPECIALIST SERVICES

4.1 To be and carry out the duties of the Chief Finance Officer (Section 151 Officer), including ensuring the proper administration of the council's financial affairs.

4.2 To undertake the following specific roles:

- To be the Council's money laundering reporting officer
- To appoint the deputy money laundering reporting officer
- To set the council tax base
- To appoint the deputy Chief Finance Officer
- To agree external audit arrangements
- To be the council's lead on digital delivery

5. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE CORPORATE DIRECTOR - PLACE AND COMMERCIAL

5.1 To take the lead to ensure that the council's major projects are delivered.

5.2 To develop the council's commercial activities.

5.3 To exercise all the powers and functions of the council relating to the Economic Development.

5.4 To oversee the council's function as local planning authority except:-

- relating to planning policy; and
- applications in which the council has a substantial interest.

5.5 Emergency Planning and resilience

To exercise the Council's functions relating to emergency planning and resilience.

6. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE ASSISTANT DIRECTOR - GOVERNANCE, LAW AND REGULATORY SERVICES

6.1 Legal Services

To manage the council's legal services function.

6.2 Access to Information

To discharge the Council's functions relating to freedom of information, data protection access to information and data security (including acting as a qualified person).

6.3 Contract Management

To monitor and manage shared service delivery arrangement and contracts including those relating to:

- Waste and recycling collections
- Street Cleansing
- ICT

6.4 Committee Services

To exercise the Council's powers and functions relating to the committee administration function including maintaining the Constitution.

6.5 Elections and Electoral Registration

To exercise the Council's functions relating to elections and electoral registration including the annual audit of the register.

6.6 Street naming and numbering

To exercise all the Council's functions, including determining all consents, permissions, licenses and taking enforcement action, in relation to street naming and numbering.

6.7 Procurement

To exercise the Council's procurement and purchasing functions.

6.8 Hythe Pool

To exercise all the Council's functions relating to Hythe Pool including monitoring and managing any contract to operate the pool.

6.9 Monitoring officer

To be the Council's Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.

To be the Proper Officer for the purposes of receiving applications for dispensation pursuant to section 33(1) of the Localism Act 2011.

To grant dispensations to members pursuant to section 32(2) of the

Localism Act 2011 and paragraph 8 of the adopted code of conduct to

Speak only or to speak and vote where:

- (i) so many members of the decision-making body have Disclosable Pecuniary or Other Significant Interests in a matter that it would impede the transaction of the business; or

- (ii) without a dispensation, no member of the executive would be able to participate on a particular item of business.

In consultation with the Chairman (or in his/her absence the vice-chair) of the Audit and Governance Committee to grant dispensations to speak and/or vote where it is not possible to convene a meeting of that committee where the application for dispensation is made on any of the following grounds:

- (i) Without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
- (ii) That the authority considers that the dispensation is in the interests of persons living in its area; or
- (iii) Where the authority considers that it is otherwise appropriate to grant a dispensation.

In making the decision the Monitoring Officer shall have regard to the following criteria:

- a) The nature of the member's interest and allowing them to participate would not damage public confidence in the conduct of the authority's business.

If public confidence would be damaged then such an application would be likely to be refused. It is unlikely that it would be appropriate therefore, for example, to grant a dispensation to a member who has an interest arising as a result of an effect on their personal financial position or on that of a relative.

- b) The interest is common to the member and a significant proportion of the general public.
- c) The participation of the member in the business that the interest relates to is justified by the member's particular role or expertise.
- d) The business that the interest relates to is about a voluntary organisation or a public body which is to be considered by an overview and scrutiny committee and the member's interest is not a financial one.

In circumstances such as these, the committee might believe that it is in the interests of the authority's inhabitants to remove the incapacity from speaking or voting.

And that any dispensations granted shall be reported back to the next meeting of the Audit and Standards Committee.

To receive complaints relating to alleged breaches of the adopted Code of Conduct and to process complaints in accordance with the adopted arrangements for dealing with Code of Conduct complaints.

6.10 Land of community value

To hear appeals under the provisions relating to land of community value.

6.11 Solicitor to the council

To act as solicitor to the council in particular:

- To institute, defend, conduct and settle civil and criminal legal proceedings; and
- To sign or authenticate documents of any kind.

6.12 Environmental Protection

To exercise all the Council's enforcement functions relating to environmental Protection, the control of pollution, noise, waste on land, litter and dog fouling, dangerous dogs and similar matters.

6.13 Licensing

To exercise all the Council's functions including determining all consents, permissions, licenses and taking enforcement action in relation to licensing and registration.

6.14 Environmental Health

To exercise all the Council's functions, including determining all consents, permissions, licenses and taking enforcement action, in relation to environmental health, public health, public protection, food safety, Sunday trading, and similar matters.

6.15 Enforcement functions

To oversee the Council's enforcement functions.

SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE ASSISTANT DIRECTOR - FINANCE, CUSTOMER AND SUPPORT SERVICES

7.1 Finance

To deputise for the Chief Finance Officer (Section S151 Officer) in his / her absence and fulfill those responsibilities as required by the Chief Finance Officer and/or Head of Paid Service in particular:

- To borrow, obtain external funding and invest;
- To agree external audit arrangements; and
- To determine and declare local average interest rates in accordance with legislation.

To write off bad debts, stores deficiencies and surplus goods or equipment up to £10,000 (higher value write-offs require the approval of the Chief Finance Officer in liaison with the Portfolio holder.

7.2 Business support

To manage the business support functions.

To be the Council's local land charges registrar.

7.3 Customer Contact

To take all necessary action to administer the following functions and powers on behalf of the council:

- Customer service and contact;
- To deal, in accordance with the council's policies, with all matters and exercise all discretions concerning the determination, administration and collection of non-domestic rates and council tax and benefits except in relation to the council tax base; and
- To institute legal proceedings for non-domestic rates council tax and benefits arrears, overpayments and penalties and to recover debts.

8. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE ASSISTANT DIRECTOR – ENVIRONMENT AND CORPORATE ASSETS

8.1 Environmental Services

To exercise the Council's functions relating to:

- Beach cleansing;
- Litter bins;
- Parks and open spaces;
- Grounds maintenance; and
- Cleansing of public conveniences.

8.2 Engineering

To exercise all the Council's functions, including determining all consents, permissions, licenses and taking enforcement action, in relation to watercourses, land drainage and coastal defences.

8.3 Property

In respect of the property function of the Council:

- To manage (including maintenance and repair) the Council's land and property, and to take all related action;
- To acquire and dispose of land and property;

- To agree the grant and renewal of leases, mortgages and loans, easements and licenses, the variation and relaxation of covenants and other property transactions; to vary the terms of, and grant consent under, any lease, license or covenant; and
- To terminate leases, tenancies, licenses and mortgages.

8.4 Transportation

To exercise all the councils functions relating to the parking and removal of vehicles.

To authorise road closures under section 21 Town and Police Clauses Act 1847 subject to no objection being received from the highway authority or the Police.

8.5 Building control

To exercise all the Council's functions, including determining all consents, permissions, licenses and taking enforcement action, in relation to building control.

8.6 Lifeline

To exercise all the council's functions relating to the lifeline service.

8.7 Area Officers

To be responsible for the operation and activities of the Council's Area Officers.

8.8 Health and safety at work

To exercise all the Council's functions, including determining all consents, permissions, licenses and taking enforcement action, in relation to health and safety at work.

8.9 Cemeteries and crematorium

To exercise all the Council's powers in relation to cemeteries and the Hawkinge Crematorium including the duties of registrar of burials and cremations.

8.12 Oportunitas Ltd

To have general responsibility for the activities of Oportunitas Ltd.

9 **SPECIFIC POWERS DELEGATED TO THE ASSISTANT DIRECTOR – STRATEGY, PERFORMANCE AND COMMUNICATIONS**

9.1 Transformation

To take the necessary action to ensure that the Council's transformation plans are realised.

9.2 Community Engagement

To exercise the Council's powers and functions relating to community engagement functions including:

- Culture;
- Leisure; and
- Youth.

9.3 Policy

- To advise on corporate policies and procedures;
- To maintain the Council's corporate risk register;
- To be responsible for the Council's equalities and diversity strategy; and
- To advise on the Council's performance management system.

9.5 Planning policy

To exercise all the Council's functions relating to planning policy including:

- Preparation and review of the local development framework; and
- Examination of structure plans, strategic policies (including transportation and other plans affecting the district) and advising the Council, Cabinet and other appropriate committees of their implications.

9.6 Communications

To be responsible for the Council's internal and external communications, including relationships with the media and the council's website.

9.7 Housing

To exercise the client function in relation to East Kent Housing Ltd.

To be responsible for strategic housing policy.

9.8 Homelessness

To exercise the Council's powers and functions relating to homelessness.

9.9 Housing Allocations

To exercise the Council's power and functions relating to the allocation of social housing including the assessment of and decisions on applications and the offer and allocations of tenancies.

9.10 Community Safety

To exercise the Council's powers and functions relating to community safety, including crime and disorder.

9.11 Safeguarding

To be responsible for the Council's Safeguarding Policies and to ensure that all staff are aware of safeguarding issues and have the appropriate levels of clearance under the Disclosure and Barring Service, as necessary.

To be responsible for all safeguarding matters which may arise.

9.12 Health and wellbeing

To ensure that the Council fulfils its role in promoting the health and wellbeing of the residents of Folkestone & Hythe.

9.13 Private Sector Housing

To exercise the Council's powers and functions relating to private sector housing, and the improvement of private sector housing, including houses in multiple occupation and neighbourhood renewal.

10. **SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE CHIEF PLANNING OFFICER**

10.1 Planning

To exercise all the Council's functions, including determining all consents, permissions, licenses under the planning (including control of advertisements) and listed building legislation, and taking enforcement action, in relation to town and country planning, in accordance with the specific scheme of delegation for planning in paragraph 10.2.

10.2 Specific scheme of delegation for town and country planning.

10.2.1 The Chief Planning Officer is authorised to determine the categories of applications set out in paragraph 10.2.2 except those that:

- a) Have been called in to the committee at the request of any district councillor;
- b) Represent a significant departure from the development plan and which the Chief Planning Officer considers should be approved;

- c) The Council has a substantial interest in, other than small-scale proposals, (e.g. extensions and alterations to council owned properties and means of enclosure, accesses, installation of windows);
- d) Relate to proposals submitted by or on behalf of any member (including any co-opted member) or employee of the Council other than small scale works to which there have been no objections and related renewals and amendments;
- e) The Chief Planning Officer believes raise issues which should be considered by the Planning and Licensing Control Committee;
- f) Are planning applications where the view of the parish or town council differs strongly from that of the Chief Planning Officer except where an objection:
 - i. relates to the principle of a proposal which already has outline planning permission; an issue determined at outline stage or an application of similar scale or character to one already approved;
 - ii. is for the renewal of a planning permission without stating what, in the view of the town or parish council, planning circumstances have changed since the grant of the original permission which would justify a refusal, is made without giving any reasons, or is only made on the basis that the work has already been implemented;
 - iii. is made without giving any reasons;
 - iv. is based upon a technical issue where the body responsible for providing advice on the issue is satisfied with the proposal subject to any evidence which contradicts that advice first being investigated;
 - v. is to minor operational development (e.g. domestic extensions, alterations to buildings, means of enclosures, accesses).
- g) Are planning applications where the view of a parish or town council differs strongly from that of the Chief Planning Officer except where it expresses support for an application but that application is clearly contrary to development plan policy and / or government guidance.

10.2.2 The categories of application which the Chief Planning Officer may determine are:

- i. applications for planning permission under Section 70 Town and Country Planning Act 1990;
- ii. applications under Sections 73 and 73A of the Town and Country Planning Act 1990 to retain a building or to continue to

use without complying with a condition subject to which planning permission has been granted;

- iii. applications to determine reserved matters and details arising from: grants of planning permission, e.g. landscaping schemes, details of external appearance, samples of materials, means of access, including listed building consents, conservation area consents, advertisement consents and permissions under the above;
- iv. applications submitted under General Permitted Development Order requirements; and
- v. applications for listed building and conservation area consents, subject to the agreement of the Secretary of State in cases where this is necessary.

10.2.3 The Chief Planning Officer is authorised to determine:

- i. notifications under Sections 198 and 211 to 213 of the Town and Country Planning Act 1990 Act for the felling, topping or lopping of trees; and
- ii. applications for minor amendments/revisions in substitution for approved plans, including those for listed building consent, conservation area consent, advertisement consent or for permission to lop, top or fell trees.

10.2.4 Subject to the limitations in paragraph 10.2.1, the Chief Planning Officer is authorised to:

- i. approve submissions respect of developments under Regulations 3 and 4 of the Town and Country Planning General Regulations 1992 made by the council and to raise objection or raise no objection to such submissions made by Kent County Council; and
- ii. respond to formal consultations by statutory bodies and development proposals by government departments.

10.2.5 In cases of urgency or where the breach of planning control relates to householder development or development that has already been refused planning permission, after consultation (if practicable) with the chairman or vice chairman of the Planning and Licensing Committee, the Chief Planning Officer is authorised to:

- i. issue enforcement notices under Section 172 Town and Country Planning Act 1990;
- ii. serve a listed building preservation notice under 3 and 4 Planning (Listed Buildings and Conservation Area) Act 1990;
- iii. issue temporary stop notices under Section 171E Town and Country Planning Act 1990;

- iv. serve a stop notice under S183 Town and Country Planning Act 1990;
- v. make application for and serve injunctions under Section 187B Town and Country Planning Act 1990; and
- vi. serve urgent repairs notices under Section 54 Planning (Listed Buildings and Conservation Areas) Act 1990.

10.2.6 The Chief Planning Officer is authorised to make directions under Article 4 Town and Country Planning (General Permitted Development) Order 1995 to take away rights conferred by Class A, part 2, Schedule 2 of the Order in relation to the erection, construction, maintenance, improvement or other alteration of a gate, fence, wall or other means of enclosure, subject to prior consultation with the relevant member of the Executive.

10.2.7 The Chief Planning Officer is authorised to exercise all other functions relating to town and country planning.

10.2.8 The Chief Planning Officer is authorised, after consultation (if practicable) with the Chairman or vice-chairman of the Development Control Committee to arrange site visits for the committee where he/she considers it appropriate for the committee to visit the site. The Chief Planning Officer can arrange such visits at any time during the processing of an application.

10.2.9 The Chief Planning Officer may authorise other officers to exercise delegated powers on his/her behalf. In this case, the officers act in the name of the Chief Planning Officer and he/she remains accountable for the action or decision.

10.3 Planning agreements

To negotiate Section 106 Agreements.

10.4 Listed buildings and conservation areas

To promote conservation of historic buildings and areas and make recommendations as to the designation of conservation areas.

10.5 Land of community value

To administer the list of land of community value.

11. SPECIFIC POWERS DELEGATED TO THE CHIEF HUMAN RESOURCES OFFICER

11.1 Human resources and payroll

To exercise the council's powers and functions relating to human resources including learning and development.

To exercise the Council's functions relating to payroll.

12 SPECIFIC POWERS DELEGATED TO THE CHIEF ECONOMIC DEVELOPMENT OFFICER

12.1 Economic Development

Under the general direction of the corporate director - place and commercial and in order to further the economic development of the district:

- To take all necessary steps to promote the role of the District Council within the local economy and, in particular, to develop links between the Council and the local business community;
- To take the necessary steps to develop and implement regeneration initiatives within the area;
- To take all necessary steps to promote and publicise local business opportunities, both on a national and international basis, with the objective of encouraging inward investment in the district; and
- To provide support to other bodies or organisations involved in the economic development of the district, including, but not limited to the East Kent Regeneration Board, the East Kent Spatial Development Company and Oportunitas Ltd.

13. SPECIFIC POWERS DELEGATED TO THE CHIEF STRATEGIC DEVELOPMENT OFFICER

13.1 Regeneration and development

Under the general direction of the corporate director - place and commercial to take such steps as are necessary to enable the council to fulfil its objectives to regenerate and develop the district and in particular to

- Identify opportunities that contribute to these objectives;
- Ensure such opportunities are realized; and
- To maximise the opportunities of land and property investments and developments.

13.2 Land and buildings

In respect of any development of land and buildings either within or outside the district which further the objectives whether directly or indirectly to regenerate and develop the district, power to authorise an application for planning permission to the Planning and Licensing Committee, or for any other permission for works or the use of land, and once such permission has been received, to authorise the carrying out of

such development in accordance with the terms and conditions of such permission.

13.3 Property

In furtherance of the objectives to regenerate and develop the district, directly or indirectly and within the approved budget and in respect of land either within or outside of the district to acquire and dispose of land and property; to agree the grant and renewal of leases, easements and licenses, the variation and relaxation of covenants to vary the terms of, and grant consent under, any lease, license or covenant.

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This report will be made
public on 14 May 2019

Report number **A/19/04**

To: Council
Date: 22 May 2019
Status: Non-Executive Decision
Responsible Officer: Amandeep Khroud, Assistant Director -
Governance, Law & Regulatory Services

SUBJECT: SCHEDULE OF MEETING DATES 2019/20 AND 2020/21

SUMMARY: In accordance with the council rules of procedure, part 4.2, paragraph 1.1 of the constitution the Council is required to approve the annual schedule of meetings for the municipal year 2019/2020.

The proposed annual schedule of meetings for 2019/20 is appended to this report, together with the draft provisional schedule for 2020/21.

REASON FOR RECOMMENDATIONS:

Council is asked to agree the recommendations set out below in order to set a programme of dates for meetings of the Council and its committees.

RECOMMENDATIONS:

1. To receive and note report A/19/04.
2. To approve and adopt the schedule of meetings for 2019/20 appended to this report as appendix 1.
3. Adopt as draft provisional schedules of meetings for 2020/21 appended to this report as appendix 2.

1. INTRODUCTION

- 1.1 In accordance with the council rules of procedure, part 4.2, paragraph 1.1 of the constitution the council is required to approve the annual schedule of meetings for the municipal year 2019/20.
- 1.2 The proposed annual schedule of meetings for 2019/20 is appended to this report, together with the draft schedule of meetings for 2020/21.

2. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

2.1 Legal officer's comments (AK)

There are no legal implications arising directly from this report.

2.2 Finance officer's comments

None arising directly from this report.

2.3 Diversities and equalities implications (AK)

No implications arising directly from this report.

3. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising from this report should contact the following officer prior to the meeting:

Jemma West
Telephone: 01303 853369
E-mail: jemma.west@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report.

None

Appendix:

- Appendix 1 – Proposed schedule of meetings 2019/20.
- Appendix 2 – Draft schedule of meetings for 2020/21.

SCHEDULE OF MEETINGS 2019/20(PROVISIONAL)

	COUNCIL 7.00 PM	OVERVIEW AND SCRUTINY COMMITTEE 7:00 PM	CABINET 5.00 PM	AUDIT AND GOVERNANCE COMMITTEE 7:00 PM	PLANNING AND LICENSING COMMITTEE 7:00 PM	PERSONNEL COMMITTEE 2.00PM	FHD&PCJ 7:00PM	JTB 6:00PM
	WEDNESDAY	TUE	WEDNESDAY	WEDNESDAY	TUESDAY	THURSDAY	THURSDAY	MONDAY
2019								
MAY	22-May				11-Jun			
JUN	26-Jun	18-Jun	19-Jun		11-Jun	13/06/2019 - 2.15pm		
JUL	17-Jul	09-Jul	10-Jul	30-Jul (tue)	23-Jul		18-Jul	01/07/2019 - 6.15pm
AUG					27-Aug			
SEPT	25-Sep	10-Sep	11-Sep	18-Sep	24-Sep	12-Sep	19-Sep	16-Sep
OCT	16-Oct	08-Oct	09-Oct		29-Oct			
NOV	20-Nov	12-Nov	13-Nov	04-Dec	26-Nov		14-Nov	25-Nov
DEC	18-Dec	10-Dec	11-Dec		17-Dec			
2020								
JAN	29-Jan	21-Jan	22-Jan		14-Jan	23-Jan	16-Jan	
FEB	26-Feb	25-Feb	26-Feb		11-Feb			17-Feb
	19-Feb	18-Feb	19-Feb					
MAR	25-Mar	17-Mar	18-Mar	04-Mar	24-Mar		12-Mar	
APR	22-Apr	14-Apr	15-Apr		21-Apr	16-Apr		
MAY	06-May							

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SCHEDULE OF MEETINGS 2020/21(PROVISIONAL)

	COUNCIL	OVERVIEW AND SCRUTINY COMMITTEE	CABINET	AUDIT AND GOVERNANCE COMMITTEE	PLANNING AND LICENSING COMMITTEE	PERSONNEL COMMITTEE	SD&PCJ	JTB
	7.00 PM	7:00 PM	5.00 PM	7:00 PM	7:00 PM	2.00PM	7:00PM	6:00PM
	WEDNESDAY	TUE	WEDNESDAY	WEDNESDAY	TUESDAY	THURSDAY	THURSDAY	MONDAY
2020								
MAY	06-May	19-May	20-May		26-May			
JUN	24-Jun	16-Jun	17-Jun		23-Jun	11-Jun		
JUL	15-Jul	07-Jul	08-Jul	30-Jul (thu)	21-Jul		16-Jul	06-Jul
AUG					25-Aug			
SEPT	23-Sep	15-Sep	16-Sep	09-Sep	22-Sep	10-Sep	10-Sep	07-Sep
OCT	21-Oct	13-Oct	14-Oct		20-Oct			
NOV	18-Nov	10-Nov	11-Nov	02-Dec	24-Nov		19-Nov	23-Nov
DEC	16-Dec	08-Dec	09-Dec		15-Dec			
2021								
JAN	27-Jan	19-Jan	20-Jan		26-Jan	21-Jan	14-Jan	
FEB	24-Feb	23-Feb	24-Feb		09-Feb			22-Feb
	17-Feb	16-Feb	17-Feb					
MAR	24-Mar	16-Mar	17-Mar	03-Mar	23-Mar		11-Mar	
APR	21-Apr	13-Apr	14-Apr		20-Apr	08-Apr		
MAY	05-May							

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This report will be made public on 14 May 2019.

Report number **A/19/05**

To: Council
Date: 22 May 2019
Status: Non-Executive Decision
Responsible Officer: Amandeep Khroud, Assistant Director - Governance, Law & Regulatory Services

SUBJECT: ANNUAL POLICIES AND STRATEGIES ADOPTED BY CABINET AND AN UPDATE ON URGENT DECISIONS 2018/19

SUMMARY: This report is the annual report of policies and strategies that have been adopted, by Cabinet, during the 2018/19 municipal year.

REASON FOR RECOMMENDATIONS:

The Council is asked to agree the recommendations set out below, as the Council's constitution (Part 4.1, paragraph 1.3) provides that Cabinet is required to submit an annual report, to Council, detailing the policies that have been approved by the cabinet during the previous municipal year.

RECOMMENDATIONS:

1. To receive and note report A/19/05.
2. To consider including any of the policies and/or strategies, outlined in this report, in the Policy Framework.

1. INTRODUCTION

- 1.1 In accordance with the Folkestone and Hythe District Council Constitution (Part 4.1, paragraph 1.3), Cabinet shall submit an annual report to Council, detailing the policies that have been approved in the previous municipal year, which are not those mentioned in the Policy Framework.
- 1.2 Following consideration of the report, Council shall have the opportunity of including any of those policies or strategies, approved by Cabinet, in the Policy Framework.
- 1.3 In addition, this report will also serve to report to council on the use of urgency powers when the call-in procedure has not applied, in accordance with the provisions of the Constitution (Part 6.3, paragraph 19.4).

2. POLICIES ADOPTED DURING THE YEAR 2018/19

- 2.1 Policies and strategies that have been adopted, revised or updated during the 2018/19 municipal year are:
 - Draft Shepway Healthier Housing Strategy 2018/23
 - Revised Private Sector Housing Assistance Policy
 - Regulation of Investigatory Powers Act 2000 Policy
 - Events management Policy
 - Risk Management Policy and Strategy
 - Digital Strategy 2018 – 2023
 - Medium Term Financial Strategy 2019/20 to 2022/23
 - Street naming and numbering Policy
 - Budget Strategy 2019/20
 - Folkestone & Hythe District Council - Communications and Engagement Strategy 2018-23
 - Folkestone and Hythe District Heritage Strategy
 - Investment Strategy 2019/20
 - Capital Strategy 2019/20
 - Housing Revenue Account Business Plan Update 2019 - 2049

3. DECISIONS TAKEN UNDER THE URGENCY PROVISIONS

- 3.1 There was one instance of an urgent key decision being taken in the last municipal year.

At its meeting on 11 July 2018, the Cabinet considered report C/18/13, which recommended the allocation of £83,000 budget for the immediate purchase of compactor bins for the Coastal Park.

It was necessary to take the decision under the constitution's 'Call in and Urgency' rule (Part 6.3, rule 7), as there were issues with bin capacity and access at this location. Due to lead in times for supply and delivery of bin units an urgent decision helped fast track deployment during the summer.

Council was informed of this decision.

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal Officer's Comments (AK)

There are no legal comments.

4.2 Finance Officer's Comments

There are no direct financial implications associated with this report: the financial implications of individual policies would have been contained within the specific reports at the time the policies were adopted.

4.3 Diversities and Equalities Implications (AK)

Where necessary, an equality impact assessment has been prepared in support of each policy and is appended to that policy.

5. CONTACT OFFICER AND BACKGROUND DOCUMENTS

Councillors with any questions arising from this report should contact the following officer prior to the meeting:

Jemma West, Senior Committee Services Officer
Telephone: 01303 853369
Email: Jemma.west@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None

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This report will be made public on 14 May 2019



Report number **A/19/06**

To: Council
Date: 22 May 2019
Status: Non-executive decision
Chairman: Councillor David Owen, Chairman of the Audit and Governance Committee

SUBJECT: ANNUAL REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE 2018/19

SUMMARY: This report summarises the achievements of the Audit and Governance Committee against the terms of reference for the period 1 April 2018 to 31 March 2019 and details the impact that it has made on the overall system of internal control in operation.

REASONS FOR RECOMMENDATION:

The Council is asked to agree the recommendation below to ensure that the Audit and Governance Committee is fulfilling its duties and performing effectively. This report sets out the steps it has taken to ensure the effectiveness of its work.

RECOMMENDATIONS:

1. To receive and note report A/19/06.

1. INTRODUCTION

- 1.1 The purposes of the Council's Audit and Governance Committee are outlined in the constitution.
- 1.2 Listed below are the terms of reference for the Audit part of the Committee:
- a) Review and approve the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.
 - b) To consider the Head of Internal Audit's annual report and opinion on the Council's corporate governance arrangements.
 - c) To conduct reviews of the effectiveness of the Council's system of internal audit.
 - d) Be satisfied that the authority's assurance statement, including the annual governance statement, properly reflects the risk environment and any actions required to improve it.
 - e) Approve (but not direct) internal audit's strategy, plan and monitor performance.
 - f) Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken, where necessary.
 - g) Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements, and seek assurance that action is being taken to mitigate those risks identified.
 - h) To make recommendations to Council on Contract Standing Orders.
 - i) To make recommendations to Council on the Financial Procedure Rules.
 - j) To maintain an overview of the Council's Whistle-blowing Policy.
- 1.2 The Audit and Governance Committee seeks to ensure it has effective communication with the authority, which includes the Executive, the Council's statutory officers, the Head of Internal Audit, the external auditor and other stakeholders. This is mainly achieved through the work of the Committee, but is further enhanced by the submission of this annual report to the Council's annual meeting.

2. ANNUAL REPORT

- 2.1 This report summarises the work of the Audit and Governance Committee over the past year and concludes that it has received clear, concise and relevant information, has received appropriate training on topics specific to the business of the Committee, and has done all that it can to meet the aims and objectives for the Committee.
- 2.2 The Committee has a well-established forward plan which is agreed by the Committee at the start of each year. This plan is reviewed at each meeting to ensure the responsibilities and audit needs are addressed.
- 2.3 Members of the Audit and Governance Committee seek to robustly challenge any weaknesses in the reports from auditors and officers. In particular we will continue to ask senior officers to attend meetings to

outline and identify risks within their service areas; how they are mitigating those risks; and meeting their responsibilities.

- 2.4 The Audit and Governance Committee is assured on the integrity of data held in the financial statements. It receives clear, concise reports and actions are dealt with in an appropriate timescale. The members of the Committee receive specific training which gives them the skills required to carry out these functions effectively.
- 2.5 The work of the Internal and External Audit provides detailed assurance on the reliability and integrity of the information held in the financial statements.
- 2.6 The Corporate Director for Customer, Support and Specialist Services, Assistant Director – Finance, Customer and Support Services, external audit and internal audit together support the Committee in forming their opinion of the financial statements, enabling the Committee to agree to sign them off in accordance with regulations.
- 2.7 The Committee receives a regular report on agreed actions from the annual governance assurance process. The Committee is able to request senior officers and, where necessary, the relevant Cabinet member to attend the Committee to give an update on progress against agreed actions to reduce risk and/or improve governance.
- 2.8 The Committee considers the effectiveness of internal audit by reviewing the annual assessment of the Assistant Director – Finance, Customer and Support Services, the view of external audit and the quality of reports, actions and follow up through the quarterly reports submitted throughout the year to Committee.
- 2.9 During the year the committee has considered a large number of reports including:
 - Regular detailed updates from the East Kent Audit Partnership (EKAP), the Council’s internal auditors
 - Regular detailed updates from Grant Thornton, the Council’s external auditors
 - The annual Statement of Accounts
 - Financial Procedure rules Audit
 - Local Code of Corporate Governance
 - Annual Governance Statement
 - Applications for dispensations under the Code of Conduct for Directors of Oportunitas
 - Corporate Risk Register
 - Annual Report 18/19

3. GOVERNANCE

- 3.1 Listed below are the terms of reference for the Governance part of the Committee:

- a) To promote and maintain high standards of conduct by members and co-opted members of Folkestone and Hythe District Council and to make recommendations to Council on improving standards.
- b) To advise and assist parish/town councils, and parish/town councillors, to maintain high standards of conduct and to make recommendations to parish/town councils on improving standards.
- c) To advise the District Council on the adoption of, or revisions to, its Code of Conduct.
- d) To advise, train, or arrange to train, district members, co-opted members and parish/town councillors on matters relating to the Code of Conduct.
- e) To assist the district councillors, co-opted members and parish/town councillors to observe their respective Codes of Conduct.
- f) To monitor and assess the operation and effectiveness for dealing with the Code of Conduct and to review and manage the arrangements for dealing with Code of Conduct complaints.
- g) To advise on local ethical governance protocols and procedures.
- h) To maintain oversight of the District Council's arrangements for dealing with Code of Conduct complaints.
- i) To act as an advisory body in respect of any ethical governance matter.
- j) To monitor and review the procedures for the Register of Members' Interests and declaring gifts and hospitality.
- k) To receive quarterly reports (or less frequently, if there are no complaints to report), from the Monitoring Officer, on the number and nature of complaints received, and action taken, as a result, in consultation with the Independent Person.
- l) To receive an annual report on the District Council's ethical governance arrangements.
- m) To make recommendations to Council on the appointment of an Independent Person(s) under S28 of the Localism Act 2011.
- n) To grant dispensations pursuant to Section 33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct where:
 - so many members of the decision-making body have Disclosable Pecuniary Interests in a matter, that it would impede the transaction of the business; or
 - without a dispensation, no member of the executive would be able to participate on a particular item of business;
 - without a dispensation, the representation of different political groups, on the body transacting the business, would be so upset as to alter the outcome of any voting on the matter;
 - that the authority considers that the dispensation is in the interests of persons living in the area; or
 - where the committee considers that it is otherwise appropriate to grant a dispensation.

3.2 The Committee has granted dispensations under the Constitution to members who are also directors of Oportunitas, to allow them to speak and vote at meeting where the company's business is discussed. The committee also noted the report of the Monitoring Officer in granting a

dispensation in circumstances where it was not possible to convene a meeting of the committee.

4. COMPLAINTS

4.1 There were no 'code of conduct' complaints in the council year 18/19.

6. LEGAL, FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

6.1 Legal officer's comments (AK)

There are no legal issues arising out of this report.

6.2 Finance officer's Comments

There are no financial issues directly arising out of this report.

6.3 Diversities and equalities implications (AK)

This report does not directly have any diversity and equality implications.

7. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Amandeep Khroud
Tel: 01303 853253
E-mail: Amandeep.khroud@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report: None

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This report will be made public on 14 May 2019



Report number **A/19/07**

To: Council
Date: 22 May 2019
Status: Non-executive decision
Head of Service: Amandeep Khroud, Democratic Services and Law

Subject: Annual report of the Overview and Scrutiny Committee 2018/19

Summary: This report sets out the work that the Overview and Scrutiny Committee have completed during 2018/2019. This involved the identification of items from the pre-decision scrutiny and monitoring financial and performance monitoring information. The committees also developed their relationships with partners and contributed to the preparation of responses to consultations on various local matters for consideration by the Cabinet.

Reason for recommendations:

Council is asked to agree the recommendation below because the Overview and Scrutiny Committee are required to report annually to Council.

Recommendations:

1. To receive and note report A/19/07.

1. Introduction

- 1.1 This report sets out the work that the Overview and Scrutiny Committee have completed during 2018/2019.
- 1.2 During the past year the overview and scrutiny committee has been responsible for the identification of items from the annual scrutiny programme for review and to monitor financial and performance. The scrutiny committee has also developed their relationships with partners and contributed to the preparation of responses to consultation on various local matters.

2. Overview and Scrutiny Committee – terms of reference

- a) To contribute to the development, and review, of the Council's community plan, including the review of performance against targets.
- b) To examine how the Council engages with the community, including reviewing and monitoring the effectiveness of the Council's communication and consultation strategy, and other strategies that have an impact on relationships with the public.
- c) To consider how the Council develops relationships with its partners and review the effectiveness of those partnerships in contributing to the Council's vision and objectives.
- d) To scrutinise the work and decisions of the partnerships that the Council is involved in.
- e) To prepare responses to consultation, for consideration by the executive, on any matter that affects community services in the District, including education and health.
- f) To act as the Council's Crime and Disorder Committee and to meet for that purpose at least once a year.
- g) To co-opt members and determine whether they are entitled to vote on any matter, in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009. Part 2/16.
- h) To review and scrutinise the executive's decisions, including prior scrutiny of proposed executive decisions, and decisions made by committees and officers.
- i) To contribute to the development of the Budget and other financial strategies, and review the performance of the executive against the Budget and other financial targets.
- j) To contribute to, and review, the development of the Council's corporate management policies, including risk management and

corporate governance policies and strategies, and to review the performance against targets, and review the effectiveness of the policies and strategies over time.

- k) To contribute to, and review, the Council's performance plan and performance management system.
- l) To exercise the right, set out in the 'Call-in' Rules of Procedure, contained in Part 6 and 7 of this Constitution, to call-in for review, and recommend for re-consideration, any decisions made by the executive but not implemented.

3. Reviews/discussions affecting the community

3.1 Various reviews and discussions involving issues affecting the community were presented to the Overview and Scrutiny Committee during the year. This enabled the views of scrutiny to be taken into account during any consultation response arrangements.

3.2 The following matters were considered:

- Folkestone & Hythe District Heritage Strategy
- Community Safety Partnership Plan
- Prevent (Exempt item)
- Private Sector Housing
- Digital Strategy
- Equality and Diversity Annual Report
- Communication and Engagement Strategy
- Public Space Protection Order (PSPO)
- S106 Monies
- Oportunitas – Progress Report
- Council Tax Empty Homes Premium
- Investment Strategy
- Folkestone Sports Centre Trust grant
- Royal Military Canal Rowing Boats
- Folkestone Coastal Heritage lottery fund
- Local Development Scheme update
- Enforcement Action funding for direct action
- Transformation Shepway
- Bigginwood – Acceptance of Grant
- Domestic Bins and container charges
- Kent Joint Municipal Waste Management Strategy

3.3 The Overview and Scrutiny Committee invited representatives from a number of organisations in order to discuss various issues affecting the community.

4. Crime and Disorder

The Overview and Scrutiny Committee has responsibility of reviewing crime and disorder reports and received an update on the Shepway Community Safety Partnership.

5. Overview and Scrutiny reviews

5.1 In addition to the quarterly budget monitoring and performance reports, the committee considered the following issues:

- Council tax base
- Council tax Reduction Scheme
- Treasury Management and prudential indicators
- Medium term financial strategy
- Updated Medium term financial position
- Fees and charges
- Housing revenue account and capital budget monitoring
- Budget strategy
- General Fund budgets and monitoring reports
- Performance Reports 2018/19
- Performance Management
- Risk Management Policy and Strategy

5.2 In undertaking this work the Committee has passed various resolutions and recommendations to the Cabinet which have influenced the policy development of the Council.

5.3 The item listed below could not be covered during the year and subject to the views of the Committee will be incorporated into the programme for 2019-20:

- Play Strategy

6. Overview and Scrutiny Work Programme

6.1 The overview and scrutiny work programme for 2019/20 is in progress. Councillors, officers, town and parish councils and residents have been asked to submit items for consideration for this work programme. A report will be presented separately.

7. Legal / financial and other controls / policy matters

7.1 Legal officer's comments

There are no legal comments.

7.2 Finance officer's comments

There are no financial implications arising from this report.

7.3 **Diversities and equalities implications**

There are no diversity or equality implications arising directly from this report.

8. **Contact officers and background documents**

- 8.1 Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Sue Lewis, Democratic Services Officer
Telephone: 01303 853265
E-mail: sue.lewis@folkestone-hythe.gov.uk

Kate Clark, Democratic Services Officer
Telephone: 01303 853267
E-mail: kate.clark@folkestone-hythe.gov.uk

- 8.2 The following background documents have been relied upon in the preparation of this report:

None

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This report will be made public on 14 May 2019



Report number **A/19/08**

To: Council
Date: 22 May 2019
Status: Non- executive decision
Head of service: Amandeep Khroud, Democratic Services and Law

SUBJECT: ANNUAL SCRUTINY WORK PROGRAMME 2019/20

SUMMARY: This report presents recommendations for the work programme for the Overview and Scrutiny Committee for 2019/20.

REASONS FOR RECOMMENDATIONS:

Council is asked to agree the recommendations set out below in order to agree the annual scrutiny work programme.

RECOMMENDATIONS:

1. To receive and note report A/19/08.
2. To approve the annual scrutiny work programme for 2019-20 attached to this report.

1. INTRODUCTION

- 1.1 The overview and scrutiny procedure rules require that the work programme of the committee be approved at the annual meeting of the council (the programme can be a rolling one) as the annual scrutiny programme. See rule 7.2 of the overview and scrutiny procedure rules.
- 1.2 Council needs to consider what work programme should be adopted as the annual scrutiny programme. This report sets out the recommendations of the Overview and Scrutiny Committee.
- 1.3 The Overview and Scrutiny Committee performs all scrutiny functions on behalf of the Council.
- 1.4 The terms of reference of the Overview and Scrutiny Committee are set out in Part 7 of the Constitution.
- 1.5 These rules apply to the Overview and Scrutiny Committee, and any subcommittees, with any necessary changes.

2. RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE

- 2.1 In formulating the recommendations ideas were sought by:
 - advertisement on the website;
 - consulting with the town and parish councils;
 - canvassing the views of Councillors;
 - contacting Heads of Service.
- 2.2 In addition topics were also put forward in other ways, e.g. by committee or by referral from council.
- 2.3 The recommended programmed is shown in appendix 1.
- 2.4 As ever the existence of an annual scrutiny programme would not prevent the committee from looking at emerging issues as they arise.
- 2.5 The Committee will also scrutinise all financial reports as part of the ongoing Forward Plan.
- 2.6 The Committee will act as the Council's Crime and Disorder Committee and to meet for that purpose at least once a year.

3. RISK MANAGEMENT ISSUES

A summary of the perceived risks follows:

No perceived risks.

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal officer's comments

There are no legal comments.

4.2 Finance officer's comments

Any financial implications arising from the overview and scrutiny work programme which is not covered by existing budgets will need to be considered within the council's medium term financial planning processes.

4.3 Diversities and equalities implications

There are no specific diversities and equalities Implications arising from this report.

5. CONTACT OFFICER AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Amandeep Khroud, Head of Democratic Services and Law
Tel: 01303 853253
Email: amandeep.khroud@folkestone-hythe.gov.uk

Appendices:

Appendix 1: suggested annual scrutiny work programme 2019/20

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Appendix 1

Overview and Scrutiny – Annual Scrutiny Programme 2019/20

Proposed Item	Summary	Assistant Director/Chief Officer	Are there any specific aspects of the issue you would like scrutiny to focus upon?	Expected Outcome
1. Escalation of Fly-tipping in every ward in Folkestone	Lack of CCTV in known fly tipping hotspots – why? Veolia operatives out and about are supposed to notify their Manager if they come across flytipping when collecting Domestic Refuse. Is this done? How many residents are using illegal waste carriers? Council large item collections charges are now unaffordable for those without a car, living on low wages, what are they supposed to do?	Amandeep Khroud, Assistant Director Governance, Law and Regulatory Services	All key areas listed. Where I live very few residents/tenants use the Report a Problem form to report flytipping. Evidence to fine people is impossible for the Environmental Officer to gather as flytippers don't leave their address on what they are dumping!! Without sufficient enforcement officers how are we to bring people to court or fine them on the spot.	Engage, Educate, Enforce – bring about the 3 E's. List of Registered waste carriers to be provided. Instead of tiny voluntary litter picks, organise one massive one involving EVERYONE as was done in 2005. This might wake up the public who after all are the offenders.
2. Parking violations in and around New Romney need to be enforced	Parking on double yellow lines, on corners, on verges, on pavements, in Disabled Bays without Blue Badge, across dropped curbs, on zig zag lines – pedestrians are being put at risk especially young and elderly, and environment is being damaged	Andrew Blaszkowicz, Assistant Director - Environment & Corporate Assets	Lack of penalty notices - enforcement officers are not doing the job they are paid to do – they do not appear to go beyond the High St and the Pay & Display Car Parks	Enforcement Officers do their job properly resulting in a decline in parking violations
3. How the profile of Tourism is promoted and managed and the requirement for additional resources for this purpose.	1. How the District promotes and manages tourism in the District currently 2. What additional internal resources can be allocated for this purpose to achieve improvement in promotion and	Sarah Robson, Assistant Director - Strategy, Performance and Communication	1. How the District promotes and manages tourism in the District currently 2. What additional internal resources can be allocated for this purpose to achieve improvement in promotion and management of tourism in the District	The following “outcomes” may result from the District Council applying further resources to promoting and developing the tourism industry with the District: <ul style="list-style-type: none"> Increasing

Appendix 1

	management of tourism in the District			<p>promotion and publicity of the will benefit the local economy</p> <ul style="list-style-type: none">• Provide opportunities for promotion of the areas natural and cultural heritage• Increase the number and range of job opportunities for local people• Attract investment – business and housing• Potential to reduce the negative impact of the decommissioning of Dungeness Power Station• Facilitate the implementation of the destination marketing plan that was commissioned but not adopted by the Council• Increase opportunities for investment in researching and implementing sustainable options to encourage and promote “green tourism” across the District• Local tourism is not limited to seasonal trade• Diversification of employment
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Appendix 1

				<p>opportunities across the District</p> <ul style="list-style-type: none"> • A magnet for attracting Government grants, especially those earmarked for coastal locations • Encourage and facilitate greater provision of recreational and sporting tourist attractions, with resulting benefits • An effective antidote to rural poverty
<p>4. East Kent Housing</p>	<p>Motion from Council – 13 March 19 As you know we councillors get problems given to us from our ward about East Kent Housing mostly due to a poor complaints procedure or repairs.</p> <p>Is reform needed with East Kent Housing?</p>	<p>Sarah Robson, Sarah Robson, Assistant Director - Strategy, Performance and Communication</p>	<p>That the issue of complaints relating to East Kent Housing be referred to the Overview and Scrutiny Committee.</p>	<p>Review at Overview and Scrutiny Committee</p>
<p>The following item has been carried forward from 2018/19</p>				
<p>5. Play Strategy</p>		<p>Andrew Blaszkowicz, Assistant Director - Environment & Corporate Assets</p>		

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This Report will be made public on 22 May 2019



Report Number **A/19/09**

To: Council
Date: 22 May 2019
Status: Non – executive decision
Responsible Officer: Susan Priest, Head of Paid Service

SUBJECT: EUROPEAN PARLIAMENTARY ELECTION –
EXPENDITURE OF LOCAL RETURNING OFFICER

SUMMARY: This report sets out the expenditure incurred or likely to be incurred in respect of the European Parliamentary Election

RECOMMENDATIONS

- 1. To receive and note report A/19/09.**
- 2. To note the expenditure of the Local Returning Officer.**

1. BACKGROUND

1.1 As members will be aware the European Parliamentary Election has been called for 23 May 2019.

1.2 This report informs the council of the budgetary position and the risks.

2. EXPENDITURE BY THE LOCAL RETURNING OFFICER

2.1 The Head of Paid Service is the Local Returning Officer for the European Election. Election expenses are governed by a fees and charges order made by Parliament. Under this Local Returning Officers may recover their charges for services and expenses, provided they were necessarily rendered or incurred for the efficient and effective conduct of the election and the total does not exceed the overall maximum recoverable amount specified for each area. The expenses are reclaimed from central government although individual items can be queried by the Electoral Claims Unit.

2.2 The costs of the election consist of staffing, materials (ballot papers, poll cards etc.) sundry disbursement (postage etc.) and venue hire (polling stations and count venue). Much of this expenditure is incurred before polling day.

2.3 The Local Returning Officer has received the following MRA from the Cabinet Office. MRA stands for Maximum Recoverable Amount:

MRA	£189,250
LRO fee	£3,937

If the poll is countermanded by Parliament before Thursday 23rd May 2019 essential expenditure will be reimbursed against the MRA.

2.4 As stated above the expenses must be necessarily rendered or incurred for the efficient and effective conduct of the election. Whilst the Local Returning Officer considers that the expenses have been properly incurred there is always a risk that some may be queried

3. RISK MANAGEMENT ISSUES

3.1 There is not a great deal of risk management involved in this issue

Perceived risk	Seriousness	Likelihood	Preventative action
Expenses found to be not necessarily rendered or incurred for the efficient and effective conduct of the	Medium	Low	Keep in touch with the thinking of with the regional returning officer and other local returning officers.

election			
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4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal Officer's Comments (??)

(INSERT LEGAL OFFICER COMMENTS)

4.2 Finance Officer's Comments ??)

(INSERT FINANCE OFFICERS COMMENTS)

4.3 Diversities and Equalities Implications (??)

(INSERT EQUALITIES COMMENTS)

5. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Susan Priest, Head of Paid Service
Telephone: 01303 853315
Email: susan.priest@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

None:

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