



Agenda

Meeting: **Council**
Date: **8 May 2024**
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 shown above.

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 Chair or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>.

Please note there will be 37 seats available for members of the public, which will be reserved for those speaking or participating at the meeting. The remaining available seats will be given on a first come, first served basis.

Dr Susan Priest
Chief Executive

1. **Apologies for Absence**
2. **Election of Chair 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

3. **Election of Vice-Chair of the Council**

4. **Declarations of Interest (Pages 5 - 6)**

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 7 - 14)**

To receive the minutes of the meeting of the council held on 24 May 2023 and to authorise the Chair of the Council to sign them as a correct record.

6. **Proposed changes to the Planning and Licensing Committee (Pages 15 - 20)**

This report sets out proposals to create a new Committee to deal with the functions of the Licensing Act 2003. A Licensing Act 2003 Sub-Committee is also proposed. The proposals were considered by the Constitutional Working Group at their meeting on 26 March 2024. Council are asked to agree the creation of the Licensing Act 2003 Committee and Sub-Committee, along with the proposed terms of reference.

7. **Appointments to Committee's and Sub-Committee's of the Council (including the appointment of Chairs and Vice-Chairs) (Pages 21 - 26)**

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.

8. **Scheme of Delegation of non-executive functions (Pages 27 - 44)**

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.

9. **Schedule of meeting dates 2024/25 (Pages 45 - 48)**

The Council is required to approve the annual schedule of meetings for the municipal year 2024/2025. The proposed annual schedule of meetings for 2024/25 is appended to this report, including dates for the whole of May for the following municipal year, as per the Council Procedure rules set out in part 4.2, paragraph 1.1.2(i) of the constitution.

10. **Annual report on policies and strategies adopted by Cabinet and update on urgent decisions 23/24 (Pages 49 - 52)**

This report is the annual report of policies and strategies that have been adopted, by Cabinet, during the 2023/24 municipal year.

11. **Annual report of the Audit and Governance Committee 23/24 (Pages 53 - 58)**

This report summarises the achievements of the Audit and Governance Committee against the terms of reference for the period 1 April 2023 to 31 March 2024 and details the impact that it has made on the overall system of internal control in operation.

12. **Annual report of the Overview and Scrutiny Committee 23/24 (Pages 59 - 72)**

This report sets out the work that the Overview and Scrutiny Committee and the Finance and Performance Sub-Committee have completed during 2023/2024.

13. **Annual Scrutiny work programme 2024/25 (Pages 73 - 80)**

This report presents recommendations for the work programme for the Overview and Scrutiny Committee for 2024/25.

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Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

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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, 24 May 2023

Present: Councillors Abena Akuffo-Kelly, Mike Blakemore, Polly Blakemore, James Butcher, Bridget Chapman, Tony Cooper, Laura Davison, Gary Fuller, Clive Goddard, Liz Grant, Anthony Hills (Vice-Chair), Rich Holgate, Mrs Jennifer Hollingsbee, Anita Jones, Nicola Keen, Adrian Lockwood, Alan Martin, Elaine Martin, Jim Martin, Philip Martin (Chairman), Connor McConville, Liz McShane, Jackie Meade, Tim Prater, Stephen Scoffham, Rebecca Shoob, Jeremy Speakman, Paul Thomas, Belinda Walker, David Wimble and John Wing

Apologies for Absence: Councillors David Godfrey

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

Proposed by Councillor McConville,
Seconded by Councillor J Martin; and

RESOLVED:

That Councillor Akuffo-Kelly be elected as Chair of the District Council of Folkestone and Hythe until the next annual meeting of the Council, and until the acceptance of office by her successor.

(Voting figures: 24 for, 0 against, 5 abstentions).

Councillor Akuffo-Kelly 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 Chair of the Council then formally thanked the Council for electing her to office, and thanked her proposer and seconder.

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

Proposed by Councillor P Martin,
Seconded by Councillor McConville; and

RESOLVED:

That Councillor Jones be elected as Vice-Chair of the District Council of Folkestone and Hythe until the next annual meeting of the Council, and until the acceptance of office by her successor.

(Voting figures: 29 for, 0 against, 0 abstentions).

Councillor Jones made and signed the declaration of acceptance of office, as required by Section 83 of the Local Government Act 1972, and also thanked her proposer and seconder.

3. **Declarations of Interest**

There were no declarations of interest at the meeting.

4. **Minutes**

The minutes of the Annual meeting of the Council held on 4 May 2022 were submitted, approved as a correct record, and signed by the Chairman of the Council.

5. **Election of the Leader of the Council**

Proposed by Councillor Prater
Seconded by Councillor Shoob; and

RESOLVED:

That Councillor Jim Martin be elected Leader of the Council of the District Council of Folkestone and Hythe until the next annual meeting of the Council following the district elections to be held in 2027.

(Voting figures: 14 for, 0 against, 15 abstentions).

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

The Leader made the following statement:

“I would firstly like to welcome all of the new Councillors to the Chamber, I hope you quickly find your way around and if I can be of any help, please do not hesitate to contact me.

I also want, very much, to welcome back so many familiar faces from all parties, I genuinely hope that we will all be able to work together to manage the functions of the Council well, improve our local environment, and give a great service to the people of the District.

The Greens, and the LibDems have agreed to work in coalition to form the Council’s administration.

We have a great deal of agreement between the coalition partners, and we will be working together to provide all of the portfolio holders: seven Greens, and two Lib Dems.

The portfolio holders will be as follows:

- Cllr Jim Martin – Otterpool Park and Planning Policy
- Cllr Tim Prater – Finance and Governance
- Cllr Gary Fuller – Resident Engagement and accountability
- Cllr Mike Blakemore – Community and Collaboration
- Cllr Rebecca Shoob – Housing and homelessness
- Cllr Stephen Scoffham – Climate Change and Transport
- Cllr James Butcher – Regulatory Services, building control and civic duty
- Cllr Rich Holgate – Place Plan, Heritage, Tourism and District Economy
- Cllr Jeremy Speakman – Assets and Operations

There is much for us to do, we have many repairs to make and a great deal of debris to clear up.

There is a large cumulative deficit of £18.499mill over the next four year period to fill in the accounts, there is a significant loss of £4.3million to find for Princes Parade and the council is indebted because of the Otterpool Park Project. We need to take immediate action on a number of fronts to ensure the Council can continue to function.

I can, however, give you a clear indication of three things that are going to happen:

In line with our emphasis on democratic process, the coalition has agreed to move towards a Committee System and away from the current Leader and Cabinet system. Individual Councillors will have more say and be more able to influence Council policy. This will mean greater responsibility and a lot more work, but the democratic process will be enhanced and reinforced through greater participation.

I am very grateful to our Labour colleagues for their hard work on the committee system. In line with our greater co-operation, the committee system will allow the sharing of key responsibilities including leader.

Those of you who remember the meeting of the Council in June 2019 will recall that Councillor Prater's motion to withdraw the planning permission for Prince's Parade was successful, but this democratic decision was never included on the agenda for ratification by the Cabinet. This flagrant breach of the democratic process has led to the waste of millions of pounds of local peoples money. We are determined to enhance and reinforce the democratic process within the Council and the organisations that it owns or funds.

There are a very complexed set of obstacles to remove, and this will take some time, but I can state, this evening, very clearly, that Prince's Parade is Saved!

I am looking forward to many interesting debates and I hope that everyone in this chamber will feel able to contribute. My greatest hope is that all members will feel able to come and discuss matters with me regardless of their political allegiance because it is only by working together, will we be able to deliver the services our community needs".

7. **Appointments to Committees and Sub-Committees of the Council (including the appointment of Chairmen and Vice-Chairmen)**

The report listed the committees and sub-committees of the Council. The report had been circulated to Members at the meeting.

Proposed by Councillor Prater,
Seconded by Councillor J Martin; and

RESOLVED:

1. **That report A/23/07 be received and noted.**
2. **That the necessary appointments to the committees and sub-committees of the Council for the municipal year 23/24, as set out in the report before members, but with Councillor Paul Thomas as the independent member appointed to the available seat on the Planning and Licensing Committee, be agreed.**

(The recommendations were agreed by affirmation of the meeting).

Proposed by Councillor McConville,
Seconded by Councillor J Martin; and

RESOLVED:

That Councillor McShane be elected Chair of the Audit and Governance Committee for the municipal year 23/24.

(The recommendations were agreed by affirmation of the meeting).

Proposed by Councillor McConville,
Seconded by Councillor J Martin, and

RESOLVED:

That Councillor P Blakemore be elected Vice-Chair of the Audit and Governance Committee for the municipal year 23/24.

(The recommendations were agreed by affirmation of the meeting).

Proposed by Councillor McConville,
Seconded by Councillor J Martin; and

RESOLVED:

That Councillor Meade be elected Chair of the Planning and Licensing Committee for the municipal year 23/24.

(The recommendations were agreed by affirmation of the meeting).

Proposed by Councillor McConville,
Seconded by Councillor J Martin; and

RESOLVED:

That Councillor Keen be elected Vice-Chair of the Planning and Licensing Committee for the municipal year 23/24.

(The recommendations were agreed by affirmation of the meeting).

Proposed by Councillor Davison,
Seconded by Councillor J Martin; and

RESOLVED:

That Councillor McConville be elected Chair of the Personnel Committee for the municipal year 23/24.

(The recommendations were agreed by affirmation of the meeting).

Proposed by Councillor McConville,
Seconded by Councillor J Martin; and

RESOLVED:

That Councillor Holgate be elected Vice-Chair of the Personnel Committee for the municipal year 23/24.

(The recommendations were agreed by affirmation of the meeting).

8. Delegation of non-Executive functions

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

Proposed by Councillor Prater,
Seconded by Councillor J Martin; and

RESOLVED:

- 1. That report A/23/03 be received and noted.**
- 2. That the scheme of delegation be agreed in so far as it relates to the non-executive functions of the Council.**

(The recommendations were agreed by affirmation of the meeting).

9. Schedule of meetings for 2023/24

The Council is required to approve the annual schedule of meetings for the municipal year 2023/2024. The proposed annual schedule of meetings for 2023/24 was appended to the report, including dates for the whole of May for the following municipal year, as per the Council Procedure rules set out in part 4.2, paragraph 1.1.2(i) of the constitution.

Proposed by Councillor Prater,
Seconded by Councillor McConville;

RESOLVED:

- 1. That report A/23/01 be received and noted.**
- 2. That the updated schedule of meetings for 2023/24 (appended to these minutes) be adopted.**

(The recommendations were agreed by affirmation of the meeting).

10. Annual report on policies and strategies adopted by Cabinet and update on urgent decisions 2022/23

The report was the annual report of policies and strategies that have been adopted, by Cabinet, during the 2022/23 municipal year.

Proposed by Councillor Prater,
Seconded by Councillor J Martin; and

RESOLVED:

- 1. That report A/23/02 be received and noted.**

(The recommendations were agreed by affirmation of the meeting).

11. Annual report of the Audit and Governance Committee 2022/23

The report summarised the achievements of the Audit and Governance Committee against the terms of reference for the period 1 April 2022 to 31 March 2023 and detailed the impact that it has made on the overall system of internal control in operation.

Proposed by Councillor J Martin,
Seconded by Councillor Prater; and

RESOLVED:

1. That report A/23/06 be received and noted.

(The recommendations were agreed by affirmation of the meeting).

12. **Annual report of the Overview and Scrutiny Committee 2022/23**

The report set out the work that the Overview and Scrutiny Committee and the Finance and Performance Sub-Committee have completed during 2022/2023.

Proposed by Councillor McConville,
Seconded by Councillor J Martin; and

RESOLVED:

1. That report A/22/04 be received and noted.

(The recommendations were agreed by affirmation of the meeting).

13. **Annual Scrutiny work programme 2023/24**

This report presented recommendations for the work programme for the overview and scrutiny committee for 2023/24.

Proposed by Councillor J Martin,
Seconded by Councillor Prater; and

RESOLVED:

1. That report A/23/05 be received and noted.
2. That the annual scrutiny programme for 2023-24 attached to the report be approved.

(The recommendations were agreed by affirmation of the meeting).

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This report will be made public on 29 April 2024

Report number **A/24/08**

To: Council
Date: 8 May 2024
Status: Non-Executive Decision
Responsible Officer: Amandeep Khroud, Assistant Director – Governance and Law

SUBJECT: PROPOSED CHANGES TO THE PLANNING AND LICENSING COMMITTEE

SUMMARY: This report sets out proposals to update the Terms of Reference of the Planning and Licensing Committee to deal with the functions of the Licensing Act 2003. A Licensing Act 2003 Sub-Committee is also proposed. The proposals were considered by the Constitutional Working Group at their meeting on 26 March 2024. Council are asked to agree the creation of the Licensing Act 2003 Committee and Sub-Committee, along with the proposed terms of reference.

RECOMMENDATIONS:

1. To receive and note report A/24/08.
2. To agree the creation of a Licensing Act 2003 Committee and Sub-Committee with effect from 9 May 2024.
3. To agree the terms of reference for the Licensing Act 2003 Committee and Sub-Committee, and the changes to the terms of reference of the Planning and Licensing Committee and Sub-Committee.
4. To note that the Licensing 2003 Act Committee is not subject to the requirements of the Local Government and Housing Act 1989 with regard to political proportionality and agree that the membership of the Committee and the Chair and Vice-Chair, be the same as the Planning and Licensing Committee, and will not be counted separately in the overall seat numbers of the council.

1. INTRODUCTION

- 1.1 As part of the council's intentions to move towards a Committee system, it has highlighted a need for the council to create a separate Licensing Act Committee (and Sub-Committee), to support best practice and ensure legal compliance. The proposed changes will take effect from 9 May 2024.
- 1.2 On 26 March 2024, the Constitution Working Group considered the options in addressing this matter, and they indicated a preference to create a Licensing Act 2003 Committee, as this was the most streamlined option and was closely aligned with the current operations. They indicated that the current arrangement was valued and worked well, and therefore requested that the membership principles remained largely the same.

2. CHANGES TO THE PLANNING AND LICENSING COMMITTEE AND LICENSING SUB-COMMITTEE

- 2.1 The proposed terms of reference for the Planning and Licensing Committee (set out at paragraph 1.1 in the appendix) remain vastly similar to the previous terms of reference, with the exception that any matters requiring consideration under the Licensing Act 2003 and the Gambling Act 2005 will be dealt with by the new Licensing Act Committee. The proposed terms of reference of the Licensing Sub-Committee are set out at paragraph 2.1 in the appendix.

3. NEW TERMS OF REFERENCE FOR THE LICENSING ACT COMMITTEE AND SUB-COMMITTEE

- 3.1 Pursuant to Section 6 of the Licensing Act 2003, the Licensing Act Committee must have at least ten, but no more than fifteen, members. It is not subject to the requirements of the Local Government and Housing Act 1989 with regard to political proportionality and it is at the discretion of the Council to set the size of the Licensing Committee and the allocation of seats. It is therefore proposed that the Licensing Committee membership, and Chair and Vice-Chair, be the same as the Planning Committee, and will not be counted separately in the overall seat numbers of the council.
- 3.2 The main functions of the Licensing Act 2003 Committee are set out in paragraph 3.1 of the appendix.
- 3.3 The Licensing Act Sub-Committee will be convened to consider the matters set out in paragraph 4.1 of the appendix.

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal Officer's Comments (AK)

Legal implications are covered in the main body of the report.

4.2 **Finance Officer's Comments (TM)**

There are no financial implications within this report.

4.3 **Diversities and Equalities Implications (GE)**

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

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, Democratic Services Team Leader
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

APPENDIX: Proposed Terms of reference for both the Planning and Licensing Committee, the Licensing Act 2003 Committee and their Sub-Committees.

APPENDIX 1 – Proposed terms of reference

1. PLANNING AND LICENSING COMMITTEE

1.1 Terms of Reference

1.1.1 Development Control

To exercise all of the Council's functions, as specified in Schedule 1 of the functions' regulations relating to:

- a) Town and Country Planning;
- b) Trees and hedgerows;
- c) High hedges;
- d) Powers relating to public rights of way contained in the Town and Country Planning Act 1990, namely power to authorise stopping up or diversion of highway footpath or bridleway, and power to extinguish public rights of way over land held for planning purposes.

1.1.2 Licensing

To exercise all of the Council's functions, as specified in Schedule 1 of the functions' regulations, relating to licensing and registration, except those functions which are the responsibility of the Licensing Act Committee.

1.2 Composition

Must be politically balanced.

1.3 Planning and Licensing Codes

1.3.1 The terms of reference should be read in conjunction with the planning and licensing codes contained in Part 9 of this Constitution.

1.3.2 The planning and licensing codes contain parts of the rules of procedure of the committee when dealing, respectively, with development control and licensing matters.

2. LICENSING SUB COMMITTEE (sub-committee of the Planning and Licensing Committee)

2.1 Terms of Reference

To determine any licensing or registration issue (except in relation to those functions which are the responsibility of the Licensing Act Committee), where there is a valid objection.

2.2 Composition

Any three members of the Planning and Licensing Committee may form a sub-committee.

2.3 Licensing Code

2.3.1 The terms of reference should be read in conjunction with the Licensing Code in Part 9 of this Constitution.

2.3.2 The Licensing Code contains the rules of procedure of the sub-committee.

3. LICENSING ACT COMMITTEE

3.1 Terms of Reference

- 3.1.1** To exercise all of the Council's functions as Licensing Authority under the Licensing Act 2003 and the Gambling Act 2005 (unless reserved to full Council);
- 3.1.2** To exercise the Council's functions in relation to the control of demonstrations of hypnotism under section 2 of the Hypnotism Act 1952.

3.2 Composition

Not required to be politically balanced. The Licensing Act 2003 requires that the number of members on the committee must not be less than 10 or more than 15. Membership of the Licensing Act Committee will be the same as the membership of the Planning and Licensing Committee.

3.3 Licensing Code

- 3.3.1** The terms of reference should be read in conjunction with the licensing code contained in Part 9 of this Constitution.

4. LICENSING ACT SUB-COMMITTEE (sub-committee of the Licensing Act Committee)

4.1 Terms of Reference

- a) To determine, in respect of licences issued under the Licensing Act 2003:
 - Applications for a personal licence to vary a designated premises supervisor and for the transfer of a premise licence to interim authorities, if there is a Police objection;
 - Applications for a personal licence, with unspent convictions, for provisions statement, to vary a premise licence/club premises certificate, if a relevant representation is made.
- b) To determine, in respect of licences issued under the Gambling Act 2005:
 - Applications for a premises licence, where representations have been made and not withdrawn;
 - Applications for variation of a premises licence, where representations have been made and not withdrawn;
 - Applications for transfer, following representations by the Commission;
 - Reviews of premises' licences.

4.2 Composition

Any three members of the Licensing Act Committee may form a sub-committee. A ward member must not hear an application relating to premises in their ward.

4.3 Licensing Code

- 4.3.1** The terms of reference should be read in conjunction with the Licensing Code in Part 9 of this Constitution.
- 4.3.2** The Licensing Code contains the rules of procedure of the sub-committee.

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This report will be made public on 29 April 2024



Report number **A/23/04**

To: Council
Date: 8 May 2024
Status: Non-Executive Decision
Responsible Officer: Amandeep Khroud, Assistant Director - Governance, Law & Regulatory Services

SUBJECT: APPOINTMENTS TO COMMITTEES (INCLUDING THE APPOINTMENT OF CHAIRS AND VICE-CHAIRS) 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 2024/25 and elect chairs and vice-chairs of the committees.

RECOMMENDATIONS:

1. To receive and note report A/24/04.
2. To make the necessary appointments to the committees and sub-committees of the Council for 2024/2025.
3. To appoint the chairs and vice-chairs of:
 - Audit and Governance Committee
 - Planning and Licensing Committee (and Licensing Act 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 February 2024, the council is presently comprised of the following political groups and individuals:

Overall balance	No	Percentage
Conservative	5	16.66666667
Green	11	36.66666667
Labour	10	33.33333333
Liberal Democrats	2	6.66666667
Independent	1	3.33333333
Independent	1	3.33333333
Total	30	100

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

33 seats		Cons	Green	Labour	Lib Dem	Ind	Ind	Total
Personnel	5	1.00	2.00	2.00	0.00	0.00	0.00	5.00
Overview and Scrutiny	10	2.00	4.00	3.00	1.00	0.00	0.00	10.00
Audit and Governance	6	1.00	2.00	2.00	0.00	0.00	1.00	6.00
Planning and Licensing	12	2.00	4.00	4.00	1.00	1.00	0.00	12.00
Total	33	6.00	12.00	11.00	2.00	1.00	1.00	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.

3. THE OVERVIEW AND SCRUTINY COMMITTEE FUNCTION

- 3.1. 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.
- 3.2 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	Group
1	Cllr Tony Hills	Cons
2	Cllr Alan Martin	Cons
3	Cllr John Wing	Green
4	Cllr Anita Jones	Green
5	Cllr James Butcher	Green
6	Cllr Elaine Martin	Green
7	Cllr Connor McConville	Labour
8	Cllr Laura Davison	Labour
9	Cllr Bridget Chapman	Labour
10	* Vacancy	Lib Dem

* As the Lib Dem Group are Cabinet Members, they are not able to be appointed to the Overview and Scrutiny Committee and the seat therefore remains vacant.

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.

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	Group
1	Cllr David Godfrey	Cons
2	Cllr James Butcher	Green
3	Cllr John Wing	Green
4	Cllr Liz McShane	Labour
5	Cllr Adrian Lockwood	Labour
6	Cllr David Wimble	Independent

4.3 Planning and Licensing Committee and Licensing Act Committee

The function of the Planning and Licensing Committee is to:

- Exercise the council's powers in relation to town and country planning and the control of development.
- To exercise all of the Council's functions, as specified in Schedule 1 of the functions' regulations, relating to licensing and registration, except those functions which are the responsibility of the Licensing Act Committee.

The function of the Licensing Act Committee is to:

- Exercise all of the Council's functions as Licensing Authority under the Licensing Act 2003 and the Gambling Act 2005 (unless reserved to full Council);
- Exercise the Council's functions in relation to the control of demonstrations of hypnotism under section 2 of the Hypnotism Act 1952.

The Membership of both Committees will be the same, and the membership of Sub-Committees of both Committees will be drawn from the membership of the Committees.

	Nominated Member	Group
1	Cllr Clive Goddard	Cons
2	Cllr Jenny Hollingsbee	Cons
3	Cllr Anita Jones	Green

4	Cllr Mike Blakemore	Green
5	Cllr Polly Blakemore	Green
6	Cllr Rebecca Shoob	Green
7	Cllr Jackie Meade	Labour
8	Cllr Nicola Keen	Labour
9	Cllr Tony Cooper	Labour
10	Cllr Belinda Walker	Labour
11	Cllr Gary Fuller	Lib Dem
12	Cllr Paul Thomas	Independent

4.4 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	Group
1	Cllr Jenny Hollingsbee	Cons
2	Cllr Rich Holgate	Green
3	Cllr Elaine Martin	Green
4	Cllr Connor McConville	Labour
5	Cllr Nicola Keen	Labour

5. COMMITTEE CHAIRS/VICE-CHAIRS

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

The nominations for Chairs are set out below:

	Chair	Vice-Chair
Audit and Governance	Councillor McShane	Councillor Butcher
Planning and Licensing	Councillor Meade	Councillor Keen
Personnel	Councillor McConville	Councillor Holgate

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 (RH)

There are no financial implications arising directly from this report.

6.3 Diversities and equalities implications (GE)

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, Assistant Director – Governance 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 29 April 2024

Report number **A/24/05**

To: Council
Date: 24 May 2023
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/24/05.
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 officers 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, Assistant Director Governance 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

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: First Tier Officers , namely the Head of Paid Service), the Director of Strategy and Resources, Director of Housing and Operations and Interim Director -Governance and Finance the Second Tier Officers namely the Assistant Director of Governance Law and Democracy, , the Chief Officer People and Customer Services, the Chief Officer - Planning & Building Control, Chief Officer - Financial Services, Chief Officer – Place and Growth, Chief Officer – Regulatory and Community Services, Chief Officer – Housing, Chief Officer – Corporate Estates & Development (all collectively referred to in this scheme of delegation as “the Senior Officers”) 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 First Tier Officers, (or in the absence of all First Tier Officers either the Monitoring Officer or Chief Officer - Financial Services):
- 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 after appropriate consultation.

The Senior Officers, 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 Senior Officers without prior consultation.

The Senior Officers, 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

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

2.1 Power to Take Urgent Decisions

First Tier Officers (and in the absence of all First Tier Officers, either the Monitoring Officer or Chief Officer – Financial Services – Deputy s.151 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 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 - Governance and Law, 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 set out above, individual Senior Officers 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.
- 3.19** 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.
- 3.20** To take the lead on organisational transformation initiatives.
- 3.21** To be the lead on matters relating to improvement, efficiency and organisational development.
- 3.22** To be responsible for the planning policy functions of the council as the local planning authority.
- 3.23** 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.
- 3.24** 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 DIRECTOR – GOVERNANCE AND FINANCE**
- 4.1** To carry out those of the council's duties and functions as are shown in the table in appendix 1 to this scheme of delegation against the post title of the director together with the functions specified below
- 4.2** 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.
- 4.3** 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

4.4 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).

5. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE DIRECTOR OF STRATEGY AND RESOURCES

5.1 To carry out those of the council's duties and functions as are shown in the table in appendix 1 to this scheme of delegation against the post title of the director.

6. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE DIRECTOR – HOUSING AND OPERATIONS

6.1 To carry out those of the council's duties and functions as covered by the 1985 Housing Act and all other relevant housing legislation and as shown in the table in appendix 1 to this scheme of delegation against the post title of the director

7. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE ASSISTANT DIRECTOR – GOVERNANCE, LAW & DEMOCRACY.

7.1 To carry out those of the council's duties and functions as are shown in the table in appendix 2 to this scheme of delegation against the post title of the Second Tier Officer together with the functions specified below

7.2 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.

7.3 Land of community value

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

7.4 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.

8. **SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE CHIEF OFFICER – PLANNING AND BUILDING CONTROL**

8.1 To carry out those of the council’s duties and functions as are shown in the table in appendix 2 to this scheme of delegation against the post title of the Second Tier Officer subject to any condition or limitation shown below

8.2 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 8.3.

8.3 Specific scheme of delegation for town and country planning.

8.3.1 The Chief Officer Planning and Building Control is authorised to determine the categories of applications set out in paragraph 8.3.2 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 Officer - Planning 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 Officer Planning and Building Control 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 Officer Planning and Building Control 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 Officer - Planning except where it expresses support for an application, but that application is clearly contrary to development plan policy and / or government guidance.

8.3.2 The categories of application which the Chief Officer Planning and Building Control 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.

- 8.3.3** The Chief Officer Planning and Building Control 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.
- 8.3.4** Subject to the limitations in paragraph 10.3.1, the Chief Officer Planning and Building Control 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.
- 8.3.5** 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 Officer Planning and Building Control - 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.
- 8.3.6** The Chief Officer Planning and Building Control 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.

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

8.238 The Chief Officer and Building Control Planning 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 Officer Planning and Building Control can arrange such visits at any time during the processing of an application.

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

8.4 Planning agreements

To negotiate Section 106 Agreements.

8.5 Listed buildings and conservation areas

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

8.6 Land of community value

To administer the list of land of community value.

9. SPECIFIC POWERS DELEGATED TO THE CHIEF OFFICER – PEOPLE & CUSTOMER SERVICE

9.1 To carry out those of the council's duties and functions as are shown in the table in appendix 2 to this scheme of delegation against the post title of the Second Tier Officer

APPENDIX 1 – Areas of Responsibilities – First Tier Officers

Interim Director of Governance and Finance	Director of Strategy and Resources	Director of Housing & Operations		
	Legal	Transportation		
Finance	Democratic services and Elections	Grounds Maintenance	Regeneration	
Corporate Debt	Strategy and Policy	Lifeline		
Council Tax, Welfare and Benefits	Governance, Performance and Risk	Estates and Assets		
Digital and ICT Services	Building Control	Engineering and Technical Services		
	Development Management	Housing Landlord Functions		
	Customer Services	Housing Strategy and Needs		
	Human Resources	Strategic Development		
Procurement and Corporate Contracts	Communication and Engagement	Environmental Enforcement and Protection		
	Waste and Street Cleansing/Waste Partnership	Environmental Health and Licensing		
		Community Partnerships		
		Hythe Pool		

APPENDIX 2 - Areas of Responsibilities – Section Tier Officers

Chief Officer – People and Customer Services	Assistant Director – Governance Law & Democracy		Chief Officer – Planning and Building Control	Chief Officer – Place and Growth	Chief Officer - Regulatory and Community Services	Chief Officer	Chief Officer – Corporate Estate and Development	Chief Officer – Housing	Chief Officer – Financial Services
HR	Governance Performance and Risk		Development Management	Economic Growth, Business Development and Skills	Environmental Health and Licensing and Environment Protection		Regeneration and Development Programmes	Housing Landlord functions - HRA	Finance Services
Payroll	Legal Services		Building Control	Economic and place based Strategy	Lifeline and Resilience		HRA Regeneration and Development	Housing strategy, Housing Needs, Homelessness and Prevention.	Business Rates and Corporate Debt
OD and Engagement Training	Democratic Services & Elections			Town Centre Regeneration	Transportation		Corporate Estate and Asset Management		Council Tax, Benefits & Welfare
	Leadership Support			External funding	Waste Partnership (with DDC)		Engineering		Digital and ICT services

Customer Services	Corporate Health and Safety			Grounds Maintenance & Technical Services	Community Partnerships				Corporate Contracts and Procurement
	Policy and Strategy				Hythe Pool				

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This report will be made public on 29 April 2024

Report number **A/24/01**

To: Council
Date: 8 May 2024
Status: Non-Executive Decision
Responsible Officer: Amandeep Khroud, Assistant Director - Governance, Law & Regulatory Services

SUBJECT: SCHEDULE OF MEETING DATES 2024/25

SUMMARY: The Council is required to approve the annual schedule of meetings for the municipal year 2024/2025. The proposed annual schedule of meetings for 2024/25 is appended to this report, including dates for the whole of May for the following municipal year, as per the Council Procedure rules set out in part 4.2, paragraph 1.1.2(i) of the constitution.

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/24/01.
2. To approve and adopt the schedule of meetings for 2024/25 appended to this report as appendix 1.

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 2024/25.
- 1.2 The proposed annual schedule of meetings for 2024/25 is appended to this report.

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 (LW)

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
Committee Services Team Leader
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 2024/25.

SCHEDULE OF MEETINGS 2024/25

	COUNCIL 7pm	OVERVIEW AND SCRUTINY COMMITTEE 6pm	FINANCE AND PERFORMANCE SCRUTINY - SUB COMMITTEE 6pm	CABINET 5pm	AUDIT AND GOVERNANCE COMMITTEE 6pm	PLANNING COMMITTEE 7.15pm	LICENSING ACT COMMITTEE 7pm	PERSONNEL COMMITTEE 2pm	FH&JPC 6pm	JTB 6pm
	WEDNESDAY	TUE	TUE	WEDNESDAY	WEDNESDAY		TUESDAY	THURSDAY	THURSDAY	MONDAY
2024										
MAY	08-May	28-May		22-May		21-May				
JUN	26-Jun			12-Jun		18-Jun				
JUL	24-Jul	23-Jul	02-Jul	17-Jul	31-Jul	16-Jul		18-Jul	25-Jul	08-Jul
AUG						13-Aug				
SEPT		24-Sep		18-Sep	11-Sep	10-Sep			12-Sep	09-Sep
OCT	02-Oct	29/10/2024 - this date is for community safety/prevent items only	01-Oct	16-Oct		08-Oct				
NOV	27-Nov	19-Nov	26-Nov	13-Nov		12-Nov			14-Nov	11-Nov
DEC				11-Dec	04-Dec	10-Dec				
2025										
JAN	29-Jan	28-Jan	14-Jan	22-Jan		07-Jan		30-Jan	23-Jan	
FEB	19 or 26 Feb (Date to be confirmed)	18-Feb		12-Feb		11-Feb				17-Feb
MAR			11-Mar	26-Mar	19-Mar	18-Mar			20-Mar	
APR	02-Apr	22-Apr		23-Apr		15-Apr				
MAY	07-May			28-May		20-May				



This report will be made public on 29 April 2024

Report number **A/24/03**

To: Council
Date: 8 May 2024
Status: Non-Executive Decision
Responsible Officer: Amandeep Khroud, Assistant Director – Governance and Law

SUBJECT: ANNUAL POLICIES AND STRATEGIES ADOPTED BY CABINET AND AN UPDATE ON URGENT DECISIONS 2023/24

SUMMARY: This report is the annual report of policies and strategies that have been adopted, by Cabinet, during the 2023/24 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 1.2.4) 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. Council shall also have the option of including any of the policies in the Policy Framework

RECOMMENDATIONS:

1. To receive and note report A/24/03.
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 AND STRATEGIES THAT HAVE BEEN ADOPTED, REVISED OR UPDATED DURING THE YEAR 2023/24

- 2.1 Policies and strategies that have been adopted, revised or updated by Cabinet during the 2023/24 municipal year are shown below:
 - Regulation of Investigatory Powers Act 2000 (RIPA) – Policy
 - Homeowners Policy
 - Council's Children, Young People and Vulnerable Adults Safeguarding Policy
 - Medium Term Financial Strategy
 - Budget Strategy
 - Treasury Management Strategy
 - Tenant engagement strategy
 - Housing compliance policies:
 - Gas Safety
 - Fire Safety
 - Asbestos Safety
 - Electrical Safety
 - Legionella Safety
 - Lift Safety

3. DECISIONS TAKEN UNDER THE URGENCY PROVISIONS

- 3.1 As per paragraph 19.4 of part 6 of the Constitution, there is a requirement that executive decisions taken using Rule 13 (Special Urgency) in the preceding year be reported to the Annual meeting, along with a summary of the matters in respect of which those decisions were taken. There were no decisions taken using Rule 13 in the municipal year 23/24.
- 3.2 There were however 4 urgent decisions taken using Rule 12 (General Exception) and call-in was disregarded for 1 of those decisions as per paragraph 7 of part 6 of the constitution (Call-in and urgency). Items where call-in was disregarded were reported to Full Council in line with the constitution.

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, Democratic Services Team Leader
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 29 April 2024



Report number **A/24/02**

To: Council
Date: 8 May 2024
Status: Non-executive decision
Responsible Officer: Amandeep Khroud – Assistant Director Governance Law and Regulatory Services

SUBJECT: ANNUAL REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE

SUMMARY: This report summarises the achievements of the Audit and Governance Committee against the terms of reference for the period 1 April 2023 to 31 March 2024 and details the impact that it has made on the overall system of internal control in operation.

RECOMMENDATIONS:

1. To receive and note report A/24/02.

1. INTRODUCTION

- 1.1 The purposes of the Council's Audit and Governance Committee are outlined in the constitution.
- 1.1 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.
- 1.3 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.
- 1.2 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.

- 1.3 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 Director - Corporate 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 Director – Corporate 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:
- Extension of term of office of Independent Member of the Audit and Governance Committee
 - Regular detailed updates from the East Kent Audit Partnership (EKAP), the Council’s internal auditors.
 - The Internal Audit Annual Report 2022-23
 - Regular detailed updates from Grant Thornton, the Council’s external auditors.
 - Quarterly code of conduct complaints reports.
 - Delay to commencement of the external audit of the 2022/23 Statement of Accounts
 - Grant Thornton publication - "About Time?"
 - Annual Governance Statement.
 - Change of Governance Arrangements
 - Update on Change of Governance Arrangements
 - Corporate Risk Register update.
 - Annual Governance Statement Actions - update on 2023/24 actions
 - Audit Findings for Folkestone and Hythe District Council.
 - Response to the Local Government Ombudsman
 - Application for Dispensations under the Code of Conduct for Directors of Oportunitas

- Review of Polling District and Polling Places 2023
- Grant Thornton Audit Plan for the Year Ended 31 March 2023

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.

4. COMPLAINTS

4.1 During the financial year 23/24, 5 complaints were received relating to district and parish Councillors.

5. WHISTLEBLOWING

5.1 During the financial year 23/24, there have been no incidents of Whistleblowing.

6. LEGAL, FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

1.6 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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Agenda Item 12

This report will be made public on 29 April 2024



Report number **A/24/06**

To: Council
Date: 08 May 2024
Status: Non-executive decision
Responsible Officer: Amandeep Khroud, Assistant Director – Governance and Law

Subject: Annual report of the Overview and Scrutiny Committee 2023/24

SUMMARY: This report sets out the work that the Overview and Scrutiny Committee and the Finance and Performance Sub-Committee have completed during 2023/2024.

RECOMMENDATIONS:

1. To receive and note report A/24/06.

1. INTRODUCTION

- 1.1 This report sets out the work that the Overview and Scrutiny Committee have completed during the municipal year 2023/24.

2. WORK OF THE OVERVIEW AND SCRUTINY COMMITTEE, AND THE FINANCE AND PERFORMANCE SCRUTINY SUB-COMMITTEE FOR THE MUNICIPAL YEAR 2023/24.

- 2.1 The Overview and Scrutiny Committee and Finance and Performance Scrutiny Sub-Committee have considered a number of topics in the municipal year 23/24 which are set out in the Annual Report (Appendix 1 of this report).

3. LEGAL AND FINANCE COMMENTS

3.1 Legal officer's comments (AK)

There are no legal comments.

3.2 Finance officer's comments (RH)

There are no financial implications arising from this report.

3.3 Diversities and equalities implications (GE)

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

4. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Jemma West, Democratic Services Team Leader

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 1 – Overview and Scrutiny Annual report 23/24.

Annual report of the Overview and Scrutiny Committee 2023–24

Folkestone & Hythe District Council



Foreword by Overview & Scrutiny Chair Cllr Laura Davison

It's been a pleasure to chair the Overview and Scrutiny committee for the council year 2023/24. With elections taking place in May 2023, it has been a largely new group of councillors who have taken on the critical role of sitting on this committee, with valued help and support from returning experienced members including Vice Chair John Wing.

Together we have held regular pre-meetings of the committee to ensure we have proper time to think ahead and make sure we put our formal committee time with officers and guests to the most productive use. We have grown and developed as a committee across the year and I'd like to thank all members for the time, work and thought they have put into their contributions during this time.

The role of the committee under the current Cabinet system of the council is a crucial one. It acts as a critical counterbalance, offering different perspectives on projects and proposals, giving feedback through the vital connection to residents that comes with being a local councillor, and asking good questions! We have tried to take a practical approach to suggesting improvements to council proposals.

A new initiative this year where Cabinet members have taken it in turns to come in front of the committee to speak about their portfolios and answer questions has also been a positive development.

This year we have collectively considered topics including the Folkestone Levelling Up Fund delivery, the future of Folca, the district wide Carbon Action Plan, the re-procurement of the council's housing repairs and maintenance contract, Otterpool Park, council tenant satisfaction and the

Community Infrastructure Levy. We have had a significant role in scrutinising budget proposals in the run up to the setting of the 2024/25 budget via both the committee and its Finance and Performance sub-committee and were instrumental in questioning plans for metered parking charges on our high streets, which were not then pursued by cabinet. Also, in removing a specific target for reducing the number of litter bins.

In October the committee sat in its function as the Crime and Disorder scrutiny panel, overseeing community safety work across the district. The committee has also considered resolutions and public petitions referred to us by full council, for example in relation to setting up a youth council (a great initiative) and the hoardings on Princes Parade. We have also continued to press for updates on issues scrutinised by the previous committee - for Southern Water and Operation Brock.

In the remaining months of this financial year, we have important work to do looking at the impact of biometric border checks due to be implemented in October 2024. Given full council's decision to retain a Cabinet system for next year we will also be drawing together the Scrutiny work plan for 2024/5 based on suggestions made by residents, councillors and officers in the recent consultation process.

Thank you to everyone who contributed to this important process and to all the officers and guests who have been involved with the work of the committee during the year, particularly Jake in Committee services for his organisation, help and support.

Councillor Laura Davison

Chair of the Folkestone and Hythe Overview and Scrutiny Committee

Overview and Scrutiny Committee

F&HDC decisions are largely made by the council leader and cabinet under a scheme of delegation set out in the council's constitution. The OSC is made up of non-cabinet members and its membership is politically balanced, drawing on the input from all parties that make up the council. Members scrutinise and review the council's decisions, considers how it makes policy to shape the resulting policy framework, examines how the council performs against key targets and indicators in deploying its budget, and investigates specific issues affecting the district.

The committee can:

- Question cabinet's decisions
- Make its own recommendations to Cabinet
- Ask the cabinet and other decision-makers to reconsider decisions
- Refer a decision to the Full Council (known as a call-in)

Call-in usually refers to key decisions, i.e. those with a significant impact on finance or local communities, it is a powerful tool in supporting local democracy.

O&S has met nine times during the 2023/24 year and considered 27 items. A summary is given below:

27 June 2023

- Levelling Up Fund Delivery - Members received a presentation on the Council's successful bid to secure a £20m levelling up bid to regenerate Folkestone Town centre called 'Folkestone - a Brighter Future'. The presentation gave an overview of the Folkestone a Brighter future project
- Folca 2 proposed works and Civic Centre Relocation - Members received a presentation on the council's purchase of the old Debenhams (now called Folca) in Folkestone town centre in 2020, the aim was to secure control on a key anchor site within the town centre to ensure the future use had a positive outcome for the town centre. The building was also used as a key outlet for the vaccination delivery during the pandemic. The presentation gave an overview of the background and progress to date.
- Draft District-Wide Carbon Plan - The Strategy, Policy & Performance Lead Specialist introduced the report which presented the draft District-wide Carbon Plan. Following the comments of the Committee, it is intended to take the draft plan to Cabinet in July to seek approval to hold a public consultation on the plan.
- Cabinet Member Update - In accordance with the Constitution Councillor Stephen Scoffham, the Cabinet Member for Climate Change, Environment and Biodiversity will be attending the Overview and Scrutiny Committee to provide a general update on decisions made within his portfolio.

- Housing Repairs & Maintenance Options Appraisal - The Housing Repairs and Maintenance (R&M) current contract with Mears Ltd is due to expire 1st April 2025. In addition to the responsive repairs service and planned maintenance i.e. the replacement kitchen and bathrooms capital programme, the contract also covers void repairs and some compliance related services.
- Folca LUF update and Civic Centre Relocations - The presentation provided an update on the redevelopment proposals for Folca 2. Including, progress to date in relation to Phase 1 and Phase 2, architects commission, design development, business case preparation and overall programme.
- Otterpool Park: Strategic Direction, Funding and Delivery - The report, presentation and appendix covered the outcome of a review of key issues that the Council requires to consider in relation to the strategic direction, funding and delivery of Otterpool Park. The presentation included detail on delivery and financial risks for the Council and emerging recommendations for Cabinet. Following the item, the committee resolved to:
 - Receive and note report OS/23/03; and,
 - To Formulate a Task and Finish Group to support and scrutinise any potential joint venture proposal following Cabinet decision to explore the matter. Terms of Reference to be drawn up.
- Princes Parade Petitions - The report responded to the 2 petitions referred to Overview and Scrutiny committee following the Council meetings on 22nd February (Petition A) and 29th March 2023 (Petition B). Council has asked the following of OSC in respect of the 2 petitions:
 - Petition A - That the Petition be referred to OSC for their observations before deciding whether to examine the issues raised by the petition.
 - Petition B - To examine the issues raised by the petition as part of a future scrutiny programme.
- Cabinet Member Update - In accordance with the Constitution Councillors, Rich Holgate the Cabinet Member for Place Plan, Heritage, Tourism and District Economy and Polly Blakemore the Cabinet Member for Transport, Regulatory Services and Building Control will be attending the Overview and Scrutiny Committee to provide a general update on decisions made within their portfolio.

31 October 2023 – 18:00

Budget Update 2024/25 - The committee received a presentation which covered the following areas:

- The budget setting process overview for 2024/25
- Medium Term Financial Strategy ('MTFS') and Projected Gap
- General Fund Revenue Budget Gap Solutions and Strategic Approach:
 - Priority Based Budgeting (PBB)
 - Cashable Savings – 12%
- The Star Chamber discussion re the 2024/25 Budget
- Other critical/potential savings for consideration
- Forward look (draft timetable)

31 October 2023 – 19:00

- Folkestone and Hythe Community Safety Partnership Plan Update - The report/presentation provided the committee with an update on the Folkestone and Hythe Community Safety Partnership (CSP), its priorities, activities, CSP action plan, PREVENT and statistical data including, Crime within the District, deprivation, Fire and Hospital Alcohol Data.
- Cabinet Member Update - In accordance with the Constitution Councillors, Rich Holgate the Cabinet Member for Place Plan, Heritage, Tourism and District Economy and Polly Blakemore the Cabinet Member for Transport, Regulatory Services and Building Control will be attending the Overview and Scrutiny Committee to provide a general update on decisions made within their portfolio.

14 November 2023

- Proposed On-Street Parking - The report sought the views of the Overview Scrutiny Committee on recommendations of Cabinet for parking charges to be introduced in and around shopping streets in Folkestone, Sandgate, Hythe and New Romney.
- Housing Revenue Account (HRA) Business Plan 2023-2053 - The report set out the parameters of the work and spend that is undertaken by the Council's housing team, underpinning every decision taken in the HRA. The Business Plan (BP) model aligns with the direction and objectives of the Medium-Term Financial Strategy (MTFS), alongside the commitments of the HRA capital programme and acquisitions and new build ambitions for HRA led housing. The HRA BP ensures that the Council continues to provide a financially balanced housing management service that meets legislation and delivers excellent customer service to our tenants and leaseholders across the district. Once approved by Members, a summary version of the HRA BP will be published in 2024.

Following the item, the committee resolved to:

- Receive and note report C/23/57; and,
- To consider the presentation and provide feedback in order to inform a report to Cabinet.
- Refresh of the Council's Children, Young People and Vulnerable Adults Safeguarding Policy 2023 and general update - The Council is part of the statutory safeguarding role within the wider public sector, with responsibilities to children, young people and vulnerable adults. The children, young people and vulnerable adults safeguarding policy of the Council has been updated and is attached at Appendix 1. OSC were advised of the changes made to the 2021 policy as the refresh takes place every two years. OSC were also advised of the wide range of activity that has taken place over the last year with updates on safeguarding practice.
- Cabinet Member Update - In accordance with the Constitution Councillors Tim Prater, Deputy Leader and Cabinet Member for Finance and Governance and Jeremy Speakman, Cabinet Member for Assets and Operations will be attending the Overview and Scrutiny Committee to provide a update in relation to the portfolio.

30 January 2024

- FABF phase two public engagement feedback - An overview of the feedback from the public engagement activities in November 2023 in relation to phase two of the project, and the responses to the main themes from the project team.
- 2023 Tenant Satisfaction Survey Action Plan - This report presents the findings from the 2023 tenant satisfaction survey, and the resulting draft Action Plan which has been developed in partnership with the Strategic Tenant Advisory Panel.
- Cabinet Member Update - In accordance with the Constitution Councillor Jim Martin Leader and Cabinet Member for Otterpool Park and Planning Policy will be attending the Overview and Scrutiny Committee to provide a general update in relation to their portfolio.

27 February 2024

- Cabinet Member Update - In accordance with the Constitution Councillor Gary Fuller the Cabinet Member for Resident Engagement and Accountability provided the Overview and Scrutiny Committee with an update in relation to his portfolio. This included several key areas including Customer Services, Information Technology (IT), Information Governance, Elections and Audit.
- Update from Community Safety Partnership and the new 3 year plan: Councillor Mike Blakemore, Cabinet Member for Community and Collaboration introduced the item, Scott Butler, Community Safety Specialist outlined the report which updated the Overview and Scrutiny Committee on the Folkestone & Hythe Community Safety Partnership (CSP) and the draft new 3 year plan.

Following the update members resolved to:

- To receive and note report OS/23/10; and,
 - To provide feedback on the 3-year plan ahead of it being considered by Cabinet and Council.
- Community Infrastructure Levy (CIL): The report outlined the background to the Community Infrastructure Levy, which came into effect in August 2016 and the Governance Arrangements that were adopted by Cabinet in June 2020. It also explained what projects the district council will seek to deliver using CIL receipts it controls, as well as a summary of those projects that Kent County Council (KCC) will deliver using their proportionate share of CIL receipts as set out in the approved Governance Framework.

Following the update members resolved to:

- To receive and note report OS/23/07; and,
 - To offer reflections on future allocation of CIL receipts related to the Infrastructure Funding Statement and supporting Infrastructure Schedule.
- 2023 Full Council Resolution – Folkestone & Hythe Youth District Council: Full Council of 29 March 2023 resolved to refer to Overview and Scrutiny Committee (OSC) a report on the benefit of establishing a Folkestone & Hythe Youth District Council, referencing the Kent Youth County Council. The report described the youth councils and youth forum that are run by Kent County Council, Dartford Borough Council, Swale Borough Council and Thanet District Council to highlight to OSC the different approaches that could be taken to establishing a youth council and the likely resource implications.

Following the update members resolved to:

- To receive and note report OS/23/09.
- To note and comment on the different approaches to youth councils and youth forums set out in section 2 of the report.
- To note the key issues and resource implications outlined in section 3 of the report.
- To note the responses to the three parts of the 2023 resolution, outlined in section 4 of the report, and provide recommendations as to the next steps.
- That the item return to the Overview and Scrutiny Committee following the delivery and results of a survey to schools, colleges, and other organisations (resource permitted), so that the committee may formulate a recommendation to council on a direction forward; and,
- That a representative(s) of the Kent County Council (KCC) Youth Council attend the Overview and Scrutiny Committee, when the above recommendation/item returns to the committee.

- KFR Planning – EU Entry / Exit System (ESS)
 - Toby Howe, H&T Strategic Resilience Manager and Andy Jeffery, Head of Resilience & Emergency Planning at Kent County Council (KCC) will be in attendance to provide members with a presentation on the EU Entry / Exit System which is due to be implemented later this year.
- Motion from Council (29/11/2023)
 - This report will update on the potential impact for district, of the Kent County Council decision to end its accommodation provision for care leavers over the age of 19, from April 2024.
- Overview and Scrutiny work programme 24-25
 - This report sets out a proposed work programme for Overview and Scrutiny for the municipal year 2024/25.
- Overview and Scrutiny Annual report
 - This report sets out the work that the Overview and Scrutiny Committee and the Finance and Performance Sub-Committee have completed during 2023/2024.

Finance and Performance Scrutiny Sub-Committee

This sub-committee of the Overview and Scrutiny Committee was created in October 2020 to scrutinise the council's performance against key performance indicators (KPIs) and financial monitoring data against the budget. It makes recommendations to the main committee, where appropriate, which is also reported to Cabinet in support of their decision-making.

The sub-committee comprises five councillors who are drawn from the OSC membership, currently there is one vacant position.

Review of the year from Chairman, Cllr Connor McConville

It has been a privilege to continue to chair the Finance and Performance Committee and welcome the new members to the committee. We have had five very productive meetings throughout the municipal year and discussed a number of important agenda items.

The Sub-Committee gives councillors the time to consider and analyse often sizable financial and performance-based reports and provides the opportunity to ask probing questions. Just like OSC, the sub-committee does not exist to make decisions, instead it holds the council to account with regards to its budget process and overall performance.

The Sub-Committee had very positive meetings with regards to setting the budget for 2024/25, looking at quite impactful proposals regarding street cleaning, litter bins, grass cutting and garden waste and provided important feedback to cabinet to aid their decision making.

I would like to thank Tim, cabinet member for finance for attending the meetings to support his officer team. All the finance team for their comprehensive reports. Gavin for presenting the quarterly performance updates and to all the committee services team for their continuous hard work.

06 July 2023

- General Fund Capital Programme Provisional Outturn 2022/23 - This report provided the provisional outturn of the current financial position for the General Fund capital programme in 2022/23, based on expenditure to 31 March 2023, and identifies variances compared to the latest approved budget.
- General Fund Revenue 2022/23 Provisional Outturn - This report summarised the 2022/23 provisional outturn position (subject to external audit) for the General Fund revenue expenditure compared to the approved budget for the council.
- Housing Revenue Account Revenue and Capital Provisional Outturn 2022/23 - This report summarised the 2022/23 provisional outturn position (subject to audit) for the HRA revenue expenditure and HRA capital programme compared to both the latest approved budget and quarter 3 projections.
- Annual Performance Report 2022/23 and Draft KPI's 2023/24 - This report set out how the Council has delivered for local people in the district in 2022-23 in relation to the priorities documented within its Corporate Plan 'Creating Tomorrow Together' (2021-30) and presents amendments to Key Performance Indicators (KPIs) that will be used to monitor progress during the 2023-24 year. The Committee agreed to recommend to cabinet, that a further KPI be included within the housing section, which looks to measure how many houses the Council can get to EPP C either through the decarbonisation fund or the Councils own Housing Revenue Account.

10 October 2023

- Treasury Management Annual Report 2022/23 - The report reviewed the Council's treasury management activities for 2022/23, including the actual treasury management indicators. The report meets the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities. The Council is required to comply with both Codes through Regulations issued under the Local Government Act 2003.
- Quarter 1 Performance Report 2023/24 - The report provided an update on the Council's performance for the first quarter of the year covering 1st April – 30th June 2023. The report enables the Council to assess progress against the approved key performance indicators arising from the Council's new Corporate Action Plan.

05 December 2023

- Quarter 2 Performance Report 2023/24 - The report provided an update on the Council's performance for the second quarter of the year covering 1st July - 30th September 2023. The report enables the Council to assess progress against the approved key performance indicators arising from the Council's Corporate Action Plan.
- Medium Term Financial Strategy 2024/25 to 2027/28 - The Medium Term Financial Strategy ('MTFS') is the Council's key financial planning document. It puts the financial perspective on the Council's Corporate Plan priorities, expressing the aims and objectives of the various plans and strategies in financial terms over the four year period ending 31st March 2028. It covers both revenue and revenue implications for capital spend for the General Fund. Also included are the Council's reserves policies. The MTFS is a key element of sound corporate governance and financial management.
- Budget Strategy 2024/25 - The Budget Strategy sets out the guidelines for preparing the 2024/25 Budget. It supports the Corporate Plan and aligns with the direction and objectives of the Medium Term Financial Strategy (MTFS).
- Options Report on whether to continue to maintain Kent County Council (KCC) owned grass in the district, which is subsidised by Folkestone & Hythe District Council (FHDC) - The report outlined the current arrangement with Kent County Council (KCC) to maintain rural and urban verges and the financial implications of this for Folkestone & Hythe District Council (FHDC). Various options were outlined in the report for consideration to reduce budgets in line with the Star Chamber exercise.
- Waste & Street Cleansing Savings Proposals – Members representation outlining proposed savings to the waste and street cleansing contract.
- Overview of Community Grants - The report presented an overview of grants made by the Council to external community based organisations.

23 January 2024

- General Fund Revenue Budget Monitoring (Q3) 2023/24 - This report sets out the financial monitoring information for the Council as at 1 December 2023, i.e., Q3 of 2023/24. The report provides Members with an overview of budget performance, including an overview of reserves and balances, to enable the Committee to take ownership of the budgets and provide robust challenge and scrutiny to Officers on the performance of those budgets. At the end of Quarter 3, there is a favourable **end of the financial year projected position of £458k** on the Council's revised net revenue expenditure budget, of £22.2m. This position is based on budget activities as at 1 December 2023, projected trends in income and expenditure and changes to Council funding.
- General Fund Capital Programme (Q3) Budget Monitoring 2023/24 - This monitoring report provides an initial projection of the current financial position for the General Fund capital

programme profiled for 2023/24, based on expenditure to 1 December 2023, and identifies variances compared to the latest approved budget.

- HRA Budget Monitoring (Q3) - This monitoring report provides a projection of the end of year financial position for the Housing Revenue Account (HRA) revenue expenditure and HRA capital programme based on net expenditure to 1 December 2023.
- Draft General Fund Budget 2024/25 - This report sets out the Council's Draft General Fund budget for 2024/25 and the updated MTFs. Following this item, members resolved to:
 - Receive and note report C/23/84; and,
 - To recommend to Cabinet that they approve, any recommendation brought for the relinquishment of both the Leader and Deputy Leaders SRA's in order for the money saved to be reintroduced to the members ward grants.
- Draft Housing Revenue Account Revenue and Capital Original Budget 2024/25 - This report sets out the Housing Revenue Account ('HRA') Revenue and Capital Budget for 2024/25 for approval and proposes an increase in weekly rents and an increase in service charges for 2024/25 both for approval.
- Update to the General Fund Medium Capital Programme - This report updates the General Fund Medium Term Capital Programme for the five-year period ending 31 March 2029. The General Fund Medium Term Capital Programme is required to be submitted to full Council for consideration and approval as part of the budget process.

12 March 2024

- Quarter 3 Performance Report 2023-24 (amended from Q3 KPI report)
 - The report provided an update on the Council's performance for the third quarter of the year covering 1 October – 31 December 2023. The report enables the Council to assess progress against the approved key performance indicators arising from the Council's new Corporate Action Plan.
- UK Shared Prosperity Fund (UKSPF) and Rural England Prosperity Fund (REPF) update
 - The report outlined the activity to date regarding the UKSPF and REPF programme, giving an overview of the programme, activities being implemented, and outputs being achieved. Members were asked to take note of the report.



This report will be made public on 29 April 2024



Report number: **A/24/07**

To: Council
Date: 08 May 2024
Status: Non- executive decision
Responsible Officer: Amandeep Khroud, Assistant Director – Governance, Law and Regulatory Services

SUBJECT: ANNUAL SCRUTINY WORK PROGRAMME 2024/25

SUMMARY: This report presents recommendations for the work programme for the Overview and Scrutiny Committee for 2024/25.

RECOMMENDATIONS

- 1. To receive and note report A/24/07.**
- 2. To approve the annual scrutiny programme for 2024-25 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 The Committee 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.

2. RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE

- 2.1 In February 2024, suggestions for Scrutiny topics were sought from various sources, with the criteria that only issues which affected residents across the whole district would be considered.

In addition, the following topics would not be considered:

- Individual service complaints.
- Topics outside of the remit of the council, where the council has no powers or influence.
- Issues where Scrutiny has considered in the last 12 months
- Areas relating to quasi-judicial functions, ie Planning and Licensing.

The final list of topics included Member and officer suggestions, community concerns, policies which were due for renewal, and topics rolled over from the previous year's Scrutiny work plan.

- 2.2 These suggestions were then circulated to Members of the Overview and Scrutiny Committee, who were invited to score each item from 1-5 (5 highest, 1 lowest), based on each of the following criteria:
 - High general public concern,
 - Critical to council priorities and plans,
 - High financial value,
 - Risks in successful delivery.
- 2.3 Based on this, the nine scoring items were selected for the Scrutiny workplan, with an additional three in 'reserve' for the Committee. These 'reserve' items will allow for some flexibility in the workplan, in the event that the Committee is required to consider other urgent matters. There are also two additional items for the work plan which have been referred from Full Council. The Committee will also act as the Council's Crime and Disorder Committee and meet for that purpose at least once a year.

- 2.4 The Overview and Scrutiny Committee consider the proposed programme at their meeting on 23 April 2024, and resolved the following:
1. To receive and note report OS/23/12.
 2. To adopt and implement the Scrutiny work programme, set out in paragraph 1.3 of the report, with the following minor amendments:
 - a. Item 5 (EES) to be amended to a reserve item; and,
 - b. Item 10 (Corporate plan) to be implemented as a main item.
 3. To note paragraph 1.4 of the report.
- 2.5 The recommended programme, including the scoring given by the Overview and Scrutiny Committee Members, is shown in Appendix 1.
- 2.6 The Committee will also act as the Council's Crime and Disorder Committee and meet for that purpose at least once a year.

3. RISK MANAGEMENT ISSUES

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:

Jemma West – Democratic Services Team Leader

Tel: 01303 853369

Email: Jemma.west@folkestone-hythe.gov.uk

Appendices:

Appendix 1: Suggested Annual Scrutiny Work Programme 2024/25.

Background documents:

[Scoring for all items](#)

[Description of all items](#)

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Appendix 1 – Overview and Scrutiny Work Programme 24-25

Item No	Topic	High general public concern	Critical to council priorities and plans	High Financial value	Risks in Successful delivery	Total score
1	OP update (transition budget / plan, HE collaboration Agreement, Strategic partnering options etc)	36	36	36	35	143
2	FOLCA update	32	33	34	31	130
3	Flooding, poor water quality, Internal Drainage board.	39	32	25	33	129
4	Actions to protect the council operations against a Cyber attack	24	35	32	30	121
5	LUF update	28	32	27	30	117
6	Update on Council's climate and ecological emergency work	31	32	23	29	115
7	Equitability of council resource across the district	34	28	24	29	115
8	Transparency of planning process	35	29	23	26	113
9	Corporate Plan – consultation responses	25	34	24	28	111
The items below will be held in reserve						
10	Traffic disruption to Folkestone and the North Downs Area as a result of the EU's EES which is set to be introduced in October 2024	38	27	23	31	119

Appendix 1 – Overview and Scrutiny Work Programme 24-25

11	Housing Allocations Policy	26	32	24	27	109
12	Waste and recycling reforms	31	28	21	29	109
The items below are statutory items and items referred from Council:						
13	PREVENT & Safeguarding (statutory item)	n/a	n/a	n/a	n/a	n/a
14	Otterpool Park LLP Business Plan	n/a	n/a	n/a	n/a	n/a
15	Budget Update 24/25	n/a	n/a	n/a	n/a	n/a
16	Cabinet Member updates	n/a	n/a	n/a	n/a	n/a
17	opposition business of council (03/04/24) - To consider the drafting of a Culture, Heritage and Tourism strategies, as part of the Corporate Plan refresh, and conduct consultation with stakeholders to include members, community organisations, residents and businesses	n/a	n/a	n/a	n/a	n/a
18	Motion from council (29/11/2023) – To refer to the Overview and Scrutiny Committee to review the council's procurement plan, with specific reference to section	n/a	n/a	n/a	n/a	n/a

Appendix 1 – Overview and Scrutiny Work Programme 24-25

	5 in the action plan, Local Suppliers and SME participation, which is to be reviewed quarterly.					
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