



Agenda

Meeting: **Council**
Date: **5 May 2021**
Time: **7.00 pm**
Place: **Zoom - remote meeting**

To: **All Members of the Council**

YOU ARE HEREBY SUMMONED to attend a remote meeting of the Council on the date and at the time shown above. The meeting will be open to the press and public, who can watch the meeting live at: bit.ly/YouTubeMeetings

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

Dr Susan Priest
Chief Executive

1. **Apologies for Absence**
2. **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.

3. **Election of Chairman of the Council**
4. **Election of Vice-Chairman of the Council**
5. **Minutes (Pages 7 - 18)**

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

To receive the minutes of the Annual Meeting of the Council held on 22 May 2019 and to authorise the Chairman of the Council to sign them as a correct record.

6. **Appointments to Committee's and Sub-Committee's of the Council (including the appointment of Chairmen and Vice-Chairmen) (Pages 19 - 24)**

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.

7. **Delegation of non-executive functions (Pages 25 - 40)**

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.

8. **Schedule of meeting dates 2021/22 and 2022/23 (Pages 41 - 46)**

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 2021/2022.

The proposed annual schedule of meetings for 2021/22 is appended to this report, together with the draft provisional schedule for 2022/23.

9. **Annual report on policies and strategies adopted by Cabinet and update on urgent decisions 20/21 (Pages 47 - 50)**

This report is the annual report of policies and strategies that have been adopted, by Cabinet, during the 2020/21 municipal year.

10. **Annual report of the Audit and Governance Committee 20/21 (Pages 51 - 56)**

This report summarises the achievements of the Audit and Governance Committee against the terms of reference for the period 1 April 2020 to 31 March 2021 and details the impact that it has made on the overall system of internal control in operation.

11. **Annual report of the Overview and Scrutiny Committee 20/21 and proposed amendment to the Committee's terms of reference (Pages 57 - 62)**

This report sets out the work that the Overview and Scrutiny Committee and the Finance and Performance Sub-Committee have completed during 2020/2021. The report also seeks approval to revise the terms of reference of the Committee, to bring them up to date and reflect the new way of

working.

12. **Annual Scrutiny work programme 2021/22 (Pages 63 - 66)**

This report presents recommendations for the work programme for the overview and scrutiny committee for 2021/22.

This page is intentionally left blank

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.

This page is intentionally left blank

FOLKESTONE AND HYTHE DISTRICT COUNCIL

Minutes for the meeting of the Council held at the Council Chamber - Civic Centre Folkestone on Wednesday, 22 May 2019

Present: Councillors Mrs Ann Berry (Chairman), Brook, Miss Susan Carey, John Collier, Davison, Dorrell, Field, Fuller, Peter Gane, Clive Goddard, David Godfrey, Anthony Hills, Mrs Jennifer Hollingsbee, Keen, Lyons, Martin, Philip Martin (Vice-Chair), McConville, Meade, Ian Meyers, David Monk, Terence Mullard, Owen, Stuart Peall, Tim Prater, Rolfe, Shoob, Treloar, Wade, Whybrow, Wimble and Wing

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

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee;

That Councillor Mrs Anne Berry be elected as Chairman of the Council.

Proposed by Councillor Prater,
Seconded by Councillor Treloar;

That Councillor Davison be elected as Chairman of the Council.

In accordance with the council procedure rule 17.5 five members present demanded a recorded vote.

RESOLVED:

That Councillor Mrs Anne Berry be elected as Chairman of the District Council of Folkestone and Hythe until the next annual meeting of the Council, and until the acceptance of office by her successor.

FOR COUNCILLOR MRS BERRY: Councillors Mrs Berry, Brook, Miss Carey, Collier, Gane, Goddard, Godfrey, Hills, Mrs Hollingsbee, P Martin, Meyers, Monk, Mullard, Peall, Rolfe and Wimble (16).

FOR COUNCILLOR DAVISON: Councillors Davison, Dorrell, Field, Fuller, Keen, Martin, McConville, Meade, Prater, Shoob, Treloar, Wade, Whybrow and Wing (14).

ABSTENTIONS: None (0).

(Voting figures: 16 for Councillor Mrs Berry , 14 for Councillor Davison, 0 abstentions).

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

The Chairman of the Council then formally thanked the Council for electing her to office, and thanked her proposer and seconder.

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

Proposed by Councillor Mrs Hollingsbee,
Seconded by Councillor Godfrey;

That Councillor P Martin be elected as Vice- Chairman of the Council.

Proposed by Councillor Keen,
Seconded by Councillor Fuller;

That Councillor Treloar be elected as Vice-Chairman of the Council.

In accordance with the council procedure rule 17.5 five members present demanded a recorded vote.

RESOLVED:

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

FOR COUNCILLOR P MARTIN: Councillors Mrs Berry, Brook, Miss Carey, Collier, Gane, Goddard, Godfrey, Hills, Mrs Hollingsbee, P Martin, Meyers, Monk, Mullard, Peall, Rolfe and Wimble (16).

FOR COUNCILLOR TRELOAR: Councillors Davison, Dorrell, Field, Fuller, Keen, Martin, McConville, Meade, Prater, Shoob, Treloar, Wade, Whybrow and Wing (14).

ABSTENTIONS: None (0).

(Voting figures: 16 for Councillor P Martin, 14 for Councillor Treloar, 0 abstentions).

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

3. **Declarations of Interest**

There were no declarations of interest.

4. **Minutes**

The minutes of the Annual meeting of the Council held on 9 May 2018 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 Meyers,
Seconded by Councillor Wimble;

That Councillor Monk be elected as Leader of the Council.

Proposed by Councillor Whybrow,
Seconded by Councillor McConville;

That Councillor Prater be elected as Leader of the Council.

In accordance with the council procedure rule 17.5 five members present demanded a recorded vote.

RESOLVED:

That Councillor David Monk 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 2023.

FOR COUNCILLOR MONK: Councillors Mrs Berry, Brook, Miss Carey, Collier, Gane, Goddard, Godfrey, Hills, Mrs Hollingsbee, P Martin, Meyers, Monk, Mullard, Peall, Rolfe and Wimble (16).

FOR COUNCILLOR PRATER: Councillors Davison, Dorrell, Field, Fuller, Keen, Martin, McConville, Meade, Prater, Shoob, Treloar, Wade, Whybrow and Wing (14).

ABSTENTIONS: None (0).

(Voting figures: 16 for Councillor Monk, 14 for Councillor Prater, 0 abstentions).

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

The Leader thanked his proposer and seconder, and stated the following:

“I am pleased to be re-elected as Leader because there are so many things in the pipeline to come forward and recognised challenges to find solutions for. I believe the Cabinet system does work. I first came to this council where there was a committee system. Decisions took forever to make and officers had

more control over what happened. The cabinet system meant a more streamlined approach.

As you know, when the closure of Debenhams was announced we were able to immediately respond because we had been in talks with interested parties looking for a solution should the store close. Our response has already created a deal of discussion and I hope that we will receive a lot more when we publish more details and propositions for the regeneration of both the town centre and the harbour area in about four weeks time. At that time, we will have installed a whole series of planters along the Sandgate Road precinct to brighten the area up.

Moving onto homes and jobs, we have a deal with a modular house builder to set up a manufacturing plant on the commercial area of the Biggins Wood site. Some of the production will be erected on the housing area of the same site. This will be, I believe, a game changer in terms of the cost and speed of providing much needed housing. We are also looking at working with the Creative Folkestone to provide low cost housing around the perimeter of the Ship Street site with a cultural offer in the centre possibly using modular homes. Homes related and trying to address the affordability problem we will be coming forward with a revised Local Authority mortgage scheme that is not just for first time buyers and where legally possible be for local residents.

On a more prosaic level we will shortly be re-opening the bus station loos and taking over, from KCC, the cleaning of the traffic signs on roads with a speed limit of 30mph or less, which will show that our District is cared for.

To help deliver all of these projects, I have appointed to my Cabinet, the following Councillors:

- Councillor Mrs Hollingsbee – Community, Area Officers and Lifeline.
- Councillor Collier – Property and Grounds maintenance.
- Councillor Godfrey – Transport, Housing and special projects.
- Councillor Peall - Enforcement, regulatory services, waste and building control.
- Councillor Meyers – Digital Transformation and Customer Services.
- Councillor Wimble – Economic Development and Planning Policy.

Whilst I will oversee Finance and communications.

Finally, I look forward to working with you all and our officers for the good of the residents of the District of Folkestone and Hythe”.

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

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

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

RESOLVED:

- 1. That report A/19/02 be received and noted.**
- 2. That the necessary appointments to the committees and sub-committee's of the Council for the municipal year 19/20, as set out in the report, be agreed.**

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

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee;

That Councillor P Martin be elected Chairman of the Audit and Governance Committee for the municipal year 19/20.

Proposed by Councillor McConville,
Seconded by Councillor Whybrow;

That Councillor Prater be elected Chairman of the Audit and Governance Committee for the municipal year 19/20.

In accordance with the council procedure rule 17.5 five members present demanded a recorded vote.

RESOLVED:

That Councillor P Martin be elected Chairman of the Audit and Governance Committee for the municipal year 19/20.

FOR COUNCILLOR P MARTIN: Councillors Mrs Berry, Brook, Miss Carey, Collier, Gane, Goddard, Godfrey, Hills, Mrs Hollingsbee, P Martin, Meyers, Monk, Peall, Rolfe and Wimble (15).

FOR COUNCILLOR PRATER: Councillors Davison, Dorrell, Field, Fuller, Keen, Martin, McConville, Meade, Prater, Shoob, Treloar, Wade, Whybrow and Wing (14).

ABSTENTIONS: Councillor Mullard (1).

(Voting figures: 15 for Councillor Martin, 14 for Councillor Prater, 1 abstention).

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee;

That Councillor Mrs Berry be elected Vice-Chairman of the Audit and Governance Committee for the municipal year 19/20.

Proposed by Councillor J Martin,
Seconded by Councillor Treloar;

That Councillor Whybrow be elected Vice-Chairman of the Audit and Governance Committee for the municipal year 19/20.

In accordance with the council procedure rule 17.5 five members present demanded a recorded vote.

RESOLVED:

That Councillor Mrs Berry be elected Vice-Chairman of the Audit and Governance Committee for the municipal year 19/20.

FOR COUNCILLOR MRS BERRY: Councillors Mrs Berry, Brook, Miss Carey, Collier, Gane, Goddard, Godfrey, Hills, Mrs Hollingsbee, P Martin, Meyers, Monk, Peall, Rolfe and Wimble (15).

FOR COUNCILLOR WHYBROW: Councillors Davison, Dorrell, Field, Fuller, Keen, Martin, McConville, Meade, Prater, Shoob, Treloar, Wade, Whybrow and Wing (14).

ABSTENTIONS: Councillor Mullard (1).

(Voting figures: 15 for Councillor Mrs Berry, 14 for Councillor Whybrow, 1 abstention).

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee;

That Councillor Goddard be elected Chairman of the Planning and Licensing Committee for the municipal year 19/20.

Proposed by Councillor Whybrow,
Seconded by Councillor Prater;

That Councillor McConville be elected Chairman of the Planning and Licensing Committee for the municipal year 19/20.

In accordance with the council procedure rule 17.5 five members present demanded a recorded vote.

RESOLVED:

That Councillor Goddard be elected Chairman of the Planning and Licensing Committee for the municipal year 19/20.

FOR COUNCILLOR GODDARD: Councillors Mrs Berry, Brook, Miss Carey, Collier, Gane, Goddard, Godfrey, Hills, Mrs Hollingsbee, P Martin, Meyers, Monk, Peall, Rolfe and Wimble (15).

FOR COUNCILLOR MCCONVILLE: Councillors Davison, Dorrell, Field, Fuller, Keen, Martin, McConville, Meade, Prater, Shoob, Treloar, Wade, Whybrow and Wing (14).

ABSTENTIONS: Councillor Mullard (1).

(Voting figures: 15 for Councillor Goddard, 14 for Councillor McConville, 1 abstention).

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee;

That Councillor P Martin be elected Vice-Chairman of the Planning and Licensing Committee for the municipal year 19/20.

Proposed by Councillor Whybrow,
Seconded by Councillor Treloar;

That Councillor J Martin be elected Vice-Chairman of the Planning and Licensing Committee for the municipal year 19/20.

In accordance with the council procedure rule 17.5 five members present demanded a recorded vote.

RESOLVED:

That Councillor P Martin be elected Vice-Chairman of the Planning and Licensing Committee for the municipal year 19/20.

FOR COUNCILLOR P MARTIN: Councillors Mrs Berry, Brook, Miss Carey, Collier, Gane, Goddard, Godfrey, Hills, Mrs Hollingsbee, P Martin, Meyers, Monk, Peall, Rolfe and Wimble (15).

FOR COUNCILLOR J MARTIN: Councillors Davison, Dorrell, Field, Fuller, Keen, Martin, McConville, Meade, Prater, Shoob, Treloar, Wade, Whybrow and Wing (14).

ABSTENTIONS: Councillor Mullard (1).

(Voting figures: 15 for Councillor P Martin, 14 for Councillor J Martin, 1 abstention).

Proposed by Councillor Mrs Hollingsbee,
Seconded by Councillor Godfrey;

That Councillor Monk be elected Chairman of the Personnel Committee for the municipal year 19/20.

Proposed by Councillor McConville,
Seconded by Councillor Dorrell;

That Councillor Keen be elected Chairman of the Personnel Committee for the municipal year 19/20.

In accordance with the council procedure rule 17.5 five members present demanded a recorded vote.

RESOLVED:

That Councillor Monk be elected Chairman of the Personnel Committee for the municipal year 19/20.

FOR COUNCILLOR MONK: Councillors Mrs Berry, Brook, Miss Carey, Collier, Gane, Goddard, Godfrey, Hills, Mrs Hollingsbee, P Martin, Meyers, Monk, Mullard, Peall, Rolfe and Wimble (16).

FOR COUNCILLOR KEEN: Councillors Davison, Dorrell, Field, Fuller, Keen, Martin, McConville, Meade, Prater, Shoob, Treloar, Wade, Whybrow and Wing (14).

ABSTENTIONS: None (0).

(Voting figures: 16 for Councillor Monk, 14 for Councillor Keen, 0 abstentions).

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee;

That Councillor Brook be elected Vice-Chairman of the Personnel Committee for the municipal year 19/20.

Proposed by Councillor McConville,
Seconded by Councillor J Martin;

That Councillor Shoob be elected Vice-Chairman of the Personnel Committee for the municipal year 19/20.

In accordance with the council procedure rule 17.5 five members present demanded a recorded vote.

RESOLVED:

That Councillor Brook be elected Vice-Chairman of the Personnel Committee for the municipal year 19/20.

FOR COUNCILLOR BROOK: Councillors Mrs Berry, Brook, Miss Carey, Collier, Gane, Goddard, Godfrey, Hills, Mrs Hollingsbee, P Martin, Meyers, Monk, Mullard, Peall, Rolfe and Wimble (16).

FOR COUNCILLOR SHOOB: Councillors Davison, Dorrell, Field, Fuller, Keen, Martin, McConville, Meade, Prater, Shoob, Treloar, Wade, Whybrow and Wing (14).

ABSTENTIONS: None (0).

(Voting figures: 16 for Councillor Brook, 14 for Councillor Shoob, 0 abstentions).

8. Delegation of non-executive functions

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

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

RESOLVED:

- 1. That report A/19/03 be received and noted.**
- 2. That the scheme of delegations set out in the appendix to the report, in so far as it relates to the non-executive functions of the Council, be agreed.**

(Voting figures: 18 for, 0 against, 12 abstentions).

9. Schedule of meetings for 19/20 and provisional schedule for 20/21

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

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

RESOLVED:

- 1. That report A/19/04 be received and noted.**
- 2. That subject to the amendment of the date of Council from 17 July 2019 to the new date of 24 July 2019, the schedule of meetings for 2019/20 as appended to the report be approved and adopted.**
- 3. That the provisional schedule of meetings for 2020/21 be adopted as draft.**

(Voting figures: 29 for, 0 against, 1 abstention).

10. **Annual report on policies and strategies adopted by Cabinet and update on urgent decisions 18/19**

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

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

RESOLVED:

1. **That report A/19/05 be received and noted.**
2. **That the policies and/or strategies outlined in the report be included in the Policy Framework.**

(Voting figures: 16 for, 0 against, 14 abstentions).

11. **Annual report of the Audit and Governance Committee 18/19**

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

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

RESOLVED:

That report A/19/06 be received and noted.

(Voting figures 16 for, 0 against, 14 abstentions).

12. **Annual report of the Overview and Scrutiny Committee 18/19**

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

Proposed by Councillor Gane,
Seconded by Councillor Godfrey; and

RESOLVED:

That report A/19/07 be received and noted.

(Voting figures: 16 for, 0 against, 14 abstentions).

13. Annual Scrutiny work programme 2019/20

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

A member requested that the changing of library hours be added to the programme.

Proposed by Councillor Gane,
Seconded by Councillor Goddard; and

RESOLVED:

- 1. That report A/19/08 be received and noted.**
- 2. That subject to the inclusion of the topic of library hours, the annual scrutiny work programme for 2019-20 be approved.**

(Voting figures: 16 for, 0 against, 14 abstentions).

14. European Parliamentary Election - Expenditure of Local Returning Officer

The report set out the expenditure incurred or likely to be incurred in respect of the European Parliamentary Election.

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

RESOLVED:

- 1. That report A/19/09 be received and noted.**
- 2. That the expenditure of the Local Returning Officer be noted.**

(Voting figures: 29 for, 0 against, 1 abstention).

This page is intentionally left blank

This report will be made public on 26 April 2021



Report number **A/21/07**

To: Council
Date: 5 May 2021
Status: Non-Executive Decision
Responsible Officer: Amandeep Khroud, Assistant Director – Governance and Law

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

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

REASON FOR RECOMMENDATIONS:

The Council is asked to agree the recommendations set out below because it is required to constitute its committees for 2021/22 and elect chairmen and vice-chairmen of the committees.

RECOMMENDATIONS:

1. To receive and note report A/21/07.
2. To make the necessary appointments to the committees and sub-committees of the Council for 2021/2022.
3. To appoint the chairman and vice-chairman of:
 - Audit and Governance Committee
 - Planning and Licensing Committee
 - Personnel Committee

1. POLITICAL BALANCE

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

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

1.2 On 21 February 2020, Councillor Field left the Labour Party and became an Independent Member (a councillor not a member of a political group), and then on 23 March 2021, Councillors Field and Wimble formed the Folkestone and Hythe Independent Party as a new party group. This affected the political balance as shown in the table below:

Overall balance	No	Percentage
Conservative	13	43.33
Green	6	20
Folkestone and Hythe Indep	2	6.67
Labour	5	16.67
Liberal Democrats	2	6.67
UKIP	2	6.67
Total	30	100.01

1.3 As a result of this change, it is recommended that the number of seats across committees of the Council be increased from 33 to 35, giving the Folkestone and Hythe Independent Party a total of 3 seats, which is equivalent to the Liberal Democrat and UKIP parties, who also have two members in their groups.

1.4 The Folkestone and Hythe Independent Party already held a seat on the Planning and Licensing Committee, and it is proposed that the number of seats on the Personnel Committee be increased from 6 seats to 7 seats, and the Audit and Governance Committee be increased from 5 seats to 6 seats, allowing the Folkestone and Hythe Independent Party to have a seat on each of these Committees.

This is shown in the table below:

Number of seats - 35		Cons	Green	Indep	Lab	Lib Dem	Ukip
Personnel	7	3	1	1	1	1	0
Overview	10	4	2	0	2	1	1
Audit and Governance	6	2	1	1	1	0	1
Planning and Licensing	12	5	2	1	2	1	1
Total	35	14	6	3	6	3	3

1.5 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 are set out in its Terms of Reference, which are shown in part 7 of the constitution.

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

	2020 Member	Party	2021 Nominated Member	Party
1	Councillor Gane	CONS	Councillor Gane	CONS
2	Councillor Mrs Carey	CONS	Councillor Mrs Carey	CONS
3	Councillor Rolfe	CONS	Councillor Rolfe	CONS
4	Councillor Brook	CONS	Councillor Brook	CONS
5	Councillor Wing	GREEN	Councillor Wing	GREEN
6	Councillor Shoob	GREEN	Councillor Shoob	GREEN
7	Councillor McConville	LABOUR	Councillor McConville	LABOUR
8	Councillor Keutenius	LABOUR	Councillor Keutenius	LABOUR
9	Councillor Fuller	LIB DEMS	Councillor Fuller	LIB DEMS
10	Councillor Mullard	UKIP	Councillor Mullard	UKIP

4. COMMITTEES OF THE COUNCIL

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

4.2 Audit and Governance Committee

The function of the Audit and Governance Committee is to:

- Review the risk management framework and the associated control environment, independent review of the Council's financial and nonfinancial performance.
- Promote, advise on and monitor high standards of conduct by councillors 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 (this committee, following the decision of Council on 18 December 2019, minute 80 includes an independent member who is not a councillor):

	2020 Member	Party	2021 Nominated Member	Party
1	Councillor P Martin	CONS	Councillor P Martin	CONS
2	Councillor Mrs Berry	CONS	Councillor Mrs Berry	CONS
3	Councillor Shoob	GREEN	Councillor Shoob	GREEN
4	Councillor Davison	LABOUR	Councillor Davison	LABOUR
5	Councillor Mullard	UKIP	Councillor Mullard	UKIP
6	n/a	n/a	*	FH INDEP
7	Andrew Vanburen – independent member			

* The Folkestone and Hythe Independent Party has stated that as both members of the political group are on the cabinet they will not be filling this seat.

4.4 Planning and Licensing Committee

The function of this committee is to:

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

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

	2020 Member	Party	2021 Nominated Member	Party

1	Councillor Goddard	CONS	Councillor Goddard	CONS
2	Councillor Mrs Hollingsbee	CONS	Councillor Mrs Hollingsbee	CONS
3	Councillor P Martin	CONS	Councillor P Martin	CONS
4	Councillor Brook	CONS	Councillor Brook	CONS
5	Councillor Collier	CONS	Councillor Collier	CONS
6	Councillor J Martin	GREEN	Councillor J Martin	GREEN
7	Councillor Treloar	GREEN	Councillor Treloar	GREEN
8	Councillor Keen	LABOUR	Councillor Keen	LABOUR
9	Councillor Meade	LABOUR	Councillor Meade	LABOUR
10	Councillor Fuller	LIB DEM	Councillor Fuller	LIB DEM
11	Councillor Meyers	UKIP	Councillor Meyers	UKIP
12	Councillor Wimble	FH INDEP	Councillor Wimble	FH INDEP

4.7 Personnel Committee

The function of this Committee is to:

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

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

	2020 Member	Party	2021 Nominated Member	Party
1	Councillor Monk	CONS	Councillor Monk	CONS
2	Councillor Brook	CONS	Councillor Brook	CONS
3	Councillor Mrs Berry	CONS	Councillor Mrs Berry	CONS
4	Councillor Shoob	GREEN	Councillor Shoob	GREEN
5	Councillor Keen	LABOUR	Councillor Keen	LABOUR
6	Councillor Prater	LIB DEMS	Councillor Prater	LIB DEMS
7	N/A	N/A	Councillor Field	FH INDEP

5. COMMITTEE CHAIRMEN/VICECHAIRMEN

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

The nominations for Chairmanship are set out below:

		Chairman 2020	Proposed for 2021
Audit and Governance	Chair	Councillor P Martin (Cons)	Councillor P Martin (Cons) Councillor Shoob (Green)

	Vice	Councillor Mrs Berry (Cons)	Councillor Mrs Berry (Cons) Councillor Davison (Labour)
Planning and Licensing	Chair	Councillor Goddard (Cons)	Councillor Goddard (Cons)
	Vice	Councillor P Martin (Cons)	Councillor P Martin (Cons) Councillor Wimble (FH Indep)
Personnel	Chair	Councillor Monk (Cons)	Councillor Field (FH Indep) Councillor Monk (Cons)
	Vice	Councillor Brook (Cons)	Councillor Brook (Cons) Councillor Keen (Labour)

6. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

6.1 Legal officer's comments (AK)

There are no legal implications arising directly from this report.

6.2 Finance officer's comments

There are no financial implications arising directly from this report.

6.3 Diversities and equalities implications

No implications arising directly from this report.

9. CONTACT OFFICER AND BACKGROUND DOCUMENTS

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

Amandeep Khroud, Assistant Director of 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 26 April 2021

Report number **A/21/02**

To: Council
Date: 5 May 2021
Status: Non – executive decision
Responsible Officer: Amandeep Khroud, Assistant Director –
Governance and Law

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/21/02.
2. To agree the scheme of delegation set out in the appendix to this report in so far as it relates to the non-executive functions of the Council.

1. INTRODUCTION

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

2. THE SCHEME OF DELEGATION

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

3. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

3.1 Legal officer's comments (AK)

There are no legal implications arising directly from this report.

3.2 Finance officer's comments

There are no financial implications arising from this report.

3.3 Diversities and equalities implications

No implications arising directly from this report.

4. CONTACT OFFICER AND BACKGROUND DOCUMENTS

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

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

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

1.4 They may authorise other officers to exercise delegated powers on their behalf. They may also authorise appropriately experienced officers whose services are placed at the disposal of the Council pursuant to section 113 of the Local Government Act 1972 to exercise any powers or functions delegated to them or to specified officers.

1.5 Emergency action taken under delegated powers must be reported to the relevant body as soon as possible.

1.6 Significant decisions taken by Officers will be published and recorded in accordance with the Access to Information Procedure Rules There will be no requirement to keep a written record of operational decisions within the budget and policy framework.

1.7 The Senior Officers of the Council shall be entitled to exercise the powers and functions set out below.

1.8 Decisions Delegated to the Senior Officers 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

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

2.2 Staffing Issues

The Senior Officers 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.

Appendix 1

- 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

Appendix 1

- 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 – CORPORATE SERVICES**
- 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:

Appendix 1

- 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 - PLACE

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 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 DIRECTOR – TRANSFORMATION AND TRANSITION

7.1 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

8 SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE DIRECTOR OF PLACE

8.1 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

9. SPECIFIC POWERS AND FUNCTIONS DELEGATED TO THE ASSISTANT DIRECTOR – LAW AND GOVERNANCE.

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 together with the functions specified below

9.2 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 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.

9.3 Land of community value

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

9.4 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.

.

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

10.1 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

10.2 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 10.3.

10.3 Specific scheme of delegation for town and country planning.

10.3.1 The Chief Planning Officer is authorised to determine the categories of applications set out in paragraph 10.3.2 except those that:

- a) Have been called in to the committee at the request of any district councillor;

Appendix 1

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

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

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

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

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

10.3.3 The Chief Planning Officer is authorised to determine:

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

10.3.4 Subject to the limitations in paragraph 10.3.1, the Chief Planning Officer is authorised to:

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

10.3.5 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 Planning Officer is authorised to:

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

Appendix 1

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

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

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

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

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

10.4 Planning agreements

To negotiate Section 106 Agreements.

10.5 Listed buildings and conservation areas

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

10.6 Land of community value

To administer the list of land of community value.

11. SPECIFIC POWERS DELEGATED TO THE CHIEF HUMAN RESOURCES OFFICER

11.1 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 – Chief Officers

Director of Corporate Services	Director of Place	Director of Housing & Operations	Director of Transition and Transformation	Director of Development
Human Resources	Licensing	Transportation	Transformation	Otterpool park Delivery
Finance	Environmental Health	Grounds Maintenance	East Kent Housing Transition	
ICT & Digital Services	Economic Development	Lifeline		
Case Services (Corporate Services)	Waste	Estates and Assets		
Strategy and Policy	Building Control	Engineering and Building		
Legal	Development Management	Housing Landlord Functions		
Democratic and Committee Services	Customer Services	Housing Strategy and Needs		
Leadership Support	Case Services (Place)	Strategic Development		
Procurement and Corporate Contracts	Communities			
Communication and Engagement				
Revenues & Benefits				

Areas of Responsibilities – Section Tier Officers

Chief HR Officer	Assistant Director – Governance & Law	Chief Economic Development Officer	Chief Planning Officer	Assistant Director - Housing
HR	Corporate Contracts and Procurement	Economic and business development	Development Management	Housing Landlord functions
Payroll	Legal Services		Building Control	Housing strategy and Needs
Training	Democratic Services & Elections			
	Leadership Support			
	Communications and Engagement			

Agenda Item 8



This report will be made public on 26 April 2021

Report number **A/21/01**

To: Council
Date: 5 May 2021
Status: Non-Executive Decision
Responsible Officer: Amandeep Khroud, Assistant Director – Governance and Law

SUBJECT: SCHEDULE OF MEETING DATES 2021/22 AND 2022/23

SUMMARY: In accordance with the council rules of procedure, part 4.2, paragraph 1.1 of the constitution the Council is required to approve the annual schedule of meetings for the municipal year 2021/2022.

The proposed annual schedule of meetings for 2021/22 is appended to this report, together with the draft provisional schedule for 2022/23.

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/21/01
2. To approve and adopt the schedule of meetings for 2021/22 appended to this report as appendix 1.
3. Adopt as draft provisional schedules of meetings for 2022/23 appended to this report as appendix 2.

1. INTRODUCTION

- 1.1 In accordance with the council rules of procedure, part 4.2, paragraph 1.1 of the constitution the council is required to approve the annual schedule of meetings for the municipal year 2021/22.
- 1.2 The proposed annual schedule of meetings for 2021/22 is appended to this report, together with the draft schedule of meetings for 2022/23.

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 Specialist
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 2021/22.
- Appendix 2 – Draft schedule of meetings for 2022/23.

SCHEDULE OF MEETINGS 2021/22(PROVISIONAL)

	COUNCIL 7.00 PM WEDNESDAY	OVERVIEW AND SCRUTINY COMMITTEE 7:00 PM TUE	FINANCE AND PERFORMANCE SCRUTINY - SUB COMMITTEE 7.00 PM TUE	CABINET 5.00 PM WEDNESDAY	AUDIT AND GOVERNANCE COMMITTEE 7:00 PM WEDNESDAY	PLANNING AND LICENSING COMMITTEE 7:00 PM TUESDAY	PERSONNEL COMMITTEE 2.00PM THURSDAY	FH&JPC 7:00PM THURSDAY	JTB 6:00PM MONDAY
2021									
MAY	05-May			26-May		25-May			
JUN		01-Jun	15-Jun	23-Jun		22-Jun	10-Jun		
JUL	21-Jul			21-Jul	29/7/21 (thu)	27-Jul		15-Jul	05-Jul
AUG						24-Aug			
SEPT	29-Sep	07-Sep		15-Sep	08-Sep	21-Sep	09-Sep	16-Sep	13-Sep
OCT				20-Oct		19-Oct			
NOV	24-Nov	09-Nov	16-Nov	24-Nov	10-Nov	23-Nov		18-Nov	22-Nov
DEC		07-Dec		15-Dec		14-Dec			
2022									
JAN			18-Jan	26-Jan		25-Jan	20-Jan	20-Jan	
FEB	23-Feb	15-Feb		23-Feb		08-Feb			21-Feb
MAR	30-Mar		08-Mar	23-Mar	16-Mar	22-Mar		17-Mar	
APR		26-Apr		13-Apr		19-Apr	07-Apr		
MAY	04-May								

This page is intentionally left blank

SCHEDULE OF MEETINGS 2022/23(PROVISIONAL)

	COUNCIL 7.00 PM	OVERVIEW AND SCRUTINY COMMITTEE 7:00 PM	FINANCE AND PERFORMANCE SCRUTINY - SUB COMMITTEE 7.00 PM	CABINET 5.00 PM	AUDIT AND GOVERNANCE COMMITTEE 7:00 PM	PLANNING AND LICENSING COMMITTEE 7:00 PM	PERSONNEL COMMITTEE 2.00PM	FH&JPC 7:00PM	JTB 6:00PM
	WEDNESDAY	TUE	TUE	WEDNESDAY	WEDNESDAY	TUESDAY	THURSDAY	THURSDAY	MONDAY
2022									
MAY	04-May	31-May		25-May		24-May			
JUN			14-Jun	22-Jun		28-Jun	09-Jun		
JUL	27-Jul			20-Jul	28/7/22 (thu)	26-Jul		07-Jul	11-Jul
AUG						30-Aug			
SEPT	28-Sep	06-Sep		21-Sep	07-Sep	27-Sep	15-Sep	15-Sep	12-Sep
OCT				19-Oct		25-Oct			
NOV	30-Nov	08-Nov	15-Nov	23-Oct	09-Nov	22-Nov		17-Nov	21-Nov
DEC		06-Dec		14-Dec		20-Dec			
2023									
JAN			17-Jan	25-Jan		31-Jan	26-Jan	19-Jan	
FEB	22-Feb	14-Feb		22-Feb		27-Feb			20-Feb
MAR	29-Mar		07-Mar	22-Mar	15-Mar	28-Mar		16-Mar	
APR		25-Apr		19-Apr		25-Apr	06-Apr		
MAY	10-May								

This page is intentionally left blank



This report will be made public on 26 April 2021.

Report number **A/21/06**

To: Council
Date: 5 May 2021
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 2020/21

SUMMARY: This report is the annual report of policies and strategies that have been adopted, by Cabinet, during the 2020/21 municipal year.

REASON FOR RECOMMENDATIONS:

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

RECOMMENDATIONS:

1. To receive and note report A/21/06.
2. To consider including any of the policies and/or strategies, outlined in this report, in the Policy Framework.

1. INTRODUCTION

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

2. POLICIES ADOPTED DURING THE YEAR 2020/21

- 2.1 Policies and strategies that have been adopted, revised or updated during the 2020/21 municipal year are:
 - Customer Access Strategy
 - Regulation of Investigatory Powers Act 2000 – Policy
 - Budget Strategy 2021/22
 - Draft Homelessness Prevention Strategy 2020/25
 - Investment Strategy 2021/22
 - Housing Operations Policies
 - Equality and Diversity Policy 2021-25
 - Tenant Engagement Strategy

3. DECISIONS TAKEN UNDER THE URGENCY PROVISIONS

- 3.1 There were three instances of urgent key decisions being taken in the last municipal year.

On 2 June 2020, the Leader considered report number C/20/07, which set out proposals for how Folkestone & Hythe will use the additional 5% 'top-up' to the funding for Small Business Grant (SBG) and Retail, Leisure and Hospitality Grant (RLHG) schemes allocated to local authorities for a discretionary COVID-19 business grant scheme.

On 23 June 2020, the Leader made a further urgent decision to revise the eligibility criteria for the Grants, as set out in report number C/20/16.

On 9 October 2020, the Cabinet Member for Revenues, Benefits, Anti-Fraud and Corruption considered report number C/20/45 which sought approval for Folkestone and Hythe District Council's Test and Trace Discretionary Scheme. It was necessary to take this decision under the constitution's 'Call in and Urgency' rule (Part 6.3, rule 7), because the scheme was required by Government Guidelines to be in place from Monday 12 October 2020.

Council will be informed of these decisions at their next ordinary meeting.

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, Committee Services Specialist

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

This page is intentionally left blank

This report will be made public on 26 April 2021



Report number **A/21/04**

To: Council
Date: 5 May 2021
Status: Non-executive decision
Responsible Officer: Amandeep Khroud, Assistant Director – Governance and Law

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 2020 to 31 March 2021 and details the impact that it has made on the overall system of internal control in operation.

REASONS FOR RECOMMENDATION:

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

RECOMMENDATIONS:

1. To receive and note report A/21/04.

1. INTRODUCTION

- 1.1 The purposes of the Council's Audit and Governance Committee are outlined in the constitution.
- 1.2 Listed below are the terms of reference for the Audit part of the Committee:
- a) Review and approve the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.
 - b) To consider the Head of Internal Audit's annual report and opinion on the Council's corporate governance arrangements.
 - c) To conduct reviews of the effectiveness of the Council's system of internal audit.
 - d) Be satisfied that the authority's assurance statement, including the annual governance statement, properly reflects the risk environment and any actions required to improve it.
 - e) Approve (but not direct) internal audit's strategy, plan and monitor performance.
 - f) Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken, where necessary.
 - g) Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements, and seek assurance that action is being taken to mitigate those risks identified.
 - h) To make recommendations to Council on Contract Standing Orders.
 - i) To make recommendations to Council on the Financial Procedure Rules.
 - j) To maintain an overview of the Council's Whistle-blowing Policy.
- 1.3 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.
- 2.2 The Committee has a well-established forward plan which is agreed by the Committee at the start of each year. This plan is reviewed at each meeting to ensure the responsibilities and audit needs are addressed.

- 2.3 Members of the Audit and Governance Committee seek to robustly challenge any weaknesses in the reports from auditors and officers. In particular we will continue to ask senior officers to attend meetings to outline and identify risks within their service areas; how they are mitigating those risks; and meeting their responsibilities.
- 2.4 The Audit and Governance Committee is assured on the integrity of data held in the financial statements. It receives clear, concise reports and actions are dealt with in an appropriate timescale. The members of the Committee receive specific training which gives them the skills required to carry out these functions effectively.
- 2.5 The work of the Internal and External Audit provides detailed assurance on the reliability and integrity of the information held in the financial statements.
- 2.6 The 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:
- Regular detailed updates from the East Kent Audit Partnership (EKAP), the Council's internal auditors
 - Regular detailed updates from Grant Thornton, the Council's external auditors
 - The annual Statement of Accounts
 - Annual Governance Statement
 - Corporate Risk Register
 - Appointment of temporary Councillor for Brenzett Parish Council
 - Audit Findings for Folkestone and Hythe District Council
 - Appointment of Independent Persons – as set out in 2.10 of the report.
- 2.10 On 24 November 2020 the Audit and Governance Committee appointed Mr Andy Vanburen as the Independent Member for the committee.
- 2.11 An independent member would not be able to vote on matters where the committee makes a decision but will where it makes recommendations.

Consequently where a recommendation is being made to council then the independent member would have a vote. This would include also non – audit functions e.g. some standards matters and as presently constituted recommendations on the Council's constitution.

- 2.12 The general power in section 102 of the Local Government Act 1972 to appoint a Committee includes the power to appoint persons to that committee who are not members of the Council. However, by virtue of section 13 of the Local Government and Housing Act 1989 co-opted members are treated as non-voting members unless the committee is acting in an advisory capacity.

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 20/21, 17 'code of conduct' complaints were received relating to district and parish Councillors.

5. LEGAL, FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

5.1 Legal officer's comments (AK)

There are no legal issues arising out of this report.

5.2 Finance officer's Comments

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

5.3 Diversities and equalities implications (AK)

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

6. 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, Assistant Director – Governance and Law

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

This page is intentionally left blank

This report will be made public on 26 April 2021



Report number

A/21/05

To: Council
Date: 5 May 2021
Status: Non-executive decision
Responsible Officer: Amandeep Khroud, Assistant Director – Governance and Law

Subject: Annual report of the Overview and Scrutiny Committee 2020/21 and proposed amendment to the Committee's terms of reference

Summary: This report sets out the work that the Overview and Scrutiny Committee and the Finance and Performance Sub-Committee have completed during 2020/2021. The report also seeks approval to revise the terms of reference of the Committee, to bring them up to date and reflect the new way of working.

Recommendations:

- 1. To approve and adopt the revised Terms of Reference for the Overview and Scrutiny Committee.**
- 2. To receive and note report A/21/05.**

1. INTRODUCTION

- 1.1 This report sets out the work that the Overview and Scrutiny Committee have completed during the municipal year 2020/21 and proposes changes to its terms of reference to bring them up to date, and more in line with the work carried out by the Committee following the changes to its ways of working, which were agreed by the Committee at its meeting on 6 October of 2020 (minute 23).

2. WORK OF THE COMMITTEE FOR THE MUNICIPAL YEAR 2020/21

- 2.1 During the 2020-21 municipal year, all meetings have been held remotely, using Zoom.
- 2.2 On 19 May 2020, the Overview and Scrutiny Committee received a presentation setting out proposals to change the way in which the Committee operated. With the broad agreement of the Committee, a subsequent report was then brought before the Committee on 6 October 2020, and the following changes were agreed:
- The creation of a Finance and Performance Scrutiny Sub-Committee;
 - The reduction in the number of meetings from 11 meetings to 6 meetings of the Overview and Scrutiny Committee, and 4 meetings of the Finance and Performance Scrutiny Sub-Committee.
 - The adoption of a Cabinet and Overview and Scrutiny Member Protocol.

In addition, the work programme for the remainder of the municipal year was recommended to Council for adoption, and subsequently approved on 21 October 2020 (minute 8).

- 2.3 Prior to these changes being agreed, the Overview and Scrutiny Committee met 4 times and considered the following items:
- Play Area Strategy 2020-2030 – Consultation Responses and outcome;
 - Community Infrastructure Levy (CIL) Governance Framework;
 - Discussion on the development of the New Corporate Plan 21-31;
 - COVID-19 response to date and recovery Plan Framework;
 - Customer Access Strategy;
 - Revised Hackney Carriage and Private Hire (Taxi) Licensing Policy;
 - Vision for the Housing Management Service
 - Draft Homelessness Prevention Strategy 2020/25;
 - Otterpool Park Business Plan – Initial Presentation;
 - Oportunitas Limited – Progress report and Business Plan 2020-2022;
 - Private Sector Housing Enforcement and Civil Penalties Policy.
- 2.4 Since the changes were agreed, a number of topics have been scrutinised by the Overview and Scrutiny Committee, including:

- On 6 October 2020, the Committee fulfilled its duty in respect of acting as the Council's Crime and Disorder Committee to review crime and disorder reports, and received an update on the Community Safety Partnership and PREVENT. At the same meeting, the Committee also considered the District Council's Potential Office relocation and the Government Consultation on the Planning White paper – 'Planning for the Future'.
- On 1 December 2020, the Committee considered the Draft Homelessness Prevention Strategy 20/25 Consultation responses, and the Draft Business Plan – Otterpool Park LLP. In respect of the Otterpool Park LLP Draft Business Plan, it was agreed that a task and finish group be created to work alongside members and officers to get the Business Plan to its best possible version prior to consideration by Cabinet in January 2021. The Task and Finish Group met on 14 December 2020 and recommended that a summary of the Business Plan be provided as part of the report to Cabinet.
- On 16 February 2021, the Committee considered and received a report on the Folkestone Town Centre Regeneration, and the Tenant Engagement Strategy and Action Plan.
- The Committee will meet on 30 March 2021 and consider the Draft Licensing Policy, and the Tenant Engagement Strategy (consultation results), as well as agreeing their Scrutiny Work programme for 21/22.

2.5 Since its creation, the Finance and Performance Scrutiny Sub-Committee has met twice, and considered the following reports:

- Key performance indicators review 20/21 and half year performance report;
- Update to the 2020/21 General Fund Budget;
- Update to the General Fund Medium Term Capital Programme;
- Briefing on the Medium Term Financial Plan.
- Draft General Fund Budget 2021/22;
- Housing Revenue Account Revenue and Capital Original Budget 2021/22;
- Update to the General Fund Medium Term Capital Programme and Budget Monitoring 2020/21;
- Treasury Management Strategy Statement and Treasury Management Monitoring Report 2021/22;
- General Fund Revenue Budget Monitoring 3rd quarter 2020/21;
- HRA budget monitoring – 3rd quarter 2020/21.

3. CHANGES TO THE OVERVIEW AND SCRUTINY TERMS OF REFERENCE

3.1 In light of the changes referred to above, the terms of reference have been refreshed to reflect the way that the Committee now operates. The changes mainly involve the removal of the points which are no longer relevant, and the inclusion of points relating to task and finish groups. Members are asked to

recommend the revised Terms of Reference for adoption at the Annual meeting of the Council on 5 May 2021.

- 3.2 The revised terms of reference, showing ‘tracked changes’ are set out at Appendix 1 to this report.

4. LEGAL AND FINANCE COMMENTS

4.1 Legal officer’s comments

There are no legal comments.

4.2 Finance officer’s comments (RH)

There are no financial implications arising from this report.

4.3 Diversities and equalities implications

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

5. 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, Committee Services Specialist
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 – Draft revised terms of reference

- ~~a) a) — To consult on the Overview and Scrutiny work programme and agree its contents. The work programme to be a rolling programme.~~
- ~~b) To respond to requests from the Cabinet and /or Council to undertake overview and scrutiny reviews as it sees fit. To examine how the Council engages with the community, including reviewing and monitoring the effectiveness of the Council's communication and consultation strategy, and other strategies that have an impact on relationships with the public.~~
- ~~b) — To consider how the Council develops relationships with its partners and review the effectiveness of those partnerships in contributing to the Council's vision and objectives.~~
- ~~c) — To scrutinise the work and decisions of the partnerships that the Council is involved in.~~
- ~~d) — To prepare responses to consultation, for consideration by the Executive, on any matter that affects community services in the District, including education and health.~~
- ec) To act as the Council's Crime and Disorder Committee and to meet for that purpose at least once a year.
- df) When acting as the Crime & Disorder Committee, To be able to co-opt members and determine whether they are entitled to vote on any matter, in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009.
- eg) To review and scrutinise the executive's decisions, including prior scrutiny of proposed executive decisions, and decisions made by committees and officers.
- fh) To contribute to the development of the Budget and other financial strategies, and review the performance of the executive against the Budget and other financial targets.
- gi) To contribute to, and review, the development of the Council's corporate management policies, including risk management and corporate governance policies and strategies, and to review the performance against targets, and review the effectiveness of the policies and strategies over time.
- ~~j) — To contribute to, and review, the Council's performance plan and performance management system.~~
- hk) To exercise the right, set out in the 'Call-in' Rules of Procedure, contained in Part 6 and 7 of this Constitution, to call-in for review, and recommend for re-consideration, any decisions made by the executive but not implemented.
- i) Agree the scope of task and finish group overview and scrutiny reviews and appoint members to task groups. [Numbers of task groups will be dependent upon resources and the availability of members and officer support, and groups cannot be simultaneous or concurrent].
- j) When agreeing an overview and scrutiny topic for task group investigation the committee will follow the set of criteria set out below to ensure its suitability for an overview scrutiny review. In order to qualify for consideration, submissions for topics to review must conform to at least one of the following:
- affect a group or community of people (overview and scrutiny will not normally look at service complaints) that either live or work in the district,
 - be an issue of significant public concern,
 - relate to a service, event or issue in which the Council has a significant stake,
 - not be an issue which scrutiny has considered during the past 24 months,
 - not be an issue dealt with by another Council committee (excluding cabinet).

- k) Manage and co-ordinate task group work by checking that progress is according to timetable and testing the soundness of recommendations against scopes.
- l) Together with the task group chairs, formally present task group reports to Cabinet or Council or other appropriate groups and organisations.

This report will be made public on 26 April 2021



Report number: **A/21/03**

To: Council
Date: 5 May 2021
Status: Non- executive decision
Responsible Officer: Amandeep Khroud, Assistant Director – Governance, Law and Regulatory Services

SUBJECT: ANNUAL SCRUTINY WORK PROGRAMME 2021/22

SUMMARY: This report presents recommendations for the work programme for the overview and scrutiny committee for 2021/22.

REASONS FOR RECOMMENDATIONS:

The Committee is asked to agree the recommendations set out below in order to agree the annual scrutiny work programme for the Full Council's approval.

RECOMMENDATIONS:

1. To receive and note report A/21/03.
2. To approve the annual scrutiny programme for 2021-22 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 January 2021, 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 highest scoring items were selected for the Scrutiny workplan. Nine items would make up the main 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.
- 2.4 The Overview and Scrutiny Committee approved the proposed programme at their meeting on 31 March 2021.

- 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

A summary of the perceived risks are as follows:

No perceived risks.

4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

4.1 Legal officer's comments

There are no legal comments.

4.2 Finance officer's comments

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

4.3 Diversities and equalities implications

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

5. CONTACT OFFICER AND BACKGROUND DOCUMENTS

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

Amandeep Khroud, Assistant Director – Governance, Law and Regulatory Services

Tel: 01303 853253

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

Appendices:

Appendix 1: Suggested Annual Scrutiny Work Programme 2021/22.

Background documents:

[Scoring for all items](#)

[Description of all items](#)

Appendix 1 – proposed Scrutiny Workplan 21-22

Item no	Topic	High general public concern	Critical to council priorities and plans	High financial value	Risks to the council in successful delivery	Total
1	Otterpool Park Business Plan (annual review)	20	20	19	19	78
2	Folkestone Place Plan	19	16	14	17	66
3	Budget Strategy 22/23	11	18	18	16	63
4	HRA Asset Management Framework	12	17	18	14	61
5	Treasury Management Strategy 22/23	8	17	18	17	60
6	HRA Business Plan	12	16	15	15	58
7	Civic Centre and Access Point (relocation and business case)	20	12	13	12	57
8	Debt management and write off policy framework	13	11	16	16	56
9	Performance Management Framework and KPI's – reform of framework	11	12	16	16	55
The items below will be held in reserve:						
10	Licensing Policy (Consultation responses – Sept 21)	14	14	12	14	54
11	Safeguarding policy	15	15	10	14	54
12	Review progress of climate emergency action plan	15	13	12	14	54