



## AGENDA

### COUNCIL MEETING

Date: Wednesday, 13 December 2017

Time: 7.00pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

#### RECORDING NOTICE

Please note: this meeting may be recorded.

At the start of the meeting the Chairman will confirm if all or part of the meeting is being audio recorded. The whole of the meeting will be recorded, except where there are confidential or exempt items.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this recording will be retained in accordance with the Council's data retention policy.

Therefore by entering the Chamber and speaking at Committee you are consenting to being recorded and to the possible use of those sound records for training purposes.

If you have any queries regarding this please contact Democratic Services.

Quorum = 16

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	Pages
1. Prayers	
2. Emergency Evacuation Procedure	
<p>The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.</p>	
<p>The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.</p>	
<p>The Chairman will inform the meeting that:</p>	
<p>(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building</p>	

until the Chairman has informed them that it is safe to do so; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

3. Apologies for Absence

4. Minutes

To approve the Minutes of the Meeting held on 22 November 2017 (Minute Nos. 339 - 353) as a correct record.

5. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

**Advice to Members:** If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

6. Mayor's Announcements

7. Community Governance Review - Sheerness

A representative from the Sheerness Town Team will be invited to speak to the petition that has been submitted asking for a Town Council to be set up in Sheerness, prior to consideration of the report which asks the Council to agree the terms of reference for the Community Governance Review.

8. Questions submitted by the Public

To consider any questions submitted by the public. (The deadline for questions is 4.30 pm the Friday before the meeting – please contact Democratic Services by e-mailing [democraticservices@swale.gov.uk](mailto:democraticservices@swale.gov.uk) or call 01795 417330).

9. Questions submitted by Members

To consider any questions submitted by Members. (The deadline for questions is 4.30 pm the Wednesday before the meeting – please contact Democratic Services by e-mailing [democraticservices@swale.gov.uk](mailto:democraticservices@swale.gov.uk) or call 01795 417330).

10. Leader's Statement

Members may ask questions on the Leader's Statement. (To follow).

11. Appointment to Outside Bodies - Queenborough Fishery Trust/Swale Recreation Trust 15 - 18

12. Recommendations for Noting

Council is asked to note the recommendations from:-

- (a) the Appointments Sub-Committee Meeting held on 29 November 2017, the report for which will be considered later in the meeting.
- (b) the Audit Committee Meeting held on 29 November 2017, the report for which will be considered at the January Council meeting.
- (c) the Cabinet Meeting held on 6 December 2017 (the report will form the basis of the budget report to the Scrutiny Committee in January 2018, prior to recommendations being considered by the Council in February 2018) .

13. Senior Management Structure 19 - 24

## Issued on Tuesday, 5 December 2017

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of Council, please visit [www.swale.gov.uk](http://www.swale.gov.uk)

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<b>Council Meeting</b>	
<b>Meeting Date</b>	13 December 2017
<b>Report Title</b>	Community Governance Review for Sheerness
<b>Cabinet Member</b>	Cllr Andrew Bowles, Leader
<b>SMT Lead</b>	Mark Radford
<b>Head of Service</b>	NA
<b>Lead Officer</b>	Katherine Bescoby
<b>Key Decision</b>	No
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. That Council approves the terms of reference and notes the communications plan for the Community Governance Review.

## **1 Purpose of Report and Executive Summary**

- 1.1 A valid petition has been received asking for a Town Council to be established in the town of Sheerness, which is currently an unparished area. The receipt of a valid petition triggers a Community Governance Review (CGR), which the Council is required to complete within one year.
- 1.2 This report asks the Council to agree the terms of reference which sets out how the review will be conducted, the timetable, and the proposed consultation arrangements which are more fully covered in the communications plan.

## **2 Background**

- 2.1 A CGR is undertaken for any of the following reasons:
  - Creating, merging, altering or abolishing parishes;
  - The naming of parishes and style of new parishes;
  - The electoral arrangements for parishes (the ordinary year of election, council size and warding arrangements); and
  - Grouping parishes under a common parish council or de-grouping parishes.
- 2.2 The Sheerness Town Team submitted a petition asking for the Council to set up a Parish Council, which meets the criteria in terms of the number of valid signatures from electors in Sheerness. The petition was signed by 635 electors, or 8% of electors, which meets the criteria for triggering a review (at least 7.5% of the electorate).

2.3 Statutory Guidance has been issued by the Department for Communities and Local Government on how to conduct CGRs. The first stage is the agreement of the Terms of Reference.

### **3 Proposals**

3.1 The Council is being asked to agree the terms of reference for the review, which is attached to this report, together with the communications plan.

### **4 Alternative Options**

4.1 The Council has a statutory duty under the Local Governance and Public Involvement in Health Act 2007 to undertake a CGR following receipt of a valid petition. As such the Council must agree the terms of reference and it is recommended that the Council agrees the terms of reference appended to this report. Council could choose to alter the terms of reference, however, this is not recommended as any changes must be consistent with the Statutory Guidance.

### **5 Consultation Undertaken or Proposed**

5.1 The Council has a statutory duty to consult electors and other persons or bodies with an interest. Those persons must be informed of any recommendations and the reasons for the decisions must be published. The terms of reference sets out how the Council proposes to consult as part of the review, and further details are set out in the Communications Plan.

5.2 Group Leaders, Ward Members and County Members were informed that a valid petition had been received and an informal meeting was held on 8 November to discuss the draft terms of reference and communications plan. KCC have also been made aware that there will be a CGR and will be invited to make comments at the consultation stage.

5.3 The Sheerness Town Team has also been kept informed of progress with the CGR and representatives are expected to attend the Council meeting to formally present the petition.

5.4 The Kent Association of Local Councils have also been made aware of the review and have offered their assistance with the proposed drop in sessions at the Gateway and have shared experiences of other CGRs in Kent.

### **6 Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	Conducting the CGR in a way which fulfils our statutory obligations

	<p>as efficiently as possible while also encouraging all sections of the community to make their views known will contribute to the council's corporate priority theme of being a council to be proud of. The council has previously been supportive of the establishment of town/parish councils in unparished areas, and a new town council for Sheerness could contribute to the key corporate plan outcome of 'communities...in which people work together to solve the issues that confront their local areas' and to the medium-term strategic objective to 'encourage active communities and support the voluntary sector'.</p>
Financial, Resource and Property	<p>It is possible that external funding may be available via New Burdens Funding and this is being explored, but alternative provision will be made by way of a performance fund bid should this be necessary for the consultation work. Democratic Services will take the lead on the review within existing resources.</p>
Legal and Statutory	<p>Principle councils are required under Part 4, Chapter 3 of the Local Governance and Public Involvement in Health Act 2007 to undertake a Community Governance Review where a valid petition is required and under section 100(4) of the Act to have regard to the Statutory Guidance on Community Governance Reviews which is issued by the Secretary of State, under section 100(1) and (3) and the Local Government Boundary Commission for England (LGBCE) under section 100(2).</p>
Crime and Disorder	<p>None identified at this stage.</p>
Environmental Sustainability	<p>None identified at this stage</p>
Health and Wellbeing	<p>None identified at this stage.</p>
Risk Management and Health and Safety	<p>None identified at this stage.</p>
Equality and Diversity	<p>In undertaking the consultation, the council will have regard to the joint statutory guidance issued by the Department for Communities and Local Government and the Local Government Boundary Commission for England in respect of reflecting the identities and interests of the local community and that it is effective, convenient and accessible to everyone. This is particularly important given the socio-economic make up of Sheerness and other factors such as levels of deprivation, literacy, disability (including people with visual impairment), and electors whose first language may not be English. A full Equality Impact Assessment will be undertaken by</p>

	the council before any final decision is taken on the review.
Privacy and Data Protection	None identified at this stage.

## 7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Terms of Reference
- Appendix II: Consultation Plan

## 8 Background Papers

Guidance on Community Governance Review which is issued by the Department for Communities and Local Government.

<https://www.gov.uk/government/publications/community-governance-reviews-guidance>

Previous Reports to Council re Community Governance Review (and Minutes).

<http://10.201.65.162/CeListDocuments.aspx?MID=467&RD=Notice%20of%20Meeting&DF=19%2f06%2f2013&A=1&R=0>

<http://10.201.65.162/CeListDocuments.aspx?MID=471&RD=Notice%20of%20Meeting&DF=27%2f11%2f2013&A=1&R=0>

<http://10.201.65.162/CeListDocuments.aspx?MID=1418&RD=Notice%20of%20Meeting&DF=14%2f05%2f2014&A=1&R=0>



## Sheerness Community Governance Review 2017 - Terms of Reference

### **What is a Community Governance Review?**

Swale Borough Council is carrying out a Community Governance Review, which is a review of the whole or part of the borough area to consider one or more of the following:

- Creating, merging, altering or abolishing parishes (in the case of this review – creating);
- The naming of parishes and the style of new parishes;
- The electoral arrangements for parishes (the ordinary year of election, Council size, the number of Councillors to be elected to the council and parish warding);
- Grouping parishes under a common parish council or de-grouping parishes.

### **What does a parish or town council do?**

Parish councils are the most local form of government. These can also be known as town councils. They collect money from council tax payers via the borough council, which is known as a 'precept' and this is used to invest in the area to improve services or facilities. Parish councils are usually made up of local people who stand for election as parish councillors to represent their area. They can be the voice of the local community and work with other tiers of government and external organisations to co-ordinate and deliver services.

### **Legislation**

Principal councils are required, by section 100(4) of the Local Governance and Public Involvement in Health Act 2007 to have regard to the guidance on Community Governance Reviews which is issued by the Secretary of State, under section 100(1) and (3) and the Local Government Boundary Commission for England (LGBCE) under section 100(2).

**The 2007 Act places a duty on principal authorities to have regard to the need to secure that any community governance for the area under review reflects the identities and interests of the local community in that area, and that it is effective and convenient, in terms of a local authority's ability to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them.**

**Relevant considerations which influence judgments against these two principal criteria include the impact on community cohesion, and the size, population and boundaries of the proposed area.**

The guidance states that:

- A parish should be based on an area which reflects community identity and interest and is of a size which is viable as an administrative unit of local government.
- Boundaries should be, and be likely to remain, easily identifiable.
- The recommendations made in the Community Governance Review ought to bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.
- Parishes must fall within the boundaries of a single principal council's area.
- Community Governance Reviews should be conducted transparently so that local people and other stakeholders who may have an interest are made aware of the outcome of the decisions taken on them and the reasons behind these decisions.

- The review must be completed within 12 months of the receipt of a petition.

### **Why are we carrying out a Community Governance Review?**

A campaign group in Sheerness submitted a valid petition to Swale Borough Council on 17 August 2017, calling for the creation of a new town council for Sheerness. This means Swale Borough Council is required under the Local Government and Public Involvement in Health Act 2007 to carry out a Community Governance Review to decide whether or not it should be created. The review must take place within 12 months of receipt of the petition by 16 August 2018. A map of the proposed town council area is attached.

The petition states:

*We the undersigned, agree that Sheerness would benefit from its own Town Council. We recognise the important work by Swale Borough Council but would like more say in how our council tax is spent locally.*

*We recognise that any Town Council must raise its own funds by asking residents for a contribution to costs.*

The guidance states:

For a petition to be valid, it must meet certain conditions. The first of these conditions is that the petition must be signed by the requisite number of local electors. It is recommended that petitioners aim to collect the requisite number of signatures based on the most recently published electoral register. It should be against this register that the petition thresholds (set out below) will be assessed. The three thresholds, as amended by the Legislative Reform (Community Governance Reviews) Order 2015 are:

1. For an area with less than 500 local electors, the petition must be signed by at least 37.5% of them.
2. For an area with between 500 and 2500 local electors, the petition must be signed by at least 187 of them.
3. For an area with more than 2500 local electors, the petition must be signed by at least 7.5% of them.

The number of electors in Sheerness as of 1 August 2017 was 7937, so a minimum of 595 valid signatures were needed. There were a total of 635 valid signatures.

### **Areas included in the review and covered by these terms of reference**

The review will consider the creation of a new town council to be known as Sheerness Town Council and we will consult all electors and stakeholders with an interest in the review, based on the area identified in the attached map.

The review will need to consider the electoral arrangements including the number of councillors to be elected and the warding arrangements.

### **Who carries out the Community Governance Review?**

Swale Borough Council is responsible for carrying out the review. Full council will be responsible for overseeing the process and agreeing the terms of reference and the recommendations from the review.

Council officers will lead on the review, consulting with ward members and Group Leaders, to oversee the implementation of the Community Governance Review and to report back to full council with recommendations based on the responses to the consultation. The review will need to be carried out impartially and objectively.

If the Community Governance Review concludes that changes should be made, that the new town council should be created and this is approved by full council, then Swale Borough Council will make and publish a Reorganisation Order to put changes into effect. The order may cover any matters that appear to the Council to be necessary to give effect to the order. These may include the transfer and management or custody of property, functions, rights and liabilities and the setting of a precept if the new town council is to be created.

### **How will the Council consult on the review?**

Before making or publicising the recommendations, the council will take account of the views of local people. The Local Government and Public Involvement in Health Act 2007 requires the council to consult the local government electors for the areas under review and any other person or body who appears to have an interest in the review and to take the representations that are received into account.

The Council will:

- Write to all electors in the area under review;
- Consult other interested stakeholders (local residents associations, friends of groups, schools, the voluntary and community sector and local businesses);
- Consult ward councillors, adjacent ward councillors and parish councils;
- Welcome comments from any other person or body that wishes to make representation;
- Notify Kent County Council that a review is to be undertaken and consult them on the matters under review and;
- Take into account any representations received in connection with the review.

Information about the review will be available on the council's website and documents will be available from Swale Borough Council offices and Sheerness Gateway.

Any decisions made and the reasons for those decisions will be published following the review.

Event	Timeline
Terms of reference, consultation plan and timetable agreed by Council	Council – 13 December 2017
First stage consultation	January – February 2018
Report back to Council on consultation and suggest draft recommendations	21 March 2017
Further consultation on draft recommendations	April – May 2017
Report to Council to agree final recommendation	June 2018 (Draft Council meeting date 27 June 2018 to be confirmed)
Recommendations published (if approved)	June 2018
Reorganisation Order made (if approved)	July 2018
Precept for new Town Council included in Council budget	February 2019 (Draft Council meeting date 21 February 2019 to be confirmed)
Implementation – first elections	May 2019

## Electorate forecast

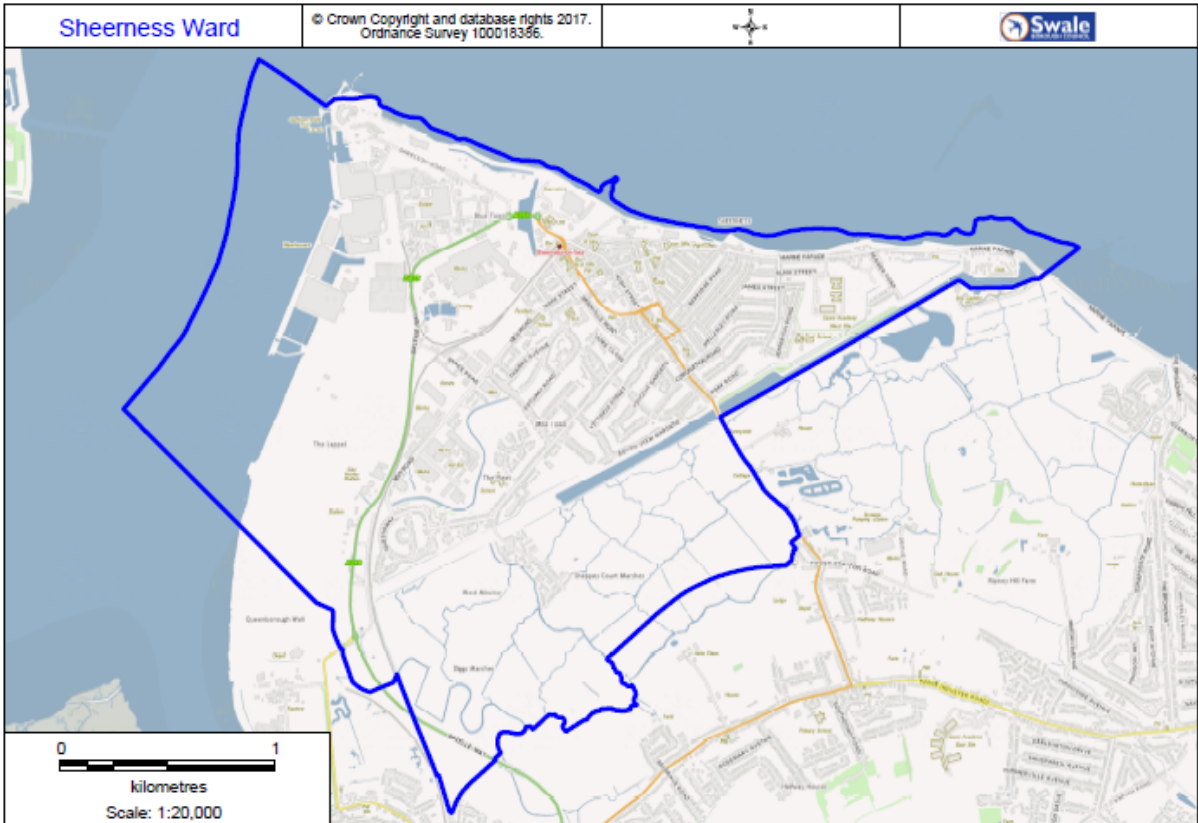
The current electorate in Sheerness is 7870 and we are not expecting any significant increase in the number of households in Sheerness.

## What will it cost residents in the area under review if it becomes parished?

Residents within parished areas pay a parish precept, which is determined by the parish council and is linked to its activities and the level of support needed to deliver these, for example associated salaries, premises and any assets that might be transferred to its possession.

The annual precept for 2017/18 of the existing parish councils is detailed in the below table as an example:

Parish/Town Council	Additional Council Tax for Band D 2017/18 (£)
Bapchild	23.81
Bobbing	19.95
Borden	47.81
Boughton-under-Blean	72.29
Bredgar	33.59
Doddington	37.96
Dunkirk	23.80
Eastchurch	40.94
Eastling	35.00
Faversham Town Council	53.06
Goodnestone & Graveney	33.20
Hartlip	20.74
Hernhill	31.71
Iwade	35.43
Leysdown	23.08
Lower Halstow	76.00
Luddenham	0
Lynsted	36.87
Milstead	60.25
Minster	27.61
Newington	52.53
Newnham	35.54
Norton & Buckland	32.00
Oare	50.93
Ospringle	26.05
Queenborough Town Council	83.54
Rodmersham	32.20
Selling	29.95
Sheldwich, Leaveland & Badlesmere	24.69
Stalisfield	26.01
Teynham	54.67
Throwley	22.64
Tonge	15.65
Tunstall	24.98
Upchurch	30.26
Warden	30.95



Date of publication of the terms of reference: after approval by Full Council [date]

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## Sheerness Community Governance Review (CGR) communication and consultation plan

The aims of this plan are:

- Encourage good levels of informed engagement with the CGR among residents in Sheerness
- Ensure other interested parties (statutory and non-statutory) are aware of the CGR and are able to respond to the consultations

In order to achieve these aims, the plan is built on simple principles:

- Information relating to the CGR should be simple to understand
- Information should be made available proactively, and be easily accessible
- Taking part in the consultation should be as simple and secure as possible
- Residents and other stakeholders should be clear about how and when to engage in the process

The methods we will use include:

- Direct mail:
  - consultation information
  - feedback/updates on decisions
- Website:
  - dedicated section on website
  - information updated to reflect progress in the CGR process
- Local press:
  - news releases advising of key landmarks (consultation begins, ends, decisions, etc)
  - information provided to inform coverage/encourage discussion
- Social media:
  - raise awareness of CGR
  - encourage engagement
  - signpost to website for information
  - reminders of key dates/decisions
  - Q&A session to provide more information
- Information sessions
  - Raise awareness of the review
  - Chance to have questions answered

Key information to share:

- The CGR is taking place, what it is and how people can engage with it
- Key dates in the process – consultation, decisions etc
- Information about the various governance arrangements that could be put in place
- Outcome of first stage consultation and resulting recommendations
- Launch of second stage consultation.
- Publication of final recommendations

## Outline communications and consultation plan

Stage	Date	Activity	Audience	Actions	Responsible	Evaluation
1	13 December 2017	CGR agreed by Council	Residents Members	News release Website section launched (background information) Notification emails	Communications Democratic services	
2	3 Jan 2018	Stage 1 consultation launch	Sheerness residents Local businesses Ward councillors County councillors KCC Sheerness Town Team Kent Police Kent Fire & Rescue Kent PCC Schools CVS	Mailshot to electors Flyer to households News release Website section updated (consultation now live, supporting docs etc) and featured prominently on home page. Social media posts signposting to website	Communications Democratic services	Good awareness/ response to consultation
3	4 Jan – 11 Feb 21	Stage 1 consultation live	As stage 2	Regular reminders about consultation taking place Information events (Gateway) Social media Q&A session(s) News releases Members dispatch Internal channels – Team Talk, intranet etc Residents' monthly email bulletin Swale Means Business	Communications Democratic services	Good engagement/ response to consultation



				newsletter		
3 a	12 – 21 Feb	Stage 1 consultation closing	Residents	News release highlighting closing date approaching More frequent reminders on social media	Communications	Minimise late submissions
4	22 February	Stage 1 consultation closed	As stage 2	News release Website updated Social media	Communications	
5	22 Feb – 11 March	Stage 1 consultation highlights	As stage 2	Updates on number of responses Explanation of next state of process Social media, News release	Communications Democratic services	Awareness/interest in process Draft recommendations for stage 2 consultation
6	w/b 11 March	Draft recommendations published prior to Council	As stage 2	News release Social media	Communications	
7	21 March	Final draft recommendations agreed	As stage 2	News release Website updated Social media	Communications	
8	May/June	Stage 2 consultation on draft recommendations	As stage 2	Regular reminders about consultation taking place Information events (Gateway) Social media Q&A session(s) News releases Members dispatch Internal channels – Team Talk, intranet etc Residents' monthly email bulletin Swale Means Business newsletter	Communications Democratic services	Good engagement/ response to consultation

8 a	May/June	Stage 2 consultation closing	Residents	News release highlighting closing date approaching More frequent reminders on social media	Communications	Minimise late submissions
9	TBC	Stage 2 consultation closed	As stage 2	News release Website updated Social media	Communications	
10	TBC	Stage 2 consultation highlights	As stage 2	Updates on number of responses Explanation of next state of process Social media, News release	Communications Democratic services	Awareness/interest in process
11	w/b 18 June (TBC)	Final recommendations published prior to Council	As stage 2	News release Social media	Communications	
12	27 June (TBC)	Final recommendations agreed by Council with no difference from draft recommendations	As stage 2	News release Website updated Social media	Communications	

<b>Council Meeting</b>	<b>Agenda Item:</b>
<b>Meeting Date</b>	13 December 2017
<b>Report Title</b>	Appointment to Outside Bodies – Queenborough Fishery Trust/Swale Recreation Trust
<b>Cabinet Member</b>	Leader
<b>SMT Lead</b>	Chief Executive
<b>Head of Service</b>	n/a
<b>Lead Officer</b>	Democratic and Electoral Services Manager
<b>Key Decision</b>	No
<b>Classification</b>	Open
<b>Forward Plan</b>	<b>Reference number: n/a</b>
<b>Recommendations</b>	1. The Council is asked to agree Borough Council representation on the Queenborough Fishery Trust (QFT)/Swale Recreation Trust (SRT).

## 1 Purpose of Report and Executive Summary

- 1.1 At the Annual Council meeting held on 17 May 2017, the Council made appointments to outside bodies, trusts and statutory bodies. At that time, the appointments of the two representatives on the QFT were not due for renewal. The two Council nominees currently representing the Council on the QFT/SRT are Councillor Ken Pugh (until 31 January 2020) and Councillor Ted Wilcox (until 31 January 2018).
- 1.2 One of the posts is due to expire on 31 January 2018, and we have been advised that Councillor Ted Wilcox is happy to continue in that role for another four year term.
- 1.3 The Council is asked to make a nomination to the post from 1 February 2018 to 31 January 2022.

## 2 Background

- 2.1 By way of background, the protocol agreed by Council on 23 February 2011 set out the following guiding principles as to whether or not appointments should be made. They are:

**Essential:-**

- Representation is still required – will be reviewed annually

- Appointee's role is clearly defined and does not duplicate existing arrangements
- Aims and objectives of the Outside Body (OB) are compatible with the Council's
- OB must have Terms of Reference, Constitution, Written agreement, Trust Deed or Memo and Articles, Audited accounts
- OB indemnifies appointed member and adequate insurance cover is arranged by organisation
- Appointment required by virtue of a statutory duty or other legal requirement;
- Appointment required by virtue of a specific decision or policy adopted by the Council;
- Any costs of attendance can be met within resources available to the Authority

**Additional considerations:-**

- Appointment will improve the Council's working relationships with outside bodies
- Appointment deriving from the Council's community leadership/consultative role or enhances the Council's Community Leadership role
- Organisation set up by the Council
- To ensure that the authority is in a position to influence sub-regional strategic decisions
- Capacity building – where interests, expertise or specific skills or knowledge are required – two way process
- Time commitments must be proportionate to the Council's objectives
- Equality of access to Councillors' time
- Expenses covered by external organisation (save from VCS)

2.2 Members may wish to think seriously before being nominated as a trustee or director by the Council, with regard to the legal obligations that this imposes on the appointee. Attention is drawn to the information below:

2.3 **Constitution position** – the appointment process within the Constitution follows certain principles. It is split between (a) those bodies to which the Council appoints as a body corporate e.g. charities and trusts and which fulfil primarily council functions and (b) those which do not require 'body corporate' appointment and are more closely linked to the exercise of executive functions e.g. partnerships.

2.4 **Register of Interests** - Members are required to record any changes to their interests arising from their appointment to an outside body.

### **3 Proposals**

3.1 Council is asked to make a nomination to represent the Council on the QFT/SRT from 1 February 2018 until 31 January 2022.

## 4 Alternative Options

- 4.1 Council can decide whether or not to make appointments to these outside bodies. Consideration should be given to the principles already agreed in the Outside Bodies' Protocol adopted by full Council on 23 February 2011.

## 5 Consultation Undertaken or Proposed

- 5.1 Group Leaders will have been made aware that a nomination will be sought at the Council meeting, and may consider putting forward a nomination.

## 6 Implications

Issue	Implications
Corporate Plan	Open for Business
Financial, Resource and Property	None identified at this stage, although should the Executive recommend to Council to review the process and policy of nominations on outside bodies, this would have a human resource implication.
Legal and Statutory	<p>The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets the responsibilities between Council and the Executive.</p> <p>Some appointments are as Trustees or Directors which have specific legal responsibilities and liabilities for the individual member.</p> <p>To ensure compliance with the Members' Code of Conduct any member appointed to an outside body must review their declaration in the Members' Register of Interests within 28 days of any change.</p>
Crime and Disorder	None identified at this stage.
Sustainability	None identified at this stage, although should there be a further review of the process and policy of nominations on outside bodies, this could have equality and diversity implications.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	The audit of outside bodies reviewed the roles and capacities of Members the Council nominates to outside bodies. The audit enabled the Council to identify and manage any risks that may arise from making appointments to outside bodies and allows members to take informed decisions about whether or not they wish to accept appointments that could impose significant legal

	obligations on them.
Equality and Diversity	None identified at this stage, although should there be a further review of the process and policy of nominations on outside bodies, this could have equality and diversity implications.

## **7 Appendices**

7.1 The following documents are to be published with this report and form part of the report:

None.

## **8 Background Papers**

None.

<b>Council</b>	
<b>Meeting Date</b>	13 December 2017
<b>Report Title</b>	Senior Management Structure
<b>Cabinet Member</b>	Cllr Andrew Bowles, Leader
<b>SMT Lead</b>	Not applicable
<b>Head of Service</b>	Not applicable
<b>Lead Officer</b>	Not applicable
<b>Key Decision</b>	No
<b>Classification</b>	Open
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. The post of Director of Corporate Services is deleted from the establishment.</li> <li>2. The current Interim Chief Executive is assimilated into this role on a permanent basis following the deletion of his permanent post. The Chief Executive is confirmed as the Head of Paid Service, Returning Officer and Electoral Registration Officer.</li> <li>3. The current Interim Director of Regeneration be offered the post on a permanent basis.</li> <li>4. That it be noted that the Interim Chief Executive has made an Interim Monitoring Officer appointment; given the conflicting delegations in the Constitution the process for appointment of Statutory Officers is to be looked at in the Constitution review.</li> <li>5. The General Purposes Committee to consider the appropriate revisions required to amend and update the Constitution; this to include the appointment process for Statutory Officers, the appointment process for senior positions in the event of the need for interim positions or in a situation when there are only internal candidates; and updating the scheme of delegation.</li> </ol>

## **1 Purpose of Report and Executive Summary**

- 1.1 This report presents the recommendations of the Appointments Sub-Committee Meeting held on 29 November 2017. The report proposes the deletion of the post of Director of Corporate Services and the permanent appointment of two interim positions by confirming the current arrangements for the Interim Chief Executive and the Interim Director of Regeneration.
- 1.2 The report also recommends that the Council notes the current arrangements regarding the appointment of the Monitoring Officer and the need for a General Purposes Committee to meet to review the Constitution.

## **2 Background**

- 2.1 The Appointments Sub-Committee met on 10 January 2017 to consider the arrangements for the replacement of the Chief Executive. The committee agreed the recommendation to appoint the Director of Corporate Services into the post of Acting Chief Executive/ Head of Paid Service from 01 February until September 2018 and this was then agreed at full council on 25 January 2017.
- 2.2 Following this appointment there were a number of 'back-fill' arrangements to ensure that the residual work of the Director of Corporate Services was covered but it was not considered necessary to fill the director role with a replacement. One reason for this was the permanent appointment of a Mid Kent Services Director who takes responsibility for the direct line management of the shared services which was a significant proportion of the work of the Director of Corporate Services.
- 2.3 In addition to the arrangements for the role of Chief Executive the other key senior post in the council is also currently covered under interim arrangements. The previous permanent Director of Regeneration left her post with the council giving a very short notice and to ensure no gap in the service one of the existing Heads of Service, Emma Wiggins, was asked to step into the role in July 2016. To backfill these temporary arrangements there were several other interim moves, which mean that a significant proportion of the senior management structure does not have the stability of permanent arrangements.
- 2.4 The appointment of the Interim Director of Regeneration did not come before the Appointments Sub-Committee as the need was urgent and initially anticipated to be very short term. The constitution sets out the responsibilities for the appointment of the Chief Executive, Directors and the Heads of Service and is quite specific about the process to be followed when the applicants are external. However the current situation has highlighted that there is no clarity regarding the processes for interim appointments into these positions or in circumstances where the only candidates are internal. One of the recommendations in the January 2017 report was 'that the appropriate revisions are made to amend and update the scheme of delegations to officers, including proper and authorised officers and designated posts in the Constitution, as appropriate'. As yet these revisions have not been made and the constitution review should incorporate the clarity of interim and internal appointment processes.
- 2.5 The interim arrangements have been working very well and both the full year appraisal and mid-year review process has confirmed that the objectives are being met and that the desired sense of stability has been achieved. However the concern is that if the interim arrangements continue the council could lose its skilled resource as they look for alternatives that give a greater sense of stability. Whilst the initial interim period was believed to give the council the necessary scope for flexibility for alternative arrangements at a senior level, it is now clear that stability for the future is of the most critical importance.



- 2.6 For many years the role of Monitoring Officer has been undertaken by the Director of Corporate Services and this was one of the ‘back-fill’ appointments required by the interim arrangements. The constitution is contradictory regarding the process for the appointment of the Monitoring Officer. The delegation to the Appointment Sub-Committee is:

‘To make recommendations and, where permitted by legislation, to take decisions in accordance with the provisions of Local Authorities (Standing Orders) Regulations 1993, in matters concerning the Head of Paid Service, Chief Officers, Section 5 Officer (Monitoring Officer) and Section 151 (Chief Finance) Officer. This includes **appointments**, Dismissals, and Disciplinary matters’ (Part 3, 3.2.1)

Elsewhere in the constitution the delegation is to the Chief Executive ‘All appointments, (including **appointments** for particular statutory purposes), discipline and dismissals of staff at and below Head of Service level is delegated to the Chief Executive’ (Part 3, 3.4 (no. 2))

- 2.7 The report to the Appointments Sub-Committee and full council setting out the interim arrangements in January 2017 said that ‘The Acting Chief Executive will bring forward proposals for the appointment of the Monitoring Officer role in due course’, however this has not taken place and the Interim Monitoring Officer appointment has been authorised under the Chief Executive delegations. This contradiction needs to be resolved in the revised constitution and the consensus from the Appointments Sub-Committee was that it should be made quite clear that statutory officer appointments are made by Members.

### **3 Proposal**

- 3.1 Director of Corporate Services – this post should be deleted from the structure. The council is in a demanding financial position and needs to consider staff savings where there is no clear need for a post. During the ten months that the post has been vacant it has become apparent that the position is not required and the alternative arrangements are more cost effective, this would save the council in the region of £120,000 per annum. The deletion of this post will mean that the post-holder must either be assimilated into a suitable alternative position or made redundant. Within the council’s redundancy policy posts of up to two grades different may be considered as suitable alternative.
- 3.2 Chief Executive Officer/ Head of Paid Service – following the deletion of the Director of Corporate Services position the post-holder, Mark Radford, who is the current Interim Chief Executive should be assimilated permanently into this post and confirmed as the Returning Officer and the Electoral Registration Officer. The post-holder has been consulted on these changes following the council’s usual processes.
- 3.3 Director of Regeneration - this post is critical to the ambitions of the council. It has been advertised on three separate occasions in the last ten years and there has been difficulties recruiting on each of these occasions. In 2007 the council

successfully recruited to the role but this was only with the additional payment of a market supplement and we were unable to retain her for more than two years. This was followed by interim arrangements for six months and when the council went to external recruitment the interim candidate was successful. The most recent recruitment did not produce a strong field and although there was a successful appointment the individual only remained for eight months.

Each of these recruitment exercises cost the council more than £20,000. The current interim arrangements have produced the most progress on our regeneration work in the last five years. Emma Wiggins has worked for the council since 2008 and during that time has successfully delivered all her targets; additionally she has the professional and academic qualifications required for the regeneration role. With the additional experience she now has of a year working at director level there is a real risk that she could command a higher salary elsewhere and we would lose the continuity at a crucial time for the regeneration work.

- 3.4 The proposal is that the current Interim Director of Regeneration is offered the post on a permanent basis.
- 3.5 Other interim arrangements – once the permanent arrangements are confirmed the Chief Executive and the Director of Regeneration will need to reflect upon the structure that has been in place since February and agree what should take the council forward into the future. The backfill measures have worked well for the interim period but may not be ‘best fit’ for the future on a permanent basis. The council’s usual policies, procedures and constitutional requirements should be followed for any restructures that follow.
- 3.6 Interim Monitoring Officer – the Appointments Sub-Committee noted the appointment of Donna Price to the role of Interim Monitoring Officer under the Chief Executive’s delegation.
- 3.7 Review of the Constitution - the appropriate revisions are made to amend and update the scheme of delegations to officers, including proper and authorised officers and designated posts in the Constitution, as appropriate. The revisions will be considered by the General Purposes Committee (GPC) and must include:
  - 3.7.1 Clarification that the appointment of the Monitoring Officer is a member appointment.
  - 3.7.2 Clarification of the appointment processes for senior positions in the event of the need for interim arrangements or in a situation where there are only internal candidates.
  - 3.7.3 An up to date scheme of delegation.
- 3.8 Once the amendments to the constitution are agreed by the GPC the recommendations for the appointment of the permanent Monitoring Officer should

be considered by the Appointments Sub-Committee. The GPC should also consider whether there should be any additional remuneration to the holder of this role and the Deputy Monitoring Officer position. In the past there has been no additional compensation as the duties have fallen to the Director of Corporate Services, but in the current interim arrangements there is an honorarium paid to both these roles in recognition of the responsibilities. This position should be clarified going forward.

#### **4 Alternative Options**

- 4.1 Director of Corporate Services – the council could choose to retain this post and not realise the savings.
- 4.2 Chief Executive – the council could choose to continue with the interim arrangements for the period to September 2018 and at that point decide whether to confirm Mark Radford in the post, go to an external advertisement or consider partnership with another organisation. This would give an increasing sense of instability at a time when the council needs to focus on delivering its ambitions.
- 4.3 Director of Regeneration - the council could choose to continue with the interim arrangements for the period to September 2018 and at that point decide whether to confirm Emma Wiggins in the post, go to an external advertisement or consider partnership with another organisation. This would give an increasing sense of instability at a time when the council needs to focus on delivering its ambitions. There is good evidence from this council and others that the Director of Regeneration post this is a very difficult role to fill and the risk is that we lose the excellent internal candidate and are unable to recruit at the same level.
- 4.4 Other interim arrangements – the council could choose to make permanent all the other interim arrangements in place; however this would not give the permanent Chief Executive and Director the opportunity to implement refinements to the structure.
- 4.5 Interim Monitoring Officer – the Appointments Sub-Committee may choose to nominate an alternative Interim Monitoring Officer.
- 4.6 Review of the Constitution – the council has a legal obligation to ensure that its scheme of delegation is up to date and that the constitution is fit for purpose, however it can vary the responsibilities that are delegated.

#### **5 Consultation Undertaken or Proposed**

- 5.1 Consultation will need to take place with all those in affected positions.

#### **6 Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	The background to the report sets out the importance of putting in place these arrangements if the Council is to achieve its corporate plan objectives.
Financial, Resource and Property	The recommendations offer a significant contribution to the Medium Term Financial Strategy
Legal and Statutory	The appointment of a Chief Executive/ Head of Paid Service/ Electoral Registration Officer/ Returning Officer and Monitoring Officer are council appointments and recommendations from this Sub-Committee will go forward for consideration at the December Council meeting.
Crime and Disorder	Not applicable to this report
Environmental Sustainability	Not applicable to this report
Health and Wellbeing	Not applicable to this report
Risk Management and Health and Safety	These are identified in the body of the report.
Equality and Diversity	Not applicable to this report
Privacy and Data Protection	This is an open report.

**7 Appendices**

None

**8 Background Papers**

None