

# **DARTFORD**

## **BOROUGH COUNCIL**



# **Addendum and Errata**

Wednesday 8 May 2013



# **DARTFORD**

## **BOROUGH COUNCIL**

Civic Centre, Home Gardens, Dartford, Kent, DA1 1DR

To: All Members of the Dartford Borough Council

A meeting of the Council will be held on:

Date: Wednesday 8 May 2013  
Time: 7.00 pm  
Venue: Civic Centre, Dartford

### **Addendum and Errata**

#### **17.ADOPTION OF RULES FOR SUBSTITUTION**

(Pages 1 - 2)

To adopt the Rules for Substitution on Standing Committees, Boards and Panels, as set out in the tracked and amended copy of Appendix E tabled at the meeting.

#### **20.TO CONSIDER AND ESTABLISH COMMITTEES, SUB-COMMITTEES, BOARDS, PANELS AND OTHER BODIES, APPOINT REPRESENTATIVES TO OTHER BODIES AND DETERMINE THE TERMS OF REFERENCE OF AND DELEGATIONS TO SUCH COMMITTEES, BOARDS, PANELS AND OTHER BODIES**

(Pages 3 - 12)

To consider and establish the Committees and Panels set out in the tracked and amended copy of Appendices I, J(i) and L(ii) tabled at the meeting.

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~~Dartford Borough Council~~

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## RULES FOR SUBSTITUTION ON STANDING COMMITTEES, SUB-COMMITTEES, BOARDS AND PANELS

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1. These Rules of Substitution do not apply to the ~~Cabinet~~Cabinet, the Deed, Trust and Obligations Committee and to the adjourned meetings of the Licensing Sub-committee, Discretionary Housing Payments Panel, ~~and~~ Appeals Panel and Hearing Panel.
2. Subject to the para.1 above and the following provisions, any Member may act as a substitute for a member of the same Political Group at any meeting of a Committee, Sub-committee, Board or Panel.
3. Subject to the express wishes of the relevant Committee, Sub-committee, Board or Panel, a substitute must be selected as the occasion arises by:
  - (a) the Leader of the relevant Political Group, or
  - (b) other person or persons nominated by the Leader to act in this capacity.
4. Substitution for each Committee, Sub-committee, Board and Panel will not normally be applied to more than three members in each Political Group.
5. Members will not substitute on the Development Control Board, Licensing Sub-committee, Appeals Panel and Discretionary Housing Payments Panel, unless they have been previously trained on the body's quasi judicial functions.
6. Subject to para.1 above, Ssubstitute Members on the Licensing Sub-committee Discretionary Housing Payments Panel, ~~and~~ Appeals Panel and Hearing Panel will be limited to being drawn from the membership of the parent body.
7.
  - (a) Attendance of a substitute at a forthcoming meeting must be notified in writing or orally to the Managing Director or his representative as soon as possible before the meeting.
  - (b) A declaration will be made by the Managing Director or his representative at the meeting to the effect that Member "X" has been substituted by Member "Y".
8. Substitute Members will have all the powers and duties of any ordinary member of the Committee, Sub-committee, Board or Panel, but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
9. Substitute Members may attend meetings in that capacity only;
  - (a) to take the place of the ordinary Member for whom they are the substitute;
  - (b) after notifying the Managing Director (refer to para. 7(a) above).

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~~8 May 2013~~ ~~4-6 July 2012~~ ~~June 2009~~

Constitution/Substitution/Rules of Substitution 2009

10. Once substituted, the ordinary Member cannot vote at the meeting even if he/she is able to attend at a later stage of the meeting and can only speak with the permission of the Chairman.

## APPENDIX I

**DARTFORD BOROUGH COUNCIL  
ANNUAL MEETING  
8 May 2013**

**STANDING COMMITTEES, BOARDS AND PANELS  
OF THE COUNCIL**

**POLICY OVERVIEW COMMITTEE**

**[REPORTING TO COUNCIL unless otherwise stated in these Terms of Reference]**

**Chairman:** Councillor E J Lampkin  
**Vice-Chairman:** Councillor M I Peters  
**Membership:** Councillors J Adams, S H Brown, M J Bryant, P J Cannon, P F Coleman, M J Davis, D A Hammock, J Hayes, P Kelly, D J Mote, Mrs A Muckle, A Sandhu MBE, Mrs R L Shanks, D Swinerd and Mrs N C Wightman.

**TERMS OF REFERENCE:  
DELEGATED FUNCTIONS:**

**1. The Overview Function**

- (1)** Without prejudice to the role and responsibilities of other Committees, Boards etc, to review general policies of the Council and to recommend accordingly to the Cabinet on future policy options.
- (2)** To seek views from other Committees/Boards in order to obtain a balanced view of the effects of Council policy and Cabinet decisions.
- (3)** To hold policy reviews and make recommendations to the Cabinet and/or the GAC in accordance with the Committee's Protocol.
- (4)** In accordance with the Committee's Protocol to assist the Cabinet and/or the GAC in the development of future policies and strategies.
- (5)** Where appropriate, and as part of the community consultation process, to seek input from Councillors (including Cabinet members), Officers, Dartford Borough Residents' Forum, other interested stakeholders and organisations and by drawing on the knowledge of constituents' views.
- (6)** To gather information and make recommendations in accordance with the Committee's Protocol to the Cabinet and/or the GAC before policy is implemented as part of the framework for accountable, transparent decision-making.
- (7)** To carry out reviews of non-Council matters and as part of the community planning process, consult with partner organisations where appropriate and make

recommendations to the Cabinet in relation to matters which are not the direct responsibility of the GAC, but which nevertheless affect the economic, environmental and social well-being of the Borough.

- (8) To consider and investigate broad policy issues and make reports and recommendations to the Cabinet and/or the GAC in accordance with the Committee's Protocol.
- (9) In accordance with the Committee's Protocol to provide advice to the Cabinet and/or the GAC on major issues before final decisions are made.
- (10) To receive the views and recommendations of area/joint committees or forums as part of any review which impacts on the Borough.
- (11) To be consulted/receive referrals by the GAC and/or the Cabinet about issues falling within the remit of the Committee, example Cabinet requesting an enquiry into a particular issue.
- (12) To approve an annual overview work programme in accordance with Standing Order 58(8) including the programme of any subcommittee appointed by the Committee to ensure that there is efficient use of the Committee's (sub-committee's) time and that potential for duplication of effort is minimised.
- (13) To review the Cabinet's forward plans with a view to deciding which, if any, forthcoming Cabinet decisions the Committee wishes to review.
- (14) To carry out reviews of how certain decisions have affected a particular community or area by taking advice from area committees or forums and other community groups and representatives.

## **2. Service Delivery**

To consider new approaches to service delivery and recommend to the Cabinet demanding performance targets for services, so as to deliver continuous improvements which reflect both national and local considerations including;

- (a) Challenging why and how a service is being provided;
- (b) Securing comparison with the performance of others across a range of relevant indicators, taking into account the views of both service users and potential suppliers;
- (c) Consulting local taxpayers, service users, partners and the wider business community in the setting up of new performance targets;
- (d) Considering fair competition as a means of securing efficient and effective services
- (e) To make recommendation(s) to the Cabinet on suitable performance information/indicators.



### 3. Overview of Health Functions

~~Subject to any protocols/guides which may be issued from time to time by Kent County Council, to review local health service issues in the Borough. To review any matter relating to the planning, provision and operation of the health service in the Borough of Dartford, in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.~~

### 4. Discussion/Consultation Papers

To respond to discussion/consultation papers relating to matters connected/associated with the functions of the Committee in accordance with the consultation procedure.

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APPENDIX J(i)

**DARTFORD BOROUGH COUNCIL  
ANNUAL MEETING  
8 May 2013**

**STANDING COMMITTEES, BOARDS AND PANELS  
OF THE COUNCIL**

**SCRUTINY COMMITTEE**

**[REPORTING TO COUNCIL unless otherwise stated in these Terms of Reference]**

**Chairman:** Councillor G T Prout  
**Vice-Chairman:** Councillor M J Davis  
**Membership:** Councillors S H Brown, R Bryant, J Burrell, P J Cannon, P Cutler, J S Hawkes, J Hayes, K M Kelly, T A Maddison, J M Ozog, R S L Perfitt, A Sandhu MBE, , Mrs P A Thurlow, A Wells and R J Wells.

**TERMS OF REFERENCE:  
DELEGATED FUNCTIONS:**

1. To perform the scrutiny functions on behalf of the Council within the guidelines detailed in the Committee's Protocol;
2. To submit reports to the Council on the following;
  - (a) any Cabinet decision which is likely to give rise to expenditure or savings above such thresholds as agreed by the Council;
  - (b) matters of local concern which are not the responsibility of the Council but which nevertheless affect the Borough and/or its inhabitants;
  - (c) a Cabinet decision which is likely to have a significant impact on two or more Wards;
  - (d) a non-urgent departure decision(s) which is;
    - (i) a Cabinet decision(s) (not yet implemented) which is contrary to the policy framework/budget;
    - (ii) a Cabinet decision(s) (which has been implemented) and which is considered to be contrary to the policy framework/budget).

*NB: The Council has no locus to make a decision in respect of a Cabinet decision unless the Cabinet decision is contrary to or not wholly consistent with the budget or policy framework approved/adopted by the Council.*

3. To appoint in accordance with Standing Order 58(4) such sub committee(s) as the Committee considers appropriate to fulfil the scrutiny functions of the Committee.
4. To hold the Cabinet to account for the discharge of its executive functions by scrutinising decisions proposed and/or action to be taken in accordance with the Call-in mechanism detailed in the Committee's Protocol.
5. To hold the Cabinet to account for the discharge of its executive functions by scrutinising decisions after implementation i.e. post decision scrutiny, in accordance with the Committee's Protocol for the following purposes only:
  - (a) to seek more understanding of the decision and its implications;
  - (b) to question the soundness of the decision;
  - (c) to identify the need for Council policies to guide delegated decisions;
  - (d) to examine the effect and outcomes of the decision e.g. enquire into grants awarded by the Cabinet to voluntary organisations in the Borough to see how effectively expenditure has been targeted;
  - (e) to make recommendations, including proposals for changes to policies or practices, to the Cabinet.

NB: A decision(s) may only be scrutinised once.

6. To scrutinise the discharge of any other functions of the Council in accordance with the mechanism(s) detailed in the Committee's Protocol.
7. To report to the Cabinet and/or the Council in accordance with the Committee's Protocol on matters of local concern.
8. To seek comments from other Committees/Boards in order to obtain a balanced view of the effects of Council policy and Cabinet decisions.
9. Where appropriate, and as part of the community consultation process, to seek input from Councillors (including Members of the Cabinet), Officers, Tenants Participation Compact, other interested stakeholders and organisations and by drawing on the knowledge of constituents' views.
10. To receive finalised documents relating to a key decision(s) in the Cabinet's forward plan.
11. To scrutinise Cabinet forward plans with a view to deciding which, if any, of the forthcoming Cabinet decisions the Committee wishes to enquire into.
12. To report annually to the Council on the work of the Committee.

13. To consider Monitoring Officer reports about lawfulness or maladministration, which relate to Cabinet functions and consider whether to hold a short enquiry into the matter the subject of the report prior to the Cabinet's consideration of it.
14. To approve an annual scrutiny work programme in accordance with Standing Order 58(8) including the programme of any sub-committee appointed by the Committee to ensure that there is efficient use of the Committee's (sub-committee's) time and that the potential for duplication of effort is minimised.

#### **15. Health Scrutiny Functions**

~~Subject to any protocols/guides which may be issued from time to time by Kent County Council, to scrutinise local health service issues in the Borough. To scrutinise any matter relating to the planning, provision and operation of the health service in the Borough of Dartford, in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.~~

#### **16. Discussion/Consultation Papers**

To respond to discussion/consultation papers relating to matters connected/associated with the functions of the Committee (i.e. scrutiny) in accordance with the procedure set out in the Appendix to these Terms of Reference.

#### **17. Councillor Calls for Action**

To consider any local government matter relevant to the Council's functions (other than crime and disorder) referred to the Committee by a local ward Member, under the Councillor Call for Action provisions in the Committee's Protocol.

NB: the matter must be a genuine, significant and persistent community concern referred to the Committee as a last resort, because the usual channels for raising the concern e.g. Council Officers, Cabinet, partner organisations etc have been unsuccessful.

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APPENDIX L(ii)

**DARTFORD BOROUGH COUNCIL  
ANNUAL MEETING  
8 May 2013**

**STANDING COMMITTEES, BOARDS AND PANELS  
OF THE COUNCIL**

**HEARING PANEL  
[REPORTING TO AUDIT BOARD]**

**Chairman:** To be appointed.

**Membership:** **53** members to be drawn from the Audit Board (politically balanced)

**TERMS OF REFERENCE:  
DELEGATED FUNCTION:**

1. On the report of an Investigating Officer, to hear and determine any allegation/complaint that a Borough Councillor, Parish or Town Councillor or Co-opted Member has failed, or may have failed, to comply with the Code of Conduct.
2. To determine the outcome of complaints in accordance with the adopted 'Arrangements for Dealing with Code of Conduct Breaches.'

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