

DARTFORD BOROUGH COUNCIL

GENERAL ASSEMBLY OF THE COUNCIL

MINUTES of the proceedings of the meeting of the General Assembly of the Council held on Monday 14 January 2019.

PRESENT:

The Mayor

Councillor D J Mote

The Deputy Mayor

Councillor R S L Perfitt

Councillor Mrs A D Allen, MBE

Councillor P Kelly

Councillor I D Armitt JP

Councillor J A Kite, MBE

Councillor A Bardoe

Councillor E J Lampkin

Councillor S H Brown

Councillor M A Maddison

Councillor L A Canham

Councillor T A Maddison

Councillor P F Coleman

Councillor C S McLean

Councillor Paul Cutler

Councillor J M Ozog

Councillor R M Currans

Councillor Mrs J A Ozog

Councillor M J Davis

Councillor M I Peters

Councillor B Garden

Councillor D J Reynolds

Councillor D A Hammock

Councillor L J Reynolds

Councillor J A Hayes

Councillor A S Sandhu, MBE

Councillor J S Hawkes

Councillor Mrs R L Shanks

Councillor D E Hunnisett

Councillor C J Shippam

Councillor J Jones

Councillor Mrs R F Storey

Councillor Dr B K Kaini

Councillor Mrs P A Thurlow

Councillor K M Kelly

Councillor R J Wells

Councillor M B Kelly

ABSENT:

Councillor J Burrell

Councillor S R Jarnell

Councillor R Lees

Councillor A R Lloyd

Councillor D Page

Councillor B E Read

Councillor D Swinerd

76. PRAYERS: REVEREND ANDREW AVERY

The Mayor's Chaplain led the Council in prayer.

77. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Burrell, Jarnell, Lees, Read and Swinerd.

78. DECLARATIONS OF INTEREST

There were no declarations of interests.

79. MINUTES

RESOLVED:

That the minutes of the meeting of the General Assembly of the Council held on 10 December 2018 be confirmed as an accurate record.

80. MAYOR'S ANNOUNCEMENTS

The Mayor drew Members attention to the arrangements for his Charity Ball, which would take place at 7.00pm on Saturday 20 April at the Double Tree Hilton, and the Cabaret evening being held at the Dartford Conservative Club at 7.00pm on Sunday 24 February, and encouraged them to support the events.

81. LEADER'S ANNOUNCEMENTS

The Leader of the Council made the following announcements:

- **Councillor Bryan Read**

The Leader of the Council advised Members that Councillor Bryan Read had not been very well over Christmas and might continue to be indisposed for some time to come, which might require the Council to consider the need for a dispensation. He sent his best wishes to Councillor Read for a speedy recovery, which was supported by all Members.

- **Santa's House**

The Leader of the Council reported that the Santa's House event held before Christmas had been very popular. This was the third year that the event had been held and it had been an amazing success.

- **Santa on Tour**

The Leader of the Council congratulated everyone involved with Santa on Tour. This had been the first year that the tour had been held using the vintage fire engine to take the Christmas experience to local communities and 1,500 children had been involved and all had received a present. It had been another amazing success and had also raised £850 for Dartford Lions.

82. QUESTIONS FROM POLITICAL GROUP LEADERS

The following questions were submitted by the Shadow Leader of the Council:

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Question 1

An abandoned trailer has been dumped dangerously in London Road, Stone since September last year. Why is it taking the Council so long to remove it?

Question 2

Members were promised that the Council would be awarding a new waste and recycling contract in September 2018. Can the Leader of the Council explain the reason why the contract has been delayed and when a new service will be in place?

Question 3

Can the Leader of the Council confirm that residents will now be able to use social media to report missed bin collections, fly tipping and overflowing public waste bins via the new @CleanerDartford Twitter account?

In accordance with Standing Order 14 the questions and answers, including any supplementary questions and answers, are recorded in a book kept for this purpose in the Members' Area.

83. MOTIONS

No motions were submitted under Standing Order 10.

84. URGENT ITEMS

There were no urgent items.

85. COUNCIL IN COMMITTEE

It was moved by Councillor D J Mote, seconded by Councillor J A Kite and

RESOLVED:

That in accordance with Standing Order 11(130) the General Assembly of the Council go into Committee and the rules of Procedures for Committees do apply.

THE LEADER, COUNCILLOR J A KITE MBE, IN THE CHAIR

86. REFERENCES FROM OTHER COMMITTEES (IF ANY)

There were no references from other committees.

87. REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The General Assembly of the Council received a report which advised the Council that the Representation of the People Act 1983 placed a duty on it to

divide the Borough into polling districts, designate a polling place for each district and to keep these arrangements under review. A full review of polling arrangements had to be made at least every four years and was necessary as a result of recent reviews of electoral arrangements including a review of parliamentary constituency boundaries by the Boundary Commission for England and a review of the borough warding arrangements by the Local Government Boundary Commission for England (LGBCE), which was followed by a Community Governance Review (CGR) of the parish boundaries. Changes had been made to both borough and parish boundaries as a result. The Council had therefore carried out a review of all polling districts and polling places to make sure that they would be fit for purpose for implementation at the May 2019 local elections.

The report outlined the consultation process undertaken during the review, which included seeking the views of the (Acting) Returning Officer, consideration by the Electoral Services Sub-committee and public consultation. The consultation responses were detailed in the Appendices to the report. The General Assembly of the Council was requested to agree the proposed polling districts and polling places and to give delegated authority to the Managing Director, as the (Acting) Returning Officer, to amend a polling place if the appointed place became unavailable.

Members thanked Officers for their hard work and diligence in carrying out the review.

RESOLVED:

1. That, following the review of the polling districts and polling places for the Dartford Constituency, the Final Polling Districts and Polling Places proposals in Appendix A to the report, be approved; and
2. That the Managing Director, as (Acting) Returning Officer, be granted delegated authority to amend a polling place if the appointed place becomes unavailable.

88. APPOINTMENT OF INDEPENDENT PERSONS

The General Assembly of the Council considered a report which detailed the recruitment process for appointing Independent Persons. Under the Localism Act 2011 the Council was required to make its own arrangements for dealing with complaints that Members had failed to comply with the Member Code of Conduct and these arrangements must include the appointment of at least one Independent Person. The holder of this position resigned in July 2018. In addition, the Local Authorities (Standing Orders)(England) Regulations 2001 (as amended) provided that before a final decision could be taken to dismiss any Statutory Officer the GAC must invite at least two Independent Persons to be members of an advisory panel to consider the matter. The Council was seeking to identify one or more Independent Persons to comply with its statutory requirements. Two candidates had been interviewed by the Strategic Director (External Services) and the Head of Legal Services on 7th January 2019 and both were considered suitable candidates for appointment. Another candidate had been unable to attend the interviews but it was proposed to

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offer a further interview opportunity and to recommend a further appointment to a future meeting of the General Assembly of the Council if appropriate.

RESOLVED:

1. That, for the reasons outlined in the body of the report, Marion Agyemon and Linda Comstive be appointed as the Council's Independent Persons, with effect from 15 January 2019, for a period of 5 years and 1 day; and
2. That each Independent Person be paid an annual allowance at the rate set by the Council and be entitled to claim travel and subsistence at the same rates as if they were a member of the Council.

89. STATUTORY OFFICERS - MANDATORY STANDING ORDERS - LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001 (AS AMENDED)

The General Assembly of the Council considered a report which sought to bring the Council's constitutional arrangements into line with the Local Authority (Standing Orders)(England) Regulations 2001 (as amended) when considering the appointment and dismissal of Statutory Officers. This would replace the interim measures put in place by the Council pending the clarification of certain aspects of the 2001 Regulations regarding their scope and potential conflict with the Localism Act 2011, which had now been resolved.

RESOLVED:

1. That, for the reasons outlined in the body of the report, a Statutory Officer Advisory Panel be established pursuant to Section 102(4) of the Local Government Act 1972 (as amended), for the purposes of:
 - (a) interviewing and recommending to the General Assembly of the Council, the appointment of Statutory Officers; and
 - (b) holding disciplinary hearings into:
 - conduct;
 - sickness absence (excluding situations involving permanent ill - health or infirmity of mind and body);
 - capability based on performance;
 - some other substantial reason (excluding redundancy situations) e.g. breakdown in relationships such as loss of trust and confidence or failure to renew a fixed term contract (where an undertaking or commitment has been given to renew such a contract),

and recommending accordingly to the General Assembly of the Council on disciplinary action comprising dismissal, of Statutory Officers.

2. That the Statutory Officer Advisory Panel's Terms of Reference, at Appendix A to the report be adopted.
3. That the membership of the Statutory Advisory Panel comprise [five] elected Members, politically balanced, to include one Cabinet member.
4. That, no less than two Independent Persons be appointed to membership of the Statutory Officer Advisory Panel, with voting rights, where the independent investigator's report recommends dismissal.
5. That, in the event that one or more of the Council's appointed Independent Persons is/are unable to act, the Head of Paid Service be granted delegated authority to invite and appoint such persons from another local authority as a substitute(s) and where the Head of Paid Service is conflicted or absent, the invitation to be issued and the appointment made, by the Monitoring Officer or Section 151 Officer.
6. That the Appeals Panel's Terms of Reference, at Appendix B to the report, be adopted.
7. That the Appointments Panel be abolished.
8. That the Employment Procedure Rules – Standing Order 60 (Recruitment/Appointment of Statutory Officers) and Standing Order 62 (Disciplinary Action in Respect of Statutory Officers), at Appendix C to the report, be adopted.

90. RECONVENING OF THE GENERAL ASSEMBLY OF THE COUNCIL

It was moved by Councillor J A Kite, seconded by Councillor C J Shippam and

RESOLVED:

That in accordance with Standing Order 11(14) the General Assembly of the Council now re-convene.

THE MAYOR, COUNCILLOR D J MOTE IN THE CHAIR

91. RESERVED MINUTES

No Cabinet minutes were reserved for debate.

The meeting closed at 7.20 pm

MAYOR

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