

MEETING OF THE COUNCIL



Thursday, 18th May, 2023

7.00 pm

**Council Chamber
Thanet District Council
Margate**

**www.thanet.gov.uk
01843 577000**



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Date: 18 May 2023
Our Ref: Council/Supplementary Agenda
Ask For: Gabriella Stewart
Direct Dial: (01843) 577207
Email: gabriella.stewart@thanet.gov.uk



You are hereby summoned to attend the meeting of the Thanet District Council to be held in the Council Chamber, Council Offices, Cecil Street, Margate, Kent on Thursday, 18 May 2023 at 7.00 pm for the purpose of transacting the business mentioned below.

A handwritten signature in black ink, appearing to read "Sambler".

Interim Head of Legal and Monitoring Officer

To: The Members of Thanet District Council

FIRE ALARM PROCEDURES: If the fire alarm is activated, please vacate the offices via the stairs either through the security door to the left of the Chairman or opposite the lifts in the foyer. Please do not use the lifts. Please assemble in Hawley Square on the green. Officers will assist you and advise when it is deemed safe to return to the Chamber.

SUPPLEMENTARY AGENDA

Item
No

9. **RESPONSIBILITY FOR FUNCTIONS - EXECUTIVE DECISIONS** (Pages 3 - 28)

10. **COMPOSITION OF COMMITTEES, PANELS AND BOARDS 2023/24** (Pages 29 - 40)

RESPONSIBILITY FOR FUNCTIONS - EXECUTIVE DECISIONS

Annual Council	18 May 2023
Report Author	Nick Hughes, Committee Services Manager
Portfolio Holder	Leader of Council
Status	For Decision
Classification	Unrestricted
Key Decision	No

Executive Summary:

This report allows the Leader to inform Council of the Executive portfolios and notes the appointments to them, and to the opposition spokespeople.

Recommendation:

This report is for information only.

Corporate Implications

Financial and Value for Money

There are no relevant financial implications arising from this report.

Risk Management

There are no risk implications arising directly from this report.

Legal

The Leader must approve a scheme of Executive delegations. It is for each Group to nominate the holders of Cabinet portfolio and shadow portfolio posts.

Corporate

Cabinet and shadow portfolios are generally aligned in a way which mirrors themes (or combinations of themes) within the Council's Corporate Plan, to aid in the delivery of that Plan.

Equalities Act 2010 and Public Sector Equality Duty:

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity

between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

There are no equity and equalities implications arising from this report. However it is important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration has been given to the equalities impact that may be brought upon communities by the decisions made by Council.

1.0 Introduction and Background

1.1 In accordance with the Council's constitution:

“In each Council Year the Leader will allocate a range of functional responsibilities (called ‘a portfolio’) to the members of the Cabinet and will at the Annual Meeting also notify Council of such allocation and will cause that to be recorded in the Constitution of the Council.”

1.2 The Leader of Council is responsible for any functions which are not specifically required to be carried out by the Council under regulations. All of the functions of the Council are executive functions except for:

- a. Those listed in Schedule 1 of the Local Authority's (Functions and Responsibilities) (England) Regulations 2000 (as amended); and
- b. Those set out in the Council's Constitution as being the responsibility of the Council or a body established by the Council.

1.3 The range of functions that are the responsibility of the executive that the Leader has assigned to the Leader, Cabinet or individual Cabinet Members will be announced at the meeting. The Scheme of executive functions which the Leader has delegated to officers will also be announced at the meeting.

1.4 It is worth noting that all key decisions must be collectively agreed by Cabinet, unless Cabinet makes a specific decision to delegate that decision to a Cabinet member, committee or officer.

2.0 Current Situation

2.1 The Cabinet must consist of the Leader of the Council, the Deputy Leader and at least one but not more than eight other Councillors also appointed by the Leader.

2.2 Details of the Cabinet portfolios and functions covered for the 2023/24 municipal year will be announced at the meeting.

2.3 The Leader will appoint Cabinet Members to the portfolios that are announced at the meeting.

Agenda Item 9

2.4 The names of the opposition spokespeople will be circulated at the Meeting. The opposition spokespeople must exactly mirror the Cabinet Portfolios.

3.0 Options

3.1 As this report highlights the executive functions as determined by the Leader, it is for information only.

4.0 Decision Making Process

4.1 The Leader determines the portfolios, the scheme of delegations and the Cabinet Members. The Opposition Leader confirms the opposition spokespeople.

Contact Officer: Charles Hungwe, Senior Democratic Services Officer

Reporting to: Nick Hughes, Committee Services Manager

Annex List

Annex 1 - Part 3 Scheme of Delegations Section D

Annex 2 - Part 3 Scheme of Delegations Section E

Background Papers

None.

Corporate Consultation

Finance: Chris Blundell, Director of Corporate Resources and Section 151 Officer

Legal: Sameera Khan, Interim Head of Legal and Monitoring Officer

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SECTION D. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

Responsibility for functions and procedures

1. This section of the Constitution sets out the responsibilities of the Leader and Cabinet.
2. The Leader is responsible for any functions which are not specifically required to be carried out by the Council under regulations.

RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

1. General

- 1.1 All the functions of the Council are executive functions except for:
 - Those listed in Schedule 1 of the Local Authority's (Functions and Responsibilities) (England) Regulations 2000 (as amended); and
 - Those set out in this Constitution as being the responsibility of the Council or a body established by the Council.
- 1.2 Executive functions will be exercised by the Leader except when the matter is dealt with under joint arrangements or delegated to the Cabinet, a committee of Cabinet, an individual Cabinet member or an Officer.
- 1.3 The Leader will discharge both these functions in accordance with the Cabinet procedures and the access to information rules.
- 1.4 The Leader will make sure all necessary steps are taken to prepare the Authority's budget, and those plans and strategies which constitute the Authority's policy framework as set out in Part 4 of this Constitution prior to their final approval and adoption by the Council. They will undertake this work in accordance with the budget and policy framework procedure rules.

THE LEADER'S SCHEME OF DELEGATION FOR EXECUTIVE FUNCTIONS

1. Background

- 1.1 The Council has adopted the Leader and Cabinet style of executive arrangements. Under this arrangement all executive functions are vested in the Leader who can then delegate functions as seen fit. This document sets out the delegation of those functions but excludes any decisions that are contrary to the policy framework or budget which must be taken by council.
- 1.2 The Leader is responsible for:
 - appointing members of the Cabinet;
 - delegating executive responsibilities to the Cabinet;
 - delegating executive responsibilities to committees carrying out executive functions;
 - delegating executive responsibilities to individual Cabinet members;

Agenda Item 9

Annex 1

- allocating executive responsibilities to officers;
 - allocating executive responsibilities when no-one has responsibility for them.
- 1.3 The Leader can at any time take back responsibilities delegated to committees of the Cabinet, an individual Cabinet member or officer, or decide to delegate them on certain conditions. (i.e. The Leader can choose to exercise any powers in the Scheme of Delegation).
- 1.4 The Leader can also decide to delegate further responsibilities to committees of the Cabinet, individual Cabinet members or to an officer.
- 1.5 Executive responsibilities are carried out on behalf of the council and in the council's name.

2. Delegations to Cabinet

- 2.1 The Leader has decided that some executive decisions must be agreed by the Cabinet (set out in section 2.2). These decisions will be taken collectively by all Cabinet members, unless the Cabinet takes a specific decision to delegate that decision to a Cabinet member, committee or officer.
- 2.2 The decisions that must be agreed by the Cabinet are:

Key Decisions

A key decision is an executive decision (taken by Cabinet, portfolio holders or by officers on Cabinet's behalf) that is likely:

- 1) Which involves the incurring of expenditure, or the making of savings, by the Council, which are anticipated to be £250,000 or above. The exception to this rule being where approval has previously been received to incur that expenditure by the Executive, notwithstanding criterion 3; or
- 2) Where the Council is entering into a contractual obligation with a value of £750,000 or above; or
- 3) For the acquisition or disposal of land or property with a value of £750,000 or above; or
- 4) Where the effect would be on communities living or working in the district, in an area comprising two or more wards. However, decisions that impact on communities living or working in one ward will be treated as "key" if the impact is likely to be very significant.

3. Areas of Responsibility of Individual Cabinet Members

- 3.1 The individual members of Cabinet will have responsibility for the functions that are set out below.

4. Delegations to Cabinet Members

A. General Delegations to all Portfolio Holders

Agenda Item 9

Annex 1

In addition to acting collectively in the Cabinet, each Cabinet Member will have the general role of providing leadership and guidance in respect of all executive functions within the portfolio area for which they are accountable and the promoting and improving of the Council's profile and public perception.

In accordance with the Secretary of State's guidance, Cabinet Members should amongst other things:

- (i) ensure that they have sufficient time to focus on broad strategic issues (para 4.21 of the Guidance); and
- (ii) seek advice from relevant officers before taking a decision within their own delegated authority; where appropriate this should include taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is a doubt about legal powers (para 4.44 of the Guidance).

Any matter within a Cabinet Member's delegated powers may be referred by them to Cabinet for decision.

To regularly review the effectiveness of policies and the performance of services and make recommendations for continuous improvement to the Cabinet.

To oversee the capital and revenue budgets in areas of responsibility to ensure expenditure and income is consistent with the Council's agreed budget.

To be consulted by Corporate Directors upon in year changes to fees and charges (including the introduction of new fees and charges)

To liaise and work with other portfolio holders on cross cutting areas of responsibility and make recommendations to Cabinet as appropriate. [Note: Any matter relating to more than one portfolio area must be referred by the portfolio holders to Cabinet for decision.]

To oversee the review of fees and charges and recommend changes in line with the Council's agreed budget strategy.

To make or agree recommendations to Cabinet in relation to new policy areas.

To consider and endorse service plans to ensure compliance with the Corporate Plan.

To be accountable to the Cabinet for the implementation of agreed priorities and final recommendations from the Corporate Plan, Service Plans and reviews and to consider and act on reports received from officers monitoring progress.

To authorise the making of applications for planning permission for proposed development relating to the Member's portfolio area.

To make recommendations to Cabinet on bids for additional funding; expenditure; variations to expenditure and the letting of contracts for works; goods and services, in accordance with the Council's Contract Standing Orders. To support individual projects within the Cabinet Member's portfolio area, provided such expenditure is within the overall project budget and above the prevailing virement threshold.

Agenda Item 9

Annex 1

In any case where a matter is urgent and a decision cannot reasonably await the next meeting of the Cabinet and the relevant portfolio holder does not have a general or specific delegated power, the relevant portfolio holder may nevertheless make a decision on behalf of the Cabinet subject (except in the case of the Leader) to prior consultation with the Leader and subject to the decision being reported to Cabinet as soon as practicable. [Note: in the case of a key decision the Access to Information Procedure Rules must still be complied with.]

B. Specific Delegations to Portfolio Holders

Leader Of The Council with Strategy and Transformation Portfolio

1. To approve the appointment of Council Members to sit on external Partnership
2. Boards related to regeneration and to monitor their performance in accordance with approved guidance;
3. To nominate a Cabinet Member to act on their behalf on a specific project;
4. To recommend to Council and Cabinet (as the case may be) the appointment or nomination of Members to fill vacancies on the Approved Table of Outside Bodies;
5. To exercise any specific delegated power of any Cabinet Member;

To lead policy development and advise the Cabinet on:

1. Strategy and Transformation
2. Strategic Planning
3. Planning (Development Control)
4. Port and Harbours
5. Levelling Up and Town Deals Projects

Delegated powers on the following areas within the portfolios of:

Neighbourhoods

1. To approve following public consultation, all parking orders, taxi rank locations, street management schemes and resident parking schemes;

Corporate Services

1. To approve the write off of debts over £10,000;
2. To authorise terms for the acquisition and sale of property with an estimated value of over £250,000.

Deputy Leader of the Council

To act on behalf of the Leader when they are absent or unable to act and may nominate any Cabinet member to deputise for the Leader in the absence of the Leader and Deputy Leader. To work under the Leader's direction on Cabinet co-ordination and ensure resolution of any inter portfolio issues.

Portfolio - Regeneration and Property

Scope of Portfolio

To lead policy development and advise the Cabinet on:

1. Regeneration and Growth
2. Property

Portfolio - Cleansing and Coastal Services

Scope of Portfolio

To lead policy development and advise the Cabinet on:

1. Cleansing
2. Coastal and Public Realm

Portfolio - Corporate Services

Scope of Portfolio:

To lead policy development and advise the Cabinet on:

1. Finance and Procurement
2. Legal and Democracy
3. Human Resources
4. Facilities Management
5. Health and Safety
6. Revenues and Benefits
7. Climate Change

Portfolio - Housing

Scope of Portfolio

To lead policy development and advise the Cabinet on:

1. Tenancy Services
2. Housing Options
3. Housing Strategy and Projects
4. Private Sector Housing
5. Housing Capital Developments

Portfolio – Neighbourhoods

Scope of Portfolio:

To lead policy development and advise the Cabinet on:

1. Cemeteries and Crematorium
2. Multi-agency services (Margate Task Force)
3. Enforcement services
4. Community safety
5. Regulatory services (Environmental Health/Licensing/Food safety/Air quality)
6. Technical support
7. Parking

5. Delegations To East Kent Services

Certain functions are delegated to East Kent Services see Section F.

6. General Rules As To Cabinet Delegations

- a. Cabinet can authorise a Cabinet Member, Committee or an Officer to carry out its delegated responsibilities on its behalf;
- b. A Cabinet Member can authorise a Committee or an Officer to carry out their delegated responsibilities on their behalf;
- c. Committee can authorise a Sub-Committee or an Officer to carry out their delegated responsibilities on their behalf.

6.1 Delegation To Officers

- (1) All executive responsibilities except the ones in Sections 2 and 4 above are delegated to the Officers in the corporate management team and the Service Directors (see SECTION E) noting any capital and revenue delegation limits.

An Officer can only carry out a responsibility if:

- they (or an Officer who reports to them) have budgetary or management responsibility for it; and
- the Constitution or the law does not require it to be carried out by someone else.

Officers' use of delegated powers:

- (2) Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision, or refer the matter to the relevant Committee.

Officers who have had something delegated to them can authorise Officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).

6.2 Interpreting The Rules On Delegation

- (1) When the Leader has delegated a responsibility in this Scheme of Delegation, so is the authority to do anything necessary to carry it out (unless it was forbidden when the responsibility was delegated).
- (2) Without prejudice to the generality of (1) above, this includes the authority to sign all necessary documents, determine applications, authorise payments, authorise prosecutions, implement national agreements, issue and serve statutory and other notices, authorise entry to land in pursuance of statutory powers, and take default actions under relevant legislation if:
 - (a) the Constitution or the law does not require the action to be taken by someone else; and
 - (b) the decision maker has had regard to any advice from the Chief Finance Officer and the Monitoring Officer.

6.3 Responsibilities Not Covered By This Scheme

If an executive responsibility does not have to be carried out by the Cabinet, an individual Cabinet member or a Committee and no one has budgetary and management responsibility for it, the Leader will arrange for it to be carried out by the Cabinet, a Committee or an Officer.

Signature Date

Councillor

Leader of Thanet District Council

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SECTION E. MANAGEMENT STRUCTURE AND SCHEME OF OFFICER DELEGATIONS

As at the Council Meeting of 18 May 2023

PART A MANAGEMENT STRUCTURE

PART B SCHEME OF DELEGATIONS TO OFFICERS

Part A – Management Structure

The Corporate Management Team (CMT)

Chief Executive
Director of Corporate Resources and S.151 Officer
Director of Environment
Director of Place

The Service Heads:

Chief Executive

- Head of Strategy and Transformation

Director of Corporate Resources and S.151 Officer

- Head of Finance
- Head of Human Resources
- Interim Head of Legal and Democracy & Monitoring Officer

Director of Environment

- Head of Neighbourhoods
- Head of Coastal and Public Realm
- Head of Cleansing

Director of Place

- Head of Property
- Head of Housing and Planning
- Head of Regeneration

Part B - Scheme of Delegations to Officers

1.0 Methodology

- 1.1 The Council also delegates the exercise of a number of emergency public health powers to an external officer appointed by the Clinical Director of Public Health England.
 - 1.2 Where the Scheme of a Delegation relates to specific Acts of Parliament, Regulations and Orders and other exercise of powers made thereunder, it is intended that such delegations shall extend to the powers and duties and functions under the Acts, Regulations and Orders as they exist at present and any subsequent re-enactment or amendment of the relevant statutory provisions or departmental exercise of powers.
 - 1.3 The acts of the Chief Executive, Corporate Directors, Heads of Service and other named Service Managers under delegated powers shall be deemed to be the acts of the Council.
- 2.0 Any decision taken under delegated powers shall be in accordance with any relevant policy approved by the Council and in compliance with the Financial Procedure Rules and Contract Standing Orders. When the exercise of a delegated power includes the incurring of expenditure such action shall be conditional upon the necessary financial provision being included in an approved budget estimate.

3.0 Delegation to Officers

- 3.1 Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision, or refer the matter to the relevant committee.

Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).

4.0 Appointment of Proper Officers:

- 4.1 All members of the senior management structure may act as, or appoint Officers to act as, proper Officers for the purposes of any Act of Parliament or statutory instrument if:
 - (a) The Member of the corporate management team or senior management team or one of their staff has budgetary or management responsibility for that function; and
 - (b) The Officer appointed is qualified to carry out the functions of a proper Officer; and
 - (c) The Constitution or the law does not require it to be carried out by someone else.

SECTION F. Arrangements for the Discharge of Functions and Delegations

Functions to be Discharged by EKSC on Behalf of the Authorities

Framework and Definitions

1. The functions delegated in this Schedule are associated with the following services which are to be delivered by Canterbury City Council, Dover District Council and Thanet District Council through the East Kent Services Committee:
2. Detailed as below:
 - (a) face to face and contact centre customer services
 - (b) revenues and benefits
3. It is contemplated that the East Kent Services Committee will in turn delegate the discharge of these functions to the Director of Collaborative Services and/or the Director of Shared Services or other of their officers.
4. The “Arrangements” means the operating arrangements, Terms of Reference, Committee Procedure Rules and any other minutes or documents for the time being in force by which the East Kent Joint Arrangements Committee is constituted and its powers defined.
5. “Authority” means Canterbury City Council, Dover District Council, or Thanet District Council as the context requires, being the authority on whose behalf the particular powers or functions are being exercised and “Authorities” shall be construed accordingly.
6. “The Committee” means the East Kent Services Committee.
7. “The Department” means as the context requires the East Kent Shared Services department under the Directorship of the Director of Shared Services and or the East Kent Human Resources department under the Directorship of the Director of Collaborate Services.
8. “Scheme of Delegation” means the arrangements for the discharge of functions and delegations set out in this Schedule.

Exercise of Functions

9. The Council’s and the Executives of the Authorities delegate the discharge of the functions set out in this Scheme of Delegations to the East Kent Services Committee pursuant to all powers contained in or having effect under the Local Government Acts of 1972 and 2000.

Agenda Item 9

Annex 2

10. The exercise of the powers and functions set out in this Schedule shall without prejudice to any specific delegation or authorisation set out, and subject to any express Conditions/Exclusions/Limitations/Notes specified, be taken to include power to do anything incidental or conducive to the discharge of such functions including (by way of example and not by way of limitation) power to do any of the following:
- (a) To appoint or designate any officer as an "authorised officer", "inspector", "person duly authorised" or similar under any of the legislation or functions specified for the purposes of enabling any such person to carry such legislation or functions into effect.
 - (b) To authorise any officer for the purposes of any of the above mentioned legislation or functions.
 - (c) To exercise any power or function conferred by or in connection with the specified legislation or functions to:
 - (i) Require any person to provide any information.
 - (ii) Enter or inspect any land, premises, vehicle or vessel.
 - (iii) Take samples of, seize, test, dispose of, destroy, or otherwise deal with anything or substance in accordance with the applicable legislation.
 - (iv) Make application for any warrant or order to a court of summary jurisdiction and to execute any such warrant or order taking with him or her any other person as may be authorised.
 - (v) To make or swear any information.
 - (vi) Institute or defend any legal proceedings, and to take all proper steps in the furtherance or compromise of such proceedings (in each case) in consultation with the Solicitor to the Council which may be undertaken in relation to specific cases or in relation to categories of work,.
 - (vii) Execute work.
 - (viii) Sell or dispose of any goods, articles, samples materials or other property (other than land and buildings).
 - (ix) Recover any sums of money due to the Authorities.
 - (x) Authorise any other person to do any of the things mentioned in (i) to (ix) above to the extent permitted by law.
11. The East Kent Services Committee are hereby authorised to discharge on behalf of the Authorities the function of preparing and approving, amending or repealing, any policy, statement, practice note, code of guidance, procedure or similar in connection with the functions hereby delegated and:-
- (a) Until such time as they have done so any reference in this Part to any policy, procedure, process or similar administrative statement of practice 'of the Authority' shall be interpreted as a reference to the relevant policy, procedure

Agenda Item 9

Annex 2

process or similar administrative statement of the relevant Authority in force on 11 February 2015.

- (b) Any reference in this Part to any policy, procedure, process or similar administrative statement of practice 'of the Authority' shall be interpreted as a reference to the relevant policy, procedure process of similar administrative statement as approved by the former East Kent Joint Arrangements Committee or the East Kent Services Committee (or the relevant Authority) after 11 February 2015.

- 12. Any reference to any Act, Rule, Order or Regulation shall be taken as including a reference to that Act, Rule, Order or Regulation as re-enacted, replaced or modified from time to time.
- 13. References to any statutory provision shall include a reference to any subordinate or secondary legislation made under or taking effect under it from time to time.

Administrative

- 14. The Committee may only exercise the delegated powers in this schedule in accordance with:-
 - (a) Statutory or other legal requirements, including the principles of public law, the Human Rights Act 1998 (as amended), statutory guidance and statutory codes of practice.
 - (b) The Constitution of the Authority where relevant including standing orders, contract standing orders and financial regulations.
 - (c) The revenue and capital budgets of the Authority, subject to any variation thereof which is permitted by the Authority's Financial Regulations.
 - (d) Consideration of any relevant policy adopted by the Committee.
- 15. The Committee may not exercise delegated powers where –
 - (a) The matter is reserved to the Authority by the arrangements.
 - (b) The matter is a function which cannot by law be discharged by the Committee.
- 16. The Committee may not exercise delegated powers in a way which is contrary to the policies and plans approved by or on behalf of the Authority.
- 17. Where an officer has delegated powers of the Committee or sub-committee (as appropriate) the Committee can still exercise that power if it considers that it is appropriate to do so.
- 18. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation then the Committee must consult someone else they reasonably consider to be an appropriate substitute consultee if reasonably practicable to do so.
- 19. The delegations in this Scheme of Delegation include the discharge of both executive and non-executive functions

Agenda Item 9

Annex 2

20. Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment to or re-enactment of the same.
21. Where The Committee has delegated authority to discharge functions by virtue of any other decision by the parties or the absence of the delegation from this Scheme of Delegation shall not prevent the exercise of the delegation.
22. Where the Committee delegates the exercise of any function to an officer of any of the Authorities that officer may nominate another officer or officers to exercise that duty, function or power, provided that the nominated officer(s) report to or is responsible to the officer to whom the delegation has been made.
23. Where an officer has delegated authority to discharge functions;
 - (a) By virtue of any other decision of the parties or;
 - (b) Through a specific decision of the Committee, or a sub-committee, either before or after the adoption of this Scheme of Delegation,

The absence of the delegation from this Scheme of Delegation shall not prevent the exercise of the delegation.

Functions Related to the Administration and Management of the Shared Service

Business cases and delivery of services

24. To develop shared service business cases work programmes and projects in relation to the functions which any of the Authorities are minded to delegate to the Committee.
25. With the assistance if necessary of the appropriate Chief Executive of any of the Authorities to obtain from his or her Authority any information required in preparing a shared service business case.
26. Once a business case is approved to implement the same and deliver the service as defined therein.
27. To make arrangements for the management of the Department.

Financial

28. Acceptance of the lowest tender or bid for the carrying out of works for the committee, the purchase, leasing or hiring of goods, materials and equipment by the committee, or the supply of services to the committee, provided that budget provision is available.
29. Authorise Entry into contract documentation following tender/bid acceptance (subject to the provisions of Financial Regulations and Contract Standing Orders of the Authority relating to the execution of contracts under seal).
30. Authority to negotiate and agree price increases where a contract provides for price increases to be negotiated and agreed by the parties, subject to Contract Standing Orders of the Authority and ensuring sufficient budgetary provision exists.
31. The assignment or novation of a contract.

Agenda Item 9

Annex 2

32. The approval of the appointment of or the acceptance of the tender of a sub-contractor or supplier for specialist work or material provided that this does not result in the budget provision for the works as a whole being exceeded.
33. Virement between heads of expenditure of up to the limit specified in the Authority's Financial Regulations provided that such virement is in accordance with the conditions for virements in such Financial Regulations. [E/C]
34. Provision of reasonable hospitality to representatives of other authorities, visiting a department or premises under the Committees control subject to agreement by the Chief Executives of each of the parties for expenditure in excess of £500.
35. To negotiate and agree variations in contracts arising out of statutory requirements subject to adequate budgetary provision being available.

Shared Services Employees

36. The Authorities empower the Committee to the intent that the Director has the necessary delegated powers to;
 - (a) to determine the establishment and make changes to the establishment of the Department
 - (b) to exercise all powers, functions and responsibilities in relation to the employment, management and dismissal of staff engaged [C] in the shared services under the terms, conditions, policies and procedures of the Authority.

General

37. To publicise the services they provide.
38. To deal with issues relating to the Commission for Local Administration relevant to the Committee.

Delegation of the functions associated with the provision of face to face contact centre customer services and benefits and benefits administration.

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
1. Council Tax	<p>In connection with the administration of the council tax:</p> <p>(a) to determine occupation, to send invoices, grant reliefs, issue penalties, collect income and take all recovery and other administrative steps necessary to collect the council tax in accordance with any statute or statutory regulations and make determinations and exercise discretions as appropriate, except for matters specifically reserved to the Authorities;</p> <p>(b) to administer the Authorities' Council Tax Reductions Schemes in accordance with any statute or statutory regulations and make determinations and exercise discretion as appropriate, except for matters specifically reserved the Authorities;</p> <p>(c) to represent the Billing Authority in any proceedings tribunal or appeals panel dealing with matters of housing benefit or council tax, and in any proceedings relating to the recovery and enforcement of council tax and penalties before the Magistrates and County Court, and to authorise officers of any Authorities who are represented on the East Kent Services Committee to similarly represent the Billing Authority;</p> <p>(d) to undertake interviews under caution, to issue cautions, administrative penalties and authorise prosecutions in accordance</p>	

	<p>with legislation, and the Authorities' prosecution policy and statement on fraud;</p> <p>(e) to administer discretionary housing payments in accordance with legislation and the Authorities' policy;</p> <p>(f) to complete statutory returns in connection with council tax;</p> <p>(g) to serve or withdraw completion notices under Schedule 4a of the Local Government Finance Act 1988 as amended;</p> <p>(h) to determine liable persons, exemptions, discounts, transitional relief schemes, calculate instalments, appoint bailiffs, debt collection agents and process servers, request a statement of case for the opinion of the High Court, attach earnings and income support, impose a charge upon property, commence bankruptcy proceedings, attach allowances, levy distress, impose charges for levying distress, seek insolvency of the debtor or commitment to prison, to request and execute warrants of arrest and exercise any other administrative step for the collection of council tax;</p> <p>(i) to represent the Authorities in the determination of proposals, alterations and appeals for council tax where appropriate;</p> <p>(j) to represent the Billing Authority in requests for administration orders under the County Courts Acts in respect of unpaid council tax;</p>	
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Agenda Item 9

Annex 2

	<p>(k) to be responsible for the prevention, detection and prosecution of council tax fraud.</p>	<p>Statutory returns must be authorised by the Section 151 Officer of the Authorities</p>
<p>2. Administration of the Housing Benefit Scheme</p>	<p>In connection with the administration of the Housing Benefit Scheme:</p> <p>(a) to be responsible for promoting take up of Housing and Council Tax Support p schemes;</p> <p>(b) to grant Housing Benefit (rent allowances and rent rebates) in accordance with any statute or statutory regulations and make determinations and exercise discretion as appropriate, except for matters specifically reserved for the Council and Committees/Executive;</p> <p>(c) to determine and recover overpayments of Housing Benefit including making decisions on the method of recovery;</p> <p>(d) to make determinations and payments in accordance with the Authorities' Discretionary Housing Payments policy;</p> <p>(e) to undertake interviews under caution, to issue cautions, administrative penalties and authorise prosecutions in accordance with legislation, and the Authorities' prosecution policy in respect of Housing Benefits</p>	

Agenda Item 9

Annex 2

	<p>(f) to complete statutory subsidy calculations and returns , and all other statistical returns;</p> <p>(g) to undertake all other administrative processes in connection with the Housing Benefit scheme.</p>	<p>Statutory subsidy calculations and returns must be authorised by the Section 151 Officer of the Authorities</p>
<p>3. National Non-Domestic Rate</p>	<p>In connection with the administration of the national non domestic rate:</p> <p>(a) to determine occupation, to send invoices, grant reliefs, collect income and take all recovery and other administrative steps necessary to collect the national non domestic rate in accordance with any statute or statutory regulations and make determinations and exercise discretions as appropriate, except for matters specifically reserved to the Authorities;</p> <p>(b) to represent the Billing Authority in any proceedings before the Valuation Tribunal, and in any proceedings relating to the recovery and enforcement of national non domestic rate before the Magistrates and County Court, and to authorise officers within the Head of Business and Community Transformation's Division to similarly represent the Billing Authority;</p> <p>(c) to complete statutory returns in respect of national non domestic rate;</p> <p>(d) to serve or withdraw completion notices under Schedule 4a of the Local Government Finance Act 1988 as amended;</p>	<p>This includes and recovering money from Business Improvement Districts.</p>

Agenda Item 9

Annex 2

	<p>(e) to determine liable persons, exemptions, transitional relief schemes, calculate instalments, appoint bailiffs, request a statement of case for the opinion of the High Court, impose a charge upon property, levy distress, impose charges for levying distress, seek insolvency of the debtor or commitment to prison or liquidation of companies, to request and execute warrants of arrest and exercise any other administrative step for the collection of national non domestic rate;</p> <p>(f) to represent the Authority in the determination of proposals, alterations and appeals for national non domestic rate where appropriate;</p> <p>(g) to represent the Billing Authority in requests for administration orders under the County Courts Acts in respect of unpaid national non domestic rate;</p> <p>(h) to calculate and pay interest on overpayments of national non domestic rate in accordance with the NDR (Payment of Interest) Regulations 1990;</p> <p>(i) to determine applications under Section 44A of the Local Government Finance Act 1988;</p> <p>(j) to be responsible for the prevention, detection and prosecution of national non domestic rate fraud.</p>	<p>Statutory returns must be approved by the Section 151 Officer of the Authorities</p>
<p>4. Customer Services</p>	<p>To provide 'front of house' contact with the public wishing to make enquiries of the Authorities or to access services in relation to any of its functions whether that contact is made in person, by telephone, by mail or email or the websites of any of the Authorities, including but not limited to</p>	<p>Note: The activities identified in this paragraph 5 are intended to be either incidental or conducive to the discharge of the functions set out in paragraphs 1 to 4 above or</p>

Agenda Item 9

Annex 2

	<p>(i) Issuing application forms for access to services.</p> <p>(ii) receiving payments due to the Authorities and issuing receipts</p> <p>(iii) providing facilities for the public inspection of documents and the taking of copies thereof</p> <p>(iv) responding to 'low level' customer complaints</p> <p>(v) selling or distributing or issuing any item or thing arising out of the conduct of any undertaking or function of the Authorities</p> <p>Such other activities in connection with the offering of services to the public as may be detailed from time to time in the Service Level Agreements</p>	<p>intended to be either incidental or conducive to the discharge of all of the other functions of the Authorities.</p> <p>Limitation:</p> <p>Except as is expressly provided in paragraphs 1 to 4, paragraph 5 does not operate as to confer any power to exercise any substantive function of the Authorities</p>
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COMPOSITION OF COMMITTEES, PANELS AND BOARDS - 2023/24

Annual Council	18 May 2023
Report Author	Nick Hughes, Committee Services Manager
Status	For Decision
Classification:	Unrestricted
Key Decision	No

Executive Summary:

The report allows Council to agree on the number and size of the Committees, Panels and Boards for the forthcoming municipal year and then subsequently the proportionality of the Council. The report then goes on to address the allocation of seats on those bodies to political Groups. Finally the report also allows the Council to elect Chairmen and Vice Chairmen to Committees for the 2023/24 municipal year.

Summary of Recommendations (relevant paragraphs as listed below):

- 3.3 That Members agree the number of committees for the Council year 2023/24 and the number of members serving on each committee as shown in table 2.

- 4.12 That Council approves the proportionality between groups (allocation of seats) for Committees, Panels and Boards for 2023/24.

- 5.5.1 To appoint Mr Peter Lorenzo as an Independent Member of the Standards Committee with a term of office expiring at the Annual Council meeting in 2027.

- 5.5.2 To note the corresponding group nominations to Committees, Panels and Boards for 2023/24. (The names of those Councillors so nominated will be presented at the meeting)

- 6.7 That Council makes the following Appointments of Chairs and Vice-Chairs of Committees, Panels and Boards for 2023/24:
 - a) Chair and Vice-Chair of the Planning Committee
 - b) Chair and Vice-Chair of the Licensing Board
 - c) Chair and Vice-Chair of the Overview and Scrutiny Panel
 - d) Chair and Vice-Chair of the Governance and Audit Committee
 - e) Chair of the General Purposes Committee
 - f) Chair of the Joint Transportation Board
 - g) That Peter Tucker be appointed as Chair of the Standards Committee and the Constitutional Review Working Party.
 - h) That Peter Lorenzo be appointed as Chair of the Standards Committee and the Constitutional Review Working Party.

Corporate Implications:

Finance and Value for Money

There are no direct financial implications from this report. However members allowances included in the annual budget are based on the existing structure and any increase in size or number of committees would require approval of the resulting increase in the budget.

Risk Management

There are no risk implications arising directly from this report.

Legal

The composition and allocation of membership of committees has been based on the relevant legislative requirements.

Corporate

There are no direct Corporate Implications.

Equalities Act 2010 and Public Sector Equality Duty:

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

The report's objectives are to:

- Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it
- Foster good relations between people who share a protected characteristic and people who do not share it.

1.0 Introduction

1.1 This report seeks agreement of the number and sizes of Committees, Panels and Boards for the forthcoming Municipal Year. It then goes on to address the issue of political proportionality and the allocation of seats on those bodies to political Groups and finally allows the Council to elect Chairmen and Vice Chairmen to Committees for the 2023/24 municipal year.

2.0 Political Balance

2.1 The current political balance of the Council after the 2023 District elections is shown in the table below:

Table 1

Political Group	No. of Cllrs
Labour	30
Conservative	17
Green & Independent Group	6
Thanet Independents	3

3.0 Number, Size and Terms of Reference of Committees

3.1 It is for Council to decide the number and sizes of committees. Consultation amongst the Leaders of the political groups has resulted in the following proposed number of committees and committee sizes for the 2023/24 municipal year:

Table 2

Committee	Number of Members
Planning Committee	15
Licensing Board	15
Overview and Scrutiny Panel	15
Governance and Audit Committee	15
General Purposes Committee	15
Boundary and Electoral Arrangements Working Party	5
Constitutional Review Working Party	5 (+2 independent)
Disciplinary and Grievance Committee	5
Disciplinary and Grievance Appeals Committee	5
Appointments Committee	3
Joint Transportation Board*	7 (+1 parish)
Standards Committee**	7 (+ 4 independent, + 3 parish)

*NOTE Under section 15 (5) of Part III and Schedule 1 of the Local Government Housing Act 1989 proportionality applies to this body but not towards the total number of seats.

** With the introduction of Localism Act 2011, the Standards Committee has now become a politically balanced committee. However, under section 15 (5) of Part III and Schedule 1 of the Local Government Housing Act 1989 proportionality applies to this body but not towards the total number of seats. Council agreed in July 2012 that four independent members would be appointed to the committee (under 27(4) (a) and (b) of the Localism Act 2011), one of whom would act as Chairman. That practice has continued for every Municipal Year since then.

3.2 Though the Constitutional Review Working Party is bound by proportionality in respect of elected Members, Council agreed in May 2008 that two independent

members would be appointed to the Committee. That practice has continued for every Municipal Year since then.

3.3 Recommendation

That Members agree the number of committees for the Council year 2023/24 and the number of members serving on each committee as shown in table 2.

4.0 Political Proportionality

4.1 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), b) 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.

4.2 For the purposes of political balance a Group is required to have at least two members and to have been formally constituted as a political group before the meeting.

4.3 After consultation with Group Leaders consensus has been reached on a preferred option regarding proportionality. The application of political proportionality to the Committee Structure will result in the following seats for individual groups:

Table 3

Committees	Total	Labour Group	Conservative Group	Green and Ind. Group	Thanet Independent Group
Planning Committee	15	8	4	2	1
Licensing Board	15	8	5	1	1
Overview and Scrutiny Panel	15	8	4	2	1
Gov. and Audit	15	8	4	2	1

General Purposes	15	8	4	2	1
B&EA Working Party	5	3	2	0	0
D&C Committee	5	3	2	0	0
D&C Appeals Committee	5	3	2	0	0
CRWP	5	3	1	1	0
Appts Committee	3	2	1	0	0
Totals	98	54	29	10	5

- 4.4 The overall political balance calculation for the proposal shown above is available at Annex 1.
- 4.5 Both Section 15 (5) of Part III and Schedule 1 of the Local Government Housing Act 1989 mean that proportionality applies to the Standards Committee, but the Standards Committee does not count towards the total number of seats when dealing with overall political proportionality, hence why they are presented here.
- 4.6 However the Council is asked to waive the political proportionality of Standards Committee to allow for both independent Members and Parish Council's to sit on the Committee.

Table 4

	Total	Labour Group	Conservative Group	Green and Ind. Group	Thanet Ind. Group	Independent Members	Parish/Town Council
Standards Committee	7	4	2	1	0	4**	3
Standards Assessment Sub-Committee	3	*	*	*	*	At least 1	*
Standards Hearing Sub-Committee	3	*	*	*	*	At least 1	*

NOTE*; the remaining two members would be either Thanet District Council Members from those groups that are entitled to seats on the Standards Committee, Town/Parish Council members or further independent members, on a case by case basis. In the case of a complaint against a Town or Parish Councillor at least one of the panel would be a Town or Parish Council representative.

** Currently there are only two Independent Members in post.

- 4.7 The rest of the proportionality calculations shown below at tables five and six must also be agreed.
- 4.8 The Joint Transportation Board consists of seven Councillors from Thanet District Council and the seven Councillors from Kent County Council that represent County divisions within Thanet. In addition, although proportionality applies to the Joint Transportation Board, the Council has also agreed that there be one Parish representative serving on the Board. Under section 15 (5) of Part III and schedule 1 of the Local Government Housing Act 1989 proportionality applies to the seven seats appointed by Thanet District Council on the Joint Transportation Board but these seats do not count towards the total number of seats by which overall proportionality is calculated.
- 4.9 The allocation of Thanet District Council seats on the Joint Transportation Board are shown in the table below:

Table 5

	TDC Members	Labour Group	Conservative Group	Green and Ind. Group	Thanet Ind. Group	Parish/ Town Council
Joint Transport Board	7	4	2	1	0	1

- 4.10 The Council is also a member of the East Kent Services Committee; therefore it is necessary to appoint Councillors to the committee.
- 4.11 Council agreed in February 2015 to the proposal that two executive Councillors and two substitute Executive Councillors should serve on the East-Kent Services Committee, as shown in table below:

Table 6

	Total (from Thanet)	Labour Group	Conservative Group	Green and Ind. Group	Thanet Ind. Group
East Kent Joint Arrangements Committee	2 plus two substitutes	2 Cllrs	0	0	0

4.12 Recommendation

That Council approves the proportionality between groups (allocation of seats) for Committees, Panels and Boards for 2023/24.

5.0 Nominations of Members to serve on Committees

5.1 Members are reminded that Section 16 of the Local Government and Housing Act 1989 states that where the Council has determined the allocation to different groups of the seats to which the Act applies, it shall be the duty of the authority to give effect to a Group's wishes about who is to be appointed to the seats that they have been allocated.

5.2 Group nominations to Committees, Panels and Boards and will be circulated to Members separately at the meeting.

5.3 The independent membership of committees is as follows:

5.3.1 Standards Committee: Peter Tucker, Michael Clarke and Carolyn Ruston are Independent Members of the Standards Committee with Mr Tucker's term of office expiring on 9 July 2024 and Mr Clarke and Ms Ruston terms of office expiring on 14 May 2023.

Peter Lorenzo's term of office expires at this meeting. It is proposed to extend his term of office to the Annual Council meeting in 2027.

5.3.2 Standards Assessment Sub-Committee: independent member(s) will be drawn from the independent members of the Standards Committee.

5.3.3 Standards Hearing Sub-Committee: independent member(s) will be drawn from the independent members of the Standards Committee.

5.3.4 The Constitutional Review Working Party; independent member(s) will be drawn from the independent members of the Standards Committee.

5.4 Town/Parish Councils are entitled to have three representatives on the Standards Committee and one representative on the Joint Transportation Board. The Town/Parish nominations to Committees are made by the Thanet Association of Parish Councils and are made in November each year, however due to the recent Parish Council elections, new nominations will be made shortly.

5.5 Recommendation

5.5.1 To appoint Mr Peter Lorenzo as an Independent Member of the Standards Committee with a term of office expiring at the Annual Council meeting in 2027.

5.5.2 To note the corresponding group nominations to Committees, Panels and Boards for 2023/24. (The names of those Councillors so nominated will be presented at the meeting)

6.0 Appointment of Chairs and Vice-Chairs of Committees, Panels and Boards 2023/24

6.1 The constitution of the Council states that:

- a) The Chairs and Vice-Chairs of Committees shall be appointed by Council at its Annual Meeting with the exception of the Grievance Committee, Grievance

Appeals Committee and Appointment Sub Committee which elect their own Chairs;

- b) All Sub-Committees, Advisory Groups and Working Parties shall elect their Chairs and Vice-Chairs at their first meeting after the Annual Council Meeting.
- 6.2 By convention, in Thanet the majority group is entitled to the first nomination of the chairship and vice- chairship of Committees, Panels and Boards. As there is no majority group nominations will be presented at the meeting and where there are multiple nominations an elimination vote will take place.
- 6.3 Council agreed on 12 July 2012 that the Chair and Vice-Chair of the Standards Committee are to be independent members and to date the Council has made and confirmed appointments to these offices at the Annual Meeting from the Independent Members of the Standards Committee.
- 6.4 Under the Council's Joint Transportation Board (JTB) agreement with Kent County Council, for 2023/24 a Member of Thanet District Council will chair the JTB and a Kent County Councillor will act as vice-chair. These roles are alternated annually.
- 6.5 The Council's constitution states that the Chair and Vice-Chair of any Overview and Scrutiny Panel shall not both be from the same political Group. In addition if there is more than one Scrutiny Panel then they cannot all be chaired by the same political Group.
- 6.6 The Council decided during 2008 that one independent member of the Standards Committee would act as Chair of the Constitutional Review Working Party and another independent member would act as Vice-Chair. It has maintained that practice every Municipal Year since then.

6.7 Recommendation

That Council makes the following Appointments of Chairs and Vice-Chairs of Committees, Panels and Boards for 2023/24:

- a) Chair and Vice-Chair of the Planning Committee
- b) Chair and Vice-Chair of the Licensing Board
- c) Chair and Vice-Chair of the Overview and Scrutiny Panel
- d) Chair and Vice-Chair of the Governance and Audit Committee

- e) Chair of the General Purposes Committee
- f) Chair of the Joint Transportation Board
- g) That Peter Tucker be appointed as Chair of the Standards Committee and the Constitutional Review Working Party.
- h) That Peter Lorenzo be appointed as Chair of the Standards Committee and the Constitutional Review Working Party.

Contact Officer: Nick Hughes, Committee Services Manager
Reporting to: Sameera Khan, Interim Director of Legal and Monitoring Officer

Annex List:

Annex 1 - Proportionality calculations for main committees covered by Local Government & Housing Act 1989 Option 1

Background Papers:

None

Corporate Consultation:

Finance: Chris Blundell, Director of Corporate Resources & S151 Officer

Legal: Sameera Khan, Interim Head of Legal and Monitoring Officer

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Proportionality Annex May 2023	Members	Labour	Conservative	Green & Ind.	T. Ind.	Non group	
Overall Council	56	30	17	6	3	0	
Groups only	56	30	17	6	3	0	
%	100.00%	53.57%	30.36%	10.71%	5.36%	100.00%	
Under s15 LGHA 1989 Proportionality Applies in Full	Members	Labour	Conservative	Green & Ind.	T. Ind.	Check	Total
Planning Committee	15	8	4	2	1		
	100.00%	53.33%	26.67%	13.33%	6.67%	100.00%	7.86%
Licensing Board	15	8	5	1	1		
	100.00%	53.33%	33.33%	6.67%	6.67%	100.00%	8.57%
Scrutiny Panel	15	8	4	2	1		
	100.00%	53.33%	26.67%	13.33%	6.67%	100.00%	7.86%
Governance & Audit	15	8	4	2	1		
	100.00%	53.33%	26.67%	13.33%	6.67%	100.00%	7.86%
General Purposes	15	8	4	2	1		
	100.00%	53.33%	26.67%	13.33%	6.67%	100.00%	7.86%
BEAWP	5	3	2	0	0		
	100.00%	60.00%	40.00%	0.00%	0.00%	100.00%	32.14%
D&G Committee	5	3	2	0	0		
	100.00%	60.00%	40.00%	0.00%	0.00%	100.00%	32.14%
D&G Appeals Committee	5	3	2	0	0		
	100.00%	60.00%	40.00%	0.00%	0.00%	100.00%	32.14%
CRWP	5	3	1	1	0		
	100.00%	60.00%	20.00%	20.00%	0.00%	100.00%	31.43%
Appointments Panel	3	2	1	0	0		
	100.00%	66.67%	33.33%	0.00%	0.00%	100.00%	32.14%
Total Allocated	98	54	29	10	5		
	100.00%	55.10%	29.59%	10.20%	5.10%	100.00%	3.06%
Total Entitlements							
Totals Entitlement	98	52.50	29.75	10.50	5.25	98	203.06
Difference from Entitlement - No.	0	1.50	-0.75	-0.50	-0.25	0.00	3.00
Difference from Entitlement - %		1.5306	-0.7653	-0.5102	-0.2551		

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