

Selection & Constitutional Review Committee

Minutes of a Meeting of the Selection & Constitutional Review Committee held in Committee Room No.2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the **13th June 2013**

Present:

Cllr. Clarkson (Chairman);
Cllr. Cloughton (Vice-Chairman);
Cllrs. Bennett, Chilton, Davison, Mrs Dyer, Galpin, Howard, Mrs Martin, Robey, Sims.

In accordance with Procedure Rule 1.2 (iii) Councillor Sims attended as Substitute Member for Councillor Smith.

Apologies:

Cllrs. Davey, Davidson, Smith.

Also Present:

Cllrs. Mortimer, Shorter

Head of Legal & Democratic Services, Senior Member Services & Scrutiny Support Officer.

28 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 7th May 2013 be approved and confirmed as a correct record.

29 The Creation of a Trading and Enterprise Committee of the Cabinet

The report sought approval to the creation of a Trading and Enterprise Board, which would be a Committee of the Cabinet, to support the activities, oversee the governance arrangements and approve the trading activities of the two trading companies that were proposed to be set up by the Cabinet (Property and Building Consultancy). The recommendations would be subject to Cabinet agreement to form the companies later that evening. The Chairman explained that the Board should comprise of four Members of the Cabinet and one Member from outside the Cabinet as an observer.

A Member said that she had no objection to the principle of setting up the two trading companies, but she felt it was wrong that such companies and the Board monitoring

them would be set up by the Cabinet and comprised solely of Cabinet Members. She said in her view this was undemocratic and the Full Council should have the opportunity to discuss these matters as the Cabinet Members had a conflict of interest. She also stated that the Selection & Constitutional Review Committee itself had a majority of Cabinet Members but the Chairman explained that this was not the position – five Cabinet Members and seven non-Cabinet Members made up the Committee. She proposed that a decision on the formation of the companies and the Board should be postponed until Full Council could debate these matters fully, in an open forum and without Cabinet Members. The Chairman asked if this proposal was seconded but it was not.

Another Member said he had some questions about setting up the companies in terms of safeguarding. He felt he did not know enough about issues of ownership, shareholders, funding, Board Members and Directors and their duties and responsibilities etc.

The Head of Legal & Democratic Services clarified that the report in front of the Committee tonight was purely to set up the Trading and Enterprise Board and agree the Terms of Reference of that Board. The report to Cabinet later that evening proposed the establishment of the two trading companies and any questions relating to this could be dealt with at that meeting. Recommendations from the Selection report on the Board were dependent on the outcome of the Cabinet report. The Cabinet report set out the arrangements proposed for the two companies in terms of safeguarding. In terms of the Cabinet's remit, the functions proposed to be undertaken by the companies, (property assets and building consultancy), were Executive functions and as such the decisions were for the Cabinet. There was no conflict of interest. In terms of the Board, as a Committee of the Cabinet it could only be made up of Cabinet Members and it was not possible to have non-Cabinet Members on there, although there was a proposed observer.

A proposal to agree the recommendation in the report was moved and seconded and, in the absence of any earlier seconded motion, this was put to the vote and carried. In response to a question from a Member the Head of Legal & Democratic Services confirmed this was in accordance with correct procedure.

Recommended:

- That (i) subject to the formation of the Trading Companies, the Trading and Enterprise Board be created on the Terms of Reference set out in the report.**
- (ii) Cabinet note the creation of the Trading and Enterprise Board as outlined above.**

In accordance with Procedure Rule 15.5 Councillor Mrs Martin asked for it to be recorded that she had voted against the recommendation. She then left the Meeting.

30 Constitutional Issues

The report advised of the need to update on two minor issues arising from the previous Meeting of this Committee. The Chairman directed Members' attention to the Addendum Paper which advised of two further issues for consideration.

Resolved:

That it be noted that responsibility for Education and Vocational Skills should be added to the Portfolio for Youth and the Elderly.

Recommended:

- That
- (i) Councillor Sims take the Independent Group's seat on the Licensing and Health and Safety Committee.**
 - (ii) Councillor Mrs Bell be appointed as Chairman of the Parish Council Review and Polling District Review Task Group.**
 - (iii) the Terms of Reference of the Joint Consultative Committee be amended to reflect the Leader's wish to no longer be a Member of that Committee and Councillor Taylor be added to the membership of the Committee in place of Councillor Clarkson.**

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