

SELECTION AND CONSTITUTIONAL REVIEW COMMITTEE

5TH MAY 2009

REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

Background and Principles of Political Balance and Administrative Structure

Purpose of Report

To consider the political balance for the Authority and to agree a number of other constitutional matters which need to be recommended to the Annual Meeting of the Council on the 14th May 2009. The balance calculation as contained in the Appendix to this report has been agreed by Group Leaders.

External Consultees

None.

Internal Consultees

The Leaders of Groups on the Council.

Financial/Legal and Human Rights Implications

The Authority is required to adopt a political balance which complies with the Local Government and Housing Act 1989 and associated regulations. Alternative arrangements are permitted only if no individual Member votes against the proposal.

Staffing Implications

None.

Environmental Implications

None.

Corporate Strategy

Not relevant in the context of this report.

Introduction

1. Appendix A contains details of the draft political balance calculation for 2009/10.

Background and Principles of Political Balance

2. The Local Government and Housing Act 1989 (as amended) requires the Council to allocate seats on its Committees and Sub-Committees to political groups in proportion to their relative strengths on the Council.
3. In allocating seats a number of principles must be adhered to, namely:-
 - (a) A political group (where there is more than one) may not have all of the seats on a Committee or Sub-Committee.
 - (b) The majority of seats must be allocated to the majority group. This allocation is calculated by reference first, to the total number of seats available on ordinary Committees of the Authority and secondly, to the total number of seats available on ordinary Sub-Committees. It does not follow that this results in the majority group upon the Council (in this case the Conservative Group) having the majority of seats on individual Committees or Sub-Committees as the regulations further provide:-
 - (i) That the total number of seats on the Council's Ordinary Committees must be allocated in the proportion as is borne by the number of members of any group to the membership of the Authority as a whole.
 - (ii) The seats on the Council's Ordinary Committees and Sub-Committees as a whole must be allocated in proportion to the political groups' membership of the appointing Council.

NB: It is possible for the Council to agree to make other arrangements but it is essential that no member votes against them.

4. The Constitution provides for a number of constitutional matters to be considered at the Annual Meeting of the Council, which will be in the form of recommendations from the Selection and Constitutional Review Committee.
5. This includes the size and split of functions of the Executive; the constitution of Overview and Scrutiny Committee and the Policy Advisory Group; the constitution of other Committees; the reaffirmation of Executive and Council delegations; and whether it is the intention of the Executive to reconstitute Forums and Groups.

Conclusion

Many of the following recommendations are implied through the political balance calculation and the allocation of seats on Committees, however for completeness, the Selection and Constitutional Review Committee is asked to consider the following recommendations.

Recommendations

That

- (i) **the Committee recommends the adoption of the political balance of the Authority as contained in Appendix A to this report subject to the**

Council agreeing that the requirements of the Political Balance Regulations being not applied to the Membership of the Appeals and the Audit Committee and the Sub-Committee of the Licensing and Health and Safety Committee established under the Licensing Act 2003 and Gambling Act 2005.

- (ii) the size of the Executive be seven Members, ie a Leader and six Portfolio Holders.**
- (iii) the split of functions of Executive Members be as set out below:-**

**Leader of the Council
Resource Management and Control
Cultural Services
Development, Partnerships and Personnel
Environmental Services and IT
Housing, Property and Corporate Governance
Communications, Parking and Licensing, Customer Services and
Community Safety**

- (iv) the following Committees be constituted for the 2009/10 Municipal Year as detailed in Part 3 of the Constitution:**

**Audit
Planning
Overview and Scrutiny
Selection and Constitutional Review
Licensing and Health and Safety
Appointments
Appeals
Standards (including an Assessment Panel; a Hearings Panel and a Review Panel)
Joint Arrangements – Joint Transportation Board**

NB: Details of Members appointed to Membership of each Committee etc by Group Leaders is shown in Appendix B. Note: This will be subject to amendments from Group Leaders

- (v) the Council appoint the Chairman and Vice Chairman for each Committee etc as shown in Appendix B**
- (vi) the Scheme of Executive and Council Delegations as set out in Part 3 of the Constitution be reaffirmed.**
- (vii) the intention of the Executive to reconstitute the Forums and Groups as listed in Part 3 Appendix 2 to the Constitution be noted.**

Terry Mortimer
Head of Legal and Democratic Services

APPENDIX B

SELECTION AND CONSTITUTIONAL REVIEW COMMITTEE

5TH MAY 2009

**MEMBERSHIP OF COMMITTEES, GROUPS AND FORUMS,
INCLUDING CHAIRMEN AND VICE-CHAIRMEN**

Changes to Committee membership are shown "struck through" with the proposed new Member in brackets.

Overview and Scrutiny Committee (19 members)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(12)	(4)	(1)	(1)	(1)
Ayres	Davidson (CH)	Davison (VC)	Naughton	Smith
Mrs Bell	Mrs Hawes			
Ellison	Koowaree			
French	Packham			
Goddard				
Mrs Heyes				
Mrs Hicks				
Miss Hodgkinson				
Howard				
Mrs Hutchinson				
(Mrs Martin)				
Wallace				
Wedgbury				

Audit Committee (8 Members)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(5)	(1*)	(1)	(0)	(1*)
Mrs Bell	Koowaree	Mrs Laughton		Smith
Ellison (VC)				
Honey				
Taylor				
Wallace (CH)				

* The Liberal Democrat Group has gifted one of their seats to the Independent Group

Planning Committee (14 Members) (plus 1 ex officio)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(9)	(2)	(1)	(1)	(1)
Mrs Blanford	Norris	Davison	Wells	Smith
Burgess	Packham			
Clarkson				
Clokie (EO)				
French				
Heyes				
Mrs Hicks				
Mrs Hutchinson				
Mrs Marriott				
(CH)				
Wedgbury (VC)				

Selection & Constitutional Review Committee (12 Members)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(8)	(2)	(1)	(1)	(0)
Bartlett (VC)	Bradberry	Davison	Wells	
Clokie (CH)	Davidson			
Ayres				
Goddard				
Mrs Heyes				
Miss Hodgkinson				
Kemp				
Mrs Martin				

***Licensing And Health And Safety Committee (13 Members)**

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(8)	(2)	(1)	(1)	(1)
Mrs Bell	Mrs Heaton	Woodford	Naughton	Holland
Mrs Blanford	Norris			
Ellison				
Feacey (VC)				
Goddard (CH)				
Kemp				
Link				
Mrs Martin				

Appointments Committee (5 members)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(3)	(1)	(1)	(0)	(0)
Clokie (CH)	Davidson	Mrs Laughton	Wells (invited non voting Member)	Smith (invited non voting Member)
Kemp				
Taylor				

Appeals (15 Members – 3 members to be drawn per meeting)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(9)	(3)	(1)	(1*)	(1)
Ayres	Bradberry	Woodford	Wells	Holland
Mrs Bell	Cowley			
Ellison	Norris			
Goddard				
Mrs Hicks				
Mrs Hutchinson				
Taylor				
Wedgbury				

* The Conservative Group has gifted one of their seats to the Labour Group

Standards Committee (5 members)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(3)	(1)	(1)	(0)	(0)
Mrs Blanford	Mrs Hawes (VC)	Mrs Laughton		
Honey				
Wood				

Policy Advisory Group (19 Members)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(12)	(4)	(1)	(1)	(1)
Mrs Bell	Bradberry	Mrs Laughton	Wells	Holland
Burgess (VC)	Cowley			
Ellison	Mrs Heaton			
French	Packham			
Heyes				
Mrs Heyes				
Miss Hodgkinson				
Honey				
Howard				
Mrs Martin				
Taylor (CH)				
Wallace				

Joint Transportation Board (7 members plus Portfolio Holder covering Parking and Engineering Services (non-voting) and the Chairman of the Transport Forum (ex-officio))

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(5)	(1)	(1)	(0)	(0)
Mrs Blanford	Cowley	Woodford		
Burgess (CH)				
Clarkson				
Clokie				
Wedgbury				
Cloughton (PH)				
(Non Voting)				
Chairman of				
Transport Forum				
(EO)				

Community Grants Panel (4 members)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(1)	(1)	(1)	(1)	(0)
Mrs Hutchinson	Norris (VC)	Mrs Laughton	Wells	

Joint Consultative Committee (6 members)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(2)	(1)	(1)	(1)	(1)
Clokie	Packham Cowley	Woodford	Naughton	Smith
Kemp (CH)				

Nature Conservation Forum (6 members including Portfolio Holder for Environmental Services)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(3)	(1)	(1)	(1)	(0)
Bell (PH)	Mrs Hawes	Woodford	Naughton	
Mrs Martin (CH)				
Wedgbury				

Community Partnership Group (15 Members)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(10)	(3)	(1)	(1)	(0)
Mrs Blanford	Mrs Heaton	Mrs Laughton	Wells	
Clokie	Koowaree			
Heyes (CH)	Packham			
Mrs Heyes				
Honey (VC)				
Howard				
Mrs Hutchinson				
Kemp				
Mrs Martin				
Wedgbury				

Parish Forum (6 members including the Portfolio Holder for Parishing/Forums)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(2)	(2)	(1)	(1)	(0)
Cloughton	Davidson	Davison	Wells	Smith
Clokie (CH)				

Transport Forum (7 members including the Portfolio Holder covering Parking/Engineering Services)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(4)	(1)	(1)	(1)	(0)
Cloughton (PH)	Cowley (VC)	Woodford	Wells	
Goddard				
Heyes (CH)				
Wedgbury				

Member Training Panel (8 Members)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(2)	(2)	(2)	(1)	(1)
Clarkson	Mrs Heaton	Mrs Laughton	Wells	Holland (VC)
Taylor	Koowaree (CH)	Woodford		

Local Development Framework Task Group (7 Members)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(5)	(1)	(1)	(0)	(0)
Burgess (CH)	Gowley (Packham)	Davison		
Heyes				
Honey				
Mrs Marriott (VC)				
Wood				

Parish Council Review and Polling District Review Task Group (10 Members)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(6)	(2)	(1)	(1)	(0)
Mrs Bell	Bradberry	Davison	Wells	
Clokie	Packham			
Goddard				
Mrs Marriott				
Wedgbury				
Wood				