



Selection and Constitutional Review Committee

Notice of a meeting, to be held in Committee Room 1 (Fougères Room), Civic Centre,
Tannery Lane, Ashford, Kent TN23 1PL on Tuesday 7th July 2009 at 6.30pm.

The Members of this Committee are:-

Cllr. Clokie (Chairman)

Cllr. Bartlett (Vice-Chairman)

Cllrs Ayres, Bradberry, Davidson, Davison, Goddard, Mrs Heyes, Miss Hodgkinson, Kemp,
Mrs Martin, Wells

NB: Under the Council's Public Participation Scheme, members of the public can submit a petition, ask a question or speak concerning any item contained on this Agenda (Procedure Rule 9 refers)

Agenda

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Nos.

1. **Apologies/Substitutes** - To receive notification of substitutes in accordance with Procedure Rule 1.2(iii)
2. **Declarations of Interest** - Declarations of Interest under the Code of Conduct adopted by the Council on the 24th May 2007 relating to items on this agenda should be made here. The nature as well as the existence of any such interest must also be declared
3. **Minutes** – To approve the Minutes of the Meeting of this Committee held on the 10th June 2009

Part I – For Decision

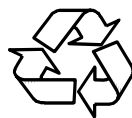
4. Terms of Reference of the Audit Committee and the Overview and Scrutiny Committee
5. Appointments to Outside Bodies/Organisations

Part II – For Information

None for this Meeting

DWS/AEH
29th June 2009

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Selection & Constitutional Review Committee

Minutes of a Meeting of the Selection & Constitutional Review Committee held in Committee Room No.1 (Fougères Room), Civic Centre, Tannery Lane, Ashford on the 10th June 2009

Present:

Cllr. Clokie (Chairman);
Cllr. Bartlett (Vice-Chairman);
Cllrs. Ayres, Bradberry, Davidson, Davison, Mrs Hicks, Kemp, Wells.

In accordance with Procedure Rule 1.2 (iii) Councillor Mrs Hicks attended as Substitute Member for Councillor Goddard.

Apologies:

Cllrs. Goddard, Miss Hodgkinson, Mrs Martin.

Also Present:

Deputy Chief Executive, Senior Member Services & Scrutiny Support Officer.

51 Minutes

Resolved:

That subject to noting that Councillor Smith was also present at the meeting, the Minutes of the meeting of this Committee held on the 5th May 2009 be approved and confirmed as a correct record.

52 Annual Governance Statement

The report explained that under the Accounts and Audit Regulations 2003 the Council was required to review, at least once a year, the effectiveness of its systems of internal control and include a statement on internal control within the Council's Statement of Accounts. Following a CIPFA/SOLACE review on Local Authority governance in 2007 the requirement to publish a Statement on Internal Control had been replaced by the requirement to publish a more wide ranging Annual Governance Statement. The statement attached to the report met that statutory requirement. However the Deputy Chief Executive explained that this Council had decided to retain the Statement on Internal Control to the Audit Committee to analyse the risk issues within the remit of that Committee. The Statement on Internal Control travelled with the Annual Governance Statement which this Committee was being asked to approve because of its broader outlook on governance and risk. The two documents would come together and be submitted with the Financial Statements to the Audit Committee at the end of June. The significant governance issues identified during 2008/09 were outlined in the report. In conclusion the Deputy Chief

Executive said that the External Auditors had commented that the Council's Governance Arrangements were one of its strongest suits.

A Member mentioned references to the State of the Borough Debate within the Statement and asked that if the decision to retain it would be seen as a plus point by the External Auditors. The Deputy Chief Executive said that this was a feature of the Council's Constitution and something that Local Authorities were encouraged to hold, but there was no compulsion. Perhaps following recent Member discussions a line should be added to the Statement to explain that the format of the State of the Borough Debate was to be reviewed. Another Member said that the overwhelming majority of Members on the Overview & Scrutiny Committee (across all Political Groups) had voted to abolish the State of the Borough Debate and make more effort to encourage Members to attend regular Committee meetings. They had made it quite clear that they did not wish to continue with the Debate. The Chairman said that the Executive had concluded that the State of the Borough Debate should be given "one more shot". The majority of comments had indicated that the last two Debates had not been well received so he had proposed to form a small working group with other Group Leaders to agree a new format. His view was that the public rather than Councillors should be the dominant factor at the Debate. He asked the Senior Member Services & Scrutiny Support Officer to ensure that the working group was set up as soon as possible to agree the way forward. The State of the Borough Debate did offer an opportunity for genuine participation. It was an unmistakable fact that members of the public did not attend regular Committees and at least the Debate did also attract some press attention.

A Member asked about the audit recommendations not being implemented with regard to Grounds Maintenance. The Deputy Chief Executive said there had been a substantial review of the Service as part of the Budget Strategy and a lot of effort had been directed into that restructure. A new Team Manager had now been appointed and would take up post in July. It would be for him to take on board the recommendations about process and monitoring.

In response to questions about the Race Equality and Gender Equality Schemes and Housing Contracts the Deputy Chief Executive explained that Overview & Scrutiny had been asked to review the Council's current position in relation to equality work and that there would be a follow up audit during 2009/10 to confirm that recommendations within the audit of Housing Contracts had been implemented.

A Member referred to the management of utility provision and purchasing arrangements. He had been greatly concerned about the confusion generated over recent billing from Kent County Council in that there seemed to be no central point in the Council for the management of utilities and the contract arrangement that the Council had entered into seemed unsatisfactory. The Leader agreed that this was a concern and asked for a report to be submitted to the July Executive on the whole issue of management and procurement of utilities.

Recommended:

That subject to the above comments the Annual Governance Statement be approved

In accordance with Procedure Rule 17.5 Councillor Davison asked for it to be recorded that he had abstained from voting.

DWS

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Selection & Constitutional Review Committee

7 July 2009

Terms of Reference of the Audit Committee and the Overview & Scrutiny Committee

Referring relevant issues between Overview and Scrutiny and Audit Committees.

At the meeting of the Audit Committee held on 23 June 2009 the following recommendation was made in relation to Agenda Item No. 5 "Review of Audit Committee".

"That the Audit Committee's Terms of Reference be amended to confirm the ability of the Committee to refer relevant issues to the Overview and Scrutiny Committee for consideration. Furthermore the Audit Committee suggested that a short briefing should take place to ensure that members of both Committees have a sound understanding of each others roles. The Audit Committee asked that the Overview and Scrutiny Committee consider whether they would similarly wish to establish a formal process for referring matters to the Audit Committee. (Minute number 62/06/09 refers)"

The purpose of this report is to seek approval for the recommended amendment to the Audit Committee's Terms of Reference. An amendment to the Overview & Scrutiny Committee's Terms of Reference to establish a formal process for referring matters to the Audit Committee is also recommended, subject to the Overview & Scrutiny Committee approving the proposed amendment at their meeting on the 7th July 2009.

In reality the ability for the Audit and Overview & Scrutiny Committees to refer issues of mutual interest to each other already exists, but the purpose of the proposed amendments is to formalise that approach in the Council's Constitution.

Issue to be Decided

Members are asked to agree: -

- (i) **That the Terms of Reference of the Audit Committee be amended to confirm the ability of the Committee to refer relevant issues to the Overview and Scrutiny Committee for consideration.**

- (ii) That subject to the comments at their meeting on the 7th July 2009, the Overview & Scrutiny Committee establishes a formal process as part of their Terms of Reference for referring matters to the Audit Committee.**

**Danny Sheppard
Senior Member Services & Scrutiny Support Officer**

Agenda Item No: 5
Report To: SELECTION AND CONSTITUTIONAL
REVIEW COMMITTEE
Date: 7TH JULY 2009
Report Title: Appointments to Outside
Bodies/Organisations
Report Author: Senior Member Services & Scrutiny Support Officer



Summary:	To advise the Committee of the need to make nominations to various positions on outside bodies/organisations
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Key Decision: NO

Affected Wards: N/A

Recommendations : The Committee is asked to: -

(a) make a nomination for the appointment of a Member representative to sit on the Parochial Church Council Arts Centre Committee.

(b) consolidate the four nominees expiring in 2014 for the Ashford Parochial and Ashford Almshouse Charities (Councillors Heyes, Kemp, Claughton and Feacey) down to two Members who can represent the Council at both meetings.

Policy Overview: The appointment of Members to outside bodies/organisations assists Councillors in their community engagement role.

Financial Implications: N/A

Other Material Implications: N/A

Exemption Clauses: None

Background Papers: Report to Executive 25th June 2009 – “St Mary’s Church Reordering (Arts at St Mary’s)”

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Report Title: Representatives on Outside Bodies/Organisations

Purpose of the Report

1. To advise the Committee of the need to make nominations to various outside bodies/organisations.

Issues to be Decided

2. In a report to the Executive on the 25th June 2009 the Head of Cultural Projects & Project Office sought approval for the St Mary's Church Reordering (Arts at St Mary's). This was being led by the Parochial Church Council (PCC) in partnership with Ashford Borough Council and Ashford's Future Ltd to enhance and increase activities, provide an upgraded, well-appointed, flexible multi-use space in the body of the nave, to host a wide range of religious, arts and community activities - particularly supporting the voluntary arts sector and local artists.
3. It is envisaged that the management of the facility and the overseeing of the arts programme will be supported and directed by a PCC Arts Centre Committee which could potentially comprise of: - 2 PCC Members (at least one of whom is a Church Warden); 1 elected Member; 1 co-opted non PCC member from the local community who is an arts specialist; 1 co-opted non PCC member from the local community who is a regular attendee of the Arts in Ashford; 2 Officer Advisers from Ashford Borough Council (1 Arts Development specialist and 1 Legal/Operations specialist for the first six months of the Committee); 1 Representative from Ashford's Future; and a maximum of 2 others co-opted as specialist advisers. This Committee will have strategic support from Ashford Borough Council. Therefore the Committee is asked to nominate a Councillor to be appointed to represent the Council on the Parochial Church Council Arts Centre Committee.
4. The Selection & Constitutional Review Committee, at its meeting on the 5th May 2009, appointed Councillors Heyes and Kemp to represent the Council on the Ashford Parochial Charities and Councillors Claughton and Feacey on the Ashford Almshouse Charities until 31st May 2014. Following subsequent discussions with Councillor Howard and the Clerk of the Charities it has become clear that the Charities would like the same two Members to be appointed to both Charities as has been done in the past. The meetings are normally held one after the other during the day so this would help with administration and not necessitate four separate Members all having to be available on the same day. Therefore the Committee is asked to consider nominating two Members out of Councillors Claughton, Feacey, Heyes and Kemp to remain on the Charities.
5. **The Committee is asked to: -**
 - a. **make a nomination for the appointment of a Member representative to sit on the Parochial Church Council Arts Centre Committee.**

- b. consolidate the four nominees expiring in 2014 for the Ashford Parochial and Ashford Almshouse Charities (Councillors Heyes, Kemp, Claughton and Feacey) down to two Members who can represent the Council at both meetings.**

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