

## **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 **4<sup>th</sup> February 2010**

### **Present:**

Cllr. Clokie (Chairman);  
Cllr. Bartlett (Vice-Chairman);  
Cllrs. Ayres, Davidson, Davison, Goddard, Mrs Heyes, Hodgkinson, Wood.

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

### **Apologies:**

Cllrs. Bradberry, Kemp, Mrs Martin.

### **Also Present:**

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

## **406 Minutes**

### **Resolved:**

**That the Minutes of the meeting of this Committee held on the 24<sup>th</sup> September 2009 be approved and confirmed as a correct record.**

## **407 Licensing Act 2003 and Criminal Justice and Police Act 2001 – Delegation of Functions**

The report sought Council approval for the granting of delegated powers to the Head of Environmental Services in respect of certain functions under the Criminal Justice and Police Act 2001, and to the Licensing and Health & Safety Committee and Head of Environmental Services, in respect of certain functions under the Licensing Act 2003, both as outlined in full within the report. The proposals were supported by the Chairman of the Licensing and Health & Safety Committee.

A Member said he had no problems with the proposals but expressed concern about the potential relationship with Kent Police and the danger that their role on Licensing would diminish and they would attempt to pass everything to the Council. The Licensing Manager assured the Committee that they were in a very fortunate position in Kent in that the relationship and partnership with the Police was extremely good. Over recent times there had been many joint operations with the Police's new Licensing Officer and there was an extremely good dialogue between both parties.

He had experienced absolutely no problems in his five years with the Council and almost all night time visits were undertaken in collaboration with the Police. This view was supported by the Chairman of the Licensing and Health & Safety Committee.

**Recommended:**

- That
- (i) **the Licensing and Health & Safety Committee delegate its functions under Section 19-28 of the Criminal Justice and Police Act 2001 to the Head of Environmental Services.**
  - (ii) **the Licensing and Health & Safety Committee delegate its functions under Sections 53A, 53B and 53C of the Licensing Act 2003 to the Licensing Sub-Committee.**
  - (iii) **the Constitution (Delegations to Regulatory and Non-Executive Committees) be amended to take account of recommendations (i & ii) above as detailed in Appendix A and B to the report.**
  - (iv) **the additional schedule of delegations to Officers to determine applications under the Licensing Act 2003, as contained in Appendix A & B to the report, be approved and adopted and added to the current schedule of delegations.**
  - (v) **the Terms of Reference of the Licensing and Health & Safety Committee be revised so as to enable them to discharge the additional functions of the Licensing Authority under the Licensing Act 2003.**
  - (vi) **the Head of Environmental Services and the Head of Legal & Democratic Services be given authority to change the procedure note for Licensing Hearings.**

## **408 Local Government and Public Involvement in Health Act 2007 – New Executive Arrangements for the Council**

The report summarised and outlined the implications of the requirements of the Local Government and Public Involvement in Health Act 2007 in relation to mandatory changes to all Local Authorities' Executive arrangements. The report set out a timetable and the steps which needed to be taken to enable the Council to make a decision by the 31<sup>st</sup> December 2010 on which of the two models to adopt. A slight amendment to the wording of recommendation (iii) had been tabled.

The Chairman said that the new style of Leader and Cabinet was not too different to what happened in reality now. Under the new arrangements the Council would elect a Leader for four years rather than one and the Leader would directly chose his Cabinet rather than the full Council, however at present the Leader was generally re-appointed each year to serve a four year term and the Leader's recommended Cabinet Members were always approved by full Council.

The Head of Legal & Democratic Services explained that a consultation exercise had to take place and this would be via Ashford Voice and the Council's website. It would be helpful if, as part of that consultation, the Council indicated its preferred option subject to the outcome of consultation in which the alternatives would need to be explained.

**Recommended:**

- That**
- (i) the changes to Executive model arrangements and the necessary procedures to change them as provided for in the Local Government and Public Involvement in Health Act 2007 be noted.**
  - (ii) the timetable for the process as set out in Paragraph 10 of the report be approved.**
  - (iii) the consultation with the public be undertaken by way of an article in the Ashford Voice and by a dedicated page on the Council's website and on the basis that, subject to the outcome of the consultation, the Council's preferred option is the revised style of Leader and Cabinet model; the detailed arrangements for the consultation to be agreed by the Head of Legal & Democratic Services and the Head of Communications and Marketing.**
  - (iv) it be noted that a further report would be submitted to the Selection and Constitutional Review Committee and Executive in early Autumn advising of the results of the consultation exercise and proposing a recommendation as to which Executive model to adopt for consideration by the Council on the 7<sup>th</sup> October 2010.**

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