

Selection and Constitutional Review Committee

4th May 2010

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 13th May 2010. The balance calculation as contained in the Appendix to this report has been agreed by Group Leaders. The report also deals with suggested changes to Portfolio Responsibilities on the Executive and other constitutional changes which will be recommended to the Annual Council Meeting on the 13th May 2010.

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 2010/11 which needs to be recommended by this Committee for agreement at the Full Council.

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 the 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.

Executive – Changes to Portfolio Holder Responsibilities

The new Leader of the Conservative Group has signified his wish to amend the composition of Portfolio Responsibilities and create an additional Portfolio in relation to Development Management. The following Portfolios will be recommended to the Annual Meeting of the Council.

- **The Leader – Legal and Democratic Services, Corporate Policy, Emergency Planning, Personnel and Development, and Local Strategic Partnerships.**
- **“Resource Management and Control” – Resource Management and Control, Financial Services, Corporate Property (including asset management but not including Emergency Planning), Shared Service Development and Corporate Governance (including internal audit).**
- **“Strategic Planning” – Economic Development, Local Development Framework and Ashford’s Future.**
- **“Development Management” – Development Management, Building Control and Land Charges.**
- **“Housing and Customer Services” – Housing and Customer Services.**
- **“Cultural Services and IT” – Cultural Services (including leisure, arts and sports), Project Office and leisure trusts, IT (not including Customer Services).**
- **“Environmental Services” – Environmental Services (including environmental health, waste collection and management, licensing, parking and engineering services).**
- **“Community and Communications” – communications, forums, partnerships (excluding Local Strategic Partnerships) parishing, voluntary sector, Crime and Disorder Reduction Partnership and Community Safety.**

Drafts of the detailed re-aligned Portfolios are attached as Appendix C. Deletions are shown as struck through and additions in *italic text*.

Deputy Leader of the Council

The new Leader of the Conservative Group has requested that the Constitution makes express provision for the Portfolio Holder appointed as the Deputy Leader of the Council to be able to act on behalf of the Leader of the Council in relation to the duties of the Leader when he or she is absent or unable to act.

Subject to the Annual Meeting of the Council agreeing to this recommendation it is suggested that appropriate wording be inserted within the Constitution under Part 3 – Responsibility for Functions Appendix 2 – Executive Functions (Split) – General as an additional point 15 within the General Responsibilities : All Cabinet Members section and also as a footnote on the Portfolio Responsibilities for the Leader

Portfolio. As the Deputy Leader can be elected from any of the Portfolios on the Executive it is not considered appropriate to incorporate the footnote in any one specific Portfolio, other than the Leader.

Development Management Portfolio

A principal focus for this new portfolio would be to promote closer member-officer working especially in relation to officer decision-making. It is proposed that the Portfolio Holder has a right to elevate certain categories of delegated officer actions and decisions to the Planning Committee similar to the right already given to Ward Members on local applications. This would have effect in relation to any application appearing on any weekly list of applications following the Annual Meeting, or any delegated action proposed to be taken after that date. The detailed consequential amendments to the relevant officer delegations are attached as Appendix D. This also includes some other unrelated drafting changes to update the list of delegations.

The Independent Members Remuneration Panel have been consulted and have agreed that the SRA for the new Portfolio should be at the same level currently paid to existing Portfolio Holders.

Ex Officio Member of the Planning Committee

The Constitution – Part 4, Rules of Procedure – General Procedure Rules – Appendix 3 – Procedural Decisions Relating to Committees Section B(3) provides for an ex officio Member to be appointed to the Planning Committee by virtue of the office held and not by his/her selection as an individual. The Leader of the Council has normally been appointed to the ex officio position on the Planning Committee. It is the wish of the new Conservative Group Leader to nominate the Portfolio Holder for Development Management as the ex officio Member of the Planning Committee with the Portfolio Holder for Strategic Planning being named as the substitute to the ex officio position. The Committee is asked to agree this arrangement.

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 eight Members, ie a Leader and seven Portfolio Holders.**
- (iii) the split of functions of Executive Members be as set out below and as detailed in Appendix C:-**

**Leader of the Council
Resource Management and Control
Strategic Planning
Cultural Services and IT
Development Management
Environmental Services
Housing and Customer Services
Community and Communications**

- (iv) the SRA payable to the newly created Development Management Portfolio be at the same level currently paid to existing Portfolio Holders.**
- (v) The Constitution – Part 3 Responsibility for Functions, Appendix 2 – Executive Functions (Split) General be amended to authorise the Deputy Leader to act as the Leader when the Leader is absent or unable to act. A note to the same effect be added as a footnote to the Leader Portfolio.**
- (vi) it be agreed that the Member to be appointed to the ex officio position on the Planning Committee will be the Portfolio Holder for Development Management with the Portfolio Holder for Strategic Planning being the substitute for the ex officio position.**
- (vii) the following Committees be constituted for the 2010/11 Municipal Year as detailed in Part 3 of the Constitution:**

**Audit
Overview and Scrutiny
Planning
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

- (viii) the Council appoint the Chairman and Vice Chairman for each Committee etc as shown in Appendix B**
- (ix) the Scheme of Executive and Council Delegations as set out in Part 3 of the Constitution be reaffirmed, subject to the inclusion of the changes set out within Appendix D in respect of the Development Control Manager/Strategic Sites Manager.**
- (x) 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 A

THE POLITICAL BALANCE CALCULATION
FINAL ARRANGEMENTS
MAY 2010

A.1 All Committees to which balance applies

	Committee	Seats/Committee		Total Seats
1 x 19	Overview and Scrutiny	19	=	19
1 x 14	Planning	14	=	14
1 x 13	Licensing and Health & Safety	13	=	13
1 x 12	Selection	12	=	12
1 x 8	Audit	8	=	8
1 x 5	Appointments	5	=	5
			Total	<u>71</u>

B. Percentage of group in relation to total membership of the authority

43 members =		%
28 Conservative	=	65.11627
8 Liberal Democrat	=	18.60465
3 Ashford Independent	=	6.9767441
2 Labour	=	4.65116
2 Independent	=	4.65116
		<u>99.99998</u>

C.1 Allocation of Seats on Committees in proportion to Group strength

Committee	Con	LD	AI	Lab	Ind	Total
1 x 19 O&S	12	4	1	1	1	19
1 x 14 Planning	9	2	1	1	1	14
1 x 12 Selection	8	2	1	*1	0	12
1 x 13 Licensing, Health & Safety	8	2	1	1	1	13
1 x 8 Audit	5	1	1	0	**1	8
1 x 5 Appointments	3	1	1***	0	0	5
Totals	45 (46.232551)	12 (13)** (13.209301)	6*** (4.9534883)	4* (3.3023236)	4 (3)** (3.3023236)	71

NB: During the rounding up and down of the percentage figures, it was not possible to achieve overall balance, and

- * 1. The Labour Group took the available seat to them and the Independent Group on the Selection & Constitutional Review Committee.
- ** 2. The Group Leaders wished to retain one of the Independent Members on the Audit Committee (in line with the previous arrangement) to draw upon his previous experience as a Local Authority Auditor. The Liberal Democrat Group gifted a seat on the Audit Committee to the Independent Group to enable this arrangement to continue to apply.
- *** 3. The Ashford Independent Group needed to gift one seat to the Conservative Group. A seat on the Appointments Committee was offered, however the Leader of the Conservative Group was happy for the Ashford Independent Group to keep this seat.

C.2 Allocation of seats on all ordinary Committees to achieve overall proportionality

Political Group entitlement in relation to all seats: 71

Conservative	46.232551	=	46	
Liberal Democrat	13.209301	=	13	
Ashford Independent	4.9534883	=	5	
Labour	3.3023236	=	3)
Independent between them	3.3023236	=	3)+1

Total 71

D. Committees to which balance will not apply either as a direct result of statute or the Council agreeing, i.e. no member votes against this arrangement, on each occasion the Council adopts a revised political balance for the Authority.

*1 x 15	Appeals	3 Members per meeting drawn on rota from a panel of 15 Members	=	15
*1 x 13	Licensing Health & Safety	3 Members per meeting drawn on rota from a panel of 13 Members	=	
+1 x 5	Standards	(Special arrangements apply as to the Membership of this Committee) ◇See note below re Sub-Committees	=	5
° 1 x 15	Community Partnership Groups		=	15
° 1 x 19	Policy Advisory Group		=	19
x 1 x 7	Joint Transportation Board		=	7
° 1 x 7	Local Development Framework Task Group		=	

			TOTAL	71

* Council's choice as to whether balance will apply to this Committee. **This may only happen if no member votes against this arrangement.**

+ Balance disappplied by statute.

◇ The Head of Legal & Democratic Services has been given delegated authority to set up an Assessment Panel, a Review Panel and a Hearings Panel, each comprised of 3 Members. All members will be drawn from those on the Standards Committee. Balance is, however, disappplied by statute.

° Balance does not apply to Groups.

x Due to the Joint Arrangements and the manner in which seats are allocated by the Kent County Council, it is impossible to have a balanced allocation of seats.

Committee	Con	LD	AI	Lab	Ind	Total
* 1 x 15 Appeals	9 (9.7674405)	3 (2.7906975)	1 (1.395348)	1 (0.697674)	1 (0.697674)	15
+ 1 x 13 Licensing Health & Safety	8 (8.4651151)	2 (2.4186045)	1 (0.9069767)	1 (0.6046508)	1 (0.6046508)	13
+1 x 5 Standards	3 (3.2558135)	1 (0.9302325)	1 (0.3488372)	0 (0.232558)	0 (0.232558)	5
**1 x 15 Community Partnership Group	10 (9.7674405)	3 (2.7906975)	1 (1.0465116)	1 (0.697674)	0 (0.697674)	15
1 x 19 Policy Advisory Group	12 (12.372091)	4 (3.5348835)	1 (1.3255813)	1 (0.8837204)	1 (0.8837204)	19
^x1 x 7 Joint Transportation	5 (4.5581389)	1 (1.3023255)	1 (0.488372)	0 (0.3255812)	0 (0.3255812)	7
^x1 x 7 Local Development Framework Task Group	5 (4.5581389)	1 (1.3023255)	1 (0.488372)	0 (0.3255812)	0 (0.3255812)	7
Total						81

* + That the requirements of the 'Political Balance' regulations be not applied to the membership of the Appeals and the Licensing and Health & Safety Committee. The Independent Group took the one seat available between their Group and the Labour Group on the Licensing and Health & Safety Committee. The Conservative Group also gifted a seat on the Appeals Committee to allow for all Groups to be represented on that Committee.

** The Labour Group took the one seat available between their Group and the Independent Group.

APPENDIX B

SELECTION AND CONSTITUTIONAL REVIEW COMMITTEE

4TH MAY 2010

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. Conservative Membership shown as of 2009/10. Proposed changes will be advised before the meeting.

Overview and Scrutiny Committee (19 members)

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

Audit Committee (8 Members)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(5)	(1*)	(1)	(0)	(1*)
Ellison (VC)	Koowaree	Mrs Laughton		Smith
Honey				
Link				
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 (Naughton)	Smith
Burgess	Packham			
Clarkson				
Cløkie (EO)				
(PH for				
Development				
Management EO				
– PH for				
Strategic				
Planning Sub				
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	Naughton	
Clokie (CH)	Davidson (Mrs Hawes)			
Ayres				
Goddard				
Mrs Heyes				
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)
Bartlett (VC)				
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) (Davidson (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 (Naughton)	Holland
Burgess (VC)	Cowley			
Ellison	Mrs Heaton			
French	Packham			
Heyes				
Hodgkinson				
Honey				
Howard				
Mrs Hutchinson				
Link				
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 Burgess (VC) Clarkson	Cowley	Woodford		
<hr/>				
Clokie Ellison Laughton (PH for Environmental Services) (PH) (Non Voting) Chairman of Transport Forum (EO)				

Community Grants Gateway Panel (4 members) (Subject to agreement of earlier report on Agenda)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(1)	(1)	(1)	(1)	(0)
Mrs Hutchinson (Portfolio Holder for Resource Management & Control (CH))	Norris (VC)	Mrs Laughton	Wells	

Joint Consultative Committee (6 members)

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

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	
(PH for Environmental Services (PH))				
Mrs Martin				
Wedgbury (CH)				

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)
Claughton (PH)	Davidson (Mrs Hawes)	Davison	Naughton	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) (PH for Environmental Services (PH)) Goddard Heyes (CH) Wedgbury	Cowley (VC)	Woodford	Wells	

Member Training Panel (8 Members)

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

Local Development Framework Task Group (7 Members)

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

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				

The Leader

Main Role

To provide visible political leadership to residents of the Borough, stakeholders and partners in the overall co-ordination of Council policies, strategies and service delivery.

Lead the development of local, regional, national and european policy and strategic partnerships.

Promote the objectives of the Council's Corporate Plan.

Duties and Responsibilities

To Chair the Executive.

To represent and act as an ambassador for the Council and to lead in developing strategic partnerships with agencies, residents of the Borough and stakeholders in relation to the delivery of strategic objectives and the provision of services to residents of the Borough.

To have overall responsibility for:-

- ~~Strategic policy initiatives;~~ *Developing and promoting new policies and strategies as necessary;*
- Development, monitoring and implementation of the Corporate Plan;
- *Setting performance targets relating to the objectives;*
- Capital and Revenue budgets, *ethical standards and* probity and financial monitoring;
- Communicating the Council's values, vision and objectives to all members of the Council's staff, residents of the Borough, partners and stakeholders;
- Emergency Planning;
- *Local Strategic Partnerships.*

Part 3
Responsibility for Functions
Appendix 2
Executive Functions (Split) –
The Leader

Responsible for resource planning and management including:-

- *Employee Relations and Policies related to staff employment;*
- *Equal opportunities policies related to staff employment and service delivery.*

To ensure that systems exist to appraise the performance of senior managers.

To take up corporate membership of any appropriate body or organisation whose objectives are considered to be beneficial to the Council's own activities.

To submit proposals to the Executive on annual budget allocations.

Co-ordination of the implementation of policies and strategies, especially in relation to crosscutting issues, to achieve a corporate approach.

The Executive Member having:-

- (a) Overall responsibility for: - ~~decision – making arrangements in the following areas:~~
- Legal and Democratic Services
 - Corporate Policy
 - Emergency Planning
 - *Personnel and Development*
- (b) The power to require a proposed decision in any such area to be referred to the Executive for their consideration or determination.

Delegation

None

Note: The Portfolio Holder appointed as Deputy Leader of the Council will be able to act on behalf of the Leader in relation to the above duties and responsibilities when he or she is absent or unable to act.

Resource Management and Control – Portfolio Holder

Main Role

Co-ordination and planning of corporate resources and Financial Services.

Duties and Responsibilities

Responsibility for resource planning and management, including monitoring expenditure, *corporate land use and asset management, implementing audit plans and corporate governance (including risk management) and the development of shared services initiatives by:-*

~~Specific responsibility for resource issues relevant to the corporate plan objectives including:-~~

- Setting performance targets relating to the objectives;
- Ensuring goals and milestones are met;
- Reviewing relevant areas of service provision;
- Developing *and promoting* new policies and strategies as necessary;

To have responsibility for the implementation of an effective performance management framework including co-ordinating and monitoring the implementation of corporate policies through:-

- *Strategic monitoring of the content and production of the annual local performance plan;*
- *Leading on the setting of corporate objectives and performance indicators;*
- *Establishing the implementation and monitoring systems, in liaison with other Executive Members, to ensure that the management of departmental performance plans are consistent with corporate strategies and policies.*

The Executive Member having:-

- (a) Overall responsibility for:- ~~decision — making arrangements in the following areas:~~
 - Financial Services;

Part 3
Responsibility for Functions
Appendix 2
Executive Functions (Split) –
Resource Management and Control

- Resource Management and Control;
- *Property (including Asset Management but not including Emergency Planning);*
- *Corporate Governance (including Internal Audit and risk management).*

- (b) the power to require a proposed decision in any such area to be referred to the Executive for their consideration or determination.

To work together with other Executive Members to achieve the aims, objectives and action plans of the Council.

Delegation

None

(Minute No. 602/5/08)

Cultural Services *and IT* – Portfolio Holder

Main Role

Co-ordinating the activities of the Council which contribute towards achieving the corporate plan objectives relating to Cultural Services *and IT*.

Duties and Responsibilities

To have responsibility for monitoring the implementation of corporate plan objectives relating to the Project Office, community planning, the Community Strategy, and cultural, leisure and sports provision *and IT* by:-

- Setting performance targets relating to the objectives;
- Ensuring goals and milestones are met;
- Reviewing relevant areas of service provision;
- Developing *and promoting* new policies and strategies as necessary.

The Executive Member having:-

- (a) Overall responsibility for: - ~~decision – making arrangements in the following areas:~~
- Cultural Services (~~including leisure, arts and sports~~)
 - ~~Project Office~~
 - *IT (not including Customer Services)*
- (b) the power to require a proposed decision in any such area to be referred to the Executive for their consideration or determination.

To work together with other Executive Members to achieve the aims, objectives and action plans of the Council.

Delegation

At meetings of the Nations and Regions Group to exercise the powers and duties of the Executive subject to those decisions being in accordance with the Council's current policies and within the existing budget. (Minute No. 422/1/08).

Part 3
Responsibility for Functions
Appendix 2
Executive Functions (Split) –
Cultural Services

~~Development, Partnerships~~ *Strategic Planning* and Personnel – Portfolio Holder

Main Role

Co-ordinating the activities of the Council which contribute towards achieving the *strategic* corporate plan objectives relating to development and growth, *and economic development, partnership working, and personnel and development.*

Duties and Responsibilities

To have responsibility for monitoring the implementation of *strategic* corporate plan objectives relating to development and growth in the physical environment, ~~partnership working, and personnel and development~~ by:-

- Setting performance targets relating to the objectives;
- Ensuring goals and milestones are met;
- Reviewing relevant areas of service provision;
- Developing *and promoting* new policies and strategies as necessary;

~~Responsibility for resource planning and management including:-~~

- ~~• Employee relations and policies related to staff employment;~~
- ~~• Equal opportunities policies related to staff employment and service delivery;~~

The Executive Member having:-

- (a) Overall responsibility for: - ~~decision – making arrangements in the following areas:~~
- *Economic Development*
 - *Local Development Framework*
 - *Ashford's Future*
 - ~~• Personnel and Development~~

Part 3
Responsibility for Functions
Appendix 2
Executive Functions (Split) –
Development, Partnerships and Personnel

- ~~Planning and Development Services (including economic development);~~
- ~~Developing and monitoring the Community Strategy, strategic partnerships and partnership working;~~

- (b) the power to require a proposed decision in any such area to be referred to the Executive for their consideration or determination.

To work together with other Executive Members to achieve the aims, objectives and action plans of the Council.

Delegation

None.

(Minute No. 602/5/08)

Development Management – Portfolio Holder

Main Role

Co-ordinating the activities of the Council which contribute towards achieving the corporate plan objectives relating to Development Management ~~Planning~~ ~~Implementation~~.

Duties and Responsibilities

To have responsibility for monitoring the implementation of corporate plan objectives relating to Development Management ~~Planning~~ ~~Implementation~~ by:-

- *Setting Performance targets relating to the objectives;*
- *Ensuring goals and milestones are met;*
- *Reviewing relevant areas of service provision;*
- *Developing and promoting new policies and strategies as necessary;*

The Executive Member having:-

- (a) Overall responsibility for: - ~~decision – making arrangements in the following areas:~~
- *Development Management;*
 - *Building Control and Land Charges;*
- (b) *the power to require a proposed non-regulatory decision in any such area to be referred to the Executive for their consideration or determination.*

To work together with other Executive Members to achieve the aims, objectives and action plans of the Council.

Delegation

None

Part 3
Responsibility for Functions
Appendix 2
Executive Functions (Split) –
Development Management

~~Housing, Property and Corporate Governance~~ *and* **Customer Services – Portfolio Holder**

Main Role

Co-ordinating the activities of the Council which contribute towards achieving the corporate plan objectives relating to all housing services, ~~corporate property and Customer Services corporate governance.~~

Duties and Responsibilities

To have responsibility for monitoring and implementation of corporate plan objectives relating to delivery of the Council's housing strategy, housing services *and customer services by:-* ~~corporate land use and asset management, implementing audit plans and corporate governance (including risk management).~~

~~Specific responsibility for performance management issues relevant to the corporate plan objectives including:-~~

- ~~Setting performance targets relating to the objectives;~~
- ~~Ensuring goals and milestones are met;~~
- ~~Reviewing relevant areas of service provision;~~
- ~~Developing *and promoting* new policies and strategies as necessary;~~

~~To have responsibility for the implementation of an effective performance management framework including co-ordinating and monitoring the implementation of corporate policies through:-~~

- ~~Strategic monitoring of the content and production of the annual local performance plan;~~
- ~~Leading on the setting of corporate objectives and performance indicators;~~
- ~~Establishing the implementation and monitoring of systems, in liaison with other Executive Members, to ensure that the management of departmental performance plans are consistent with corporate strategies and policies.~~

The Executive Member having:-

- (a) Overall responsibility for: - ~~decision – making arrangements in the following areas:~~
- Housing Strategy;
 - Housing Revenue Account Services;
 - General Fund Housing Services (including social housing and homelessness);
 - *Customer Services*
 - ~~Corporate Governance (including internal audit);~~
 - ~~Corporate Property (including asset management but not including Emergency Planning).~~
- (b) the power to require a proposed decision in any such area to be referred to the Executive for their consideration or determination.

To work together with other Executive Members to achieve the aims, objectives and action plans of the Council.

Delegation

At meetings of the Supporting People Commissioning Body to exercise the powers and duties of the Executive to:-

- (i) agree the full Supporting People Strategy and Annual Plan which will detail all expenditure within the Supporting People Grant, all services, new high cost projects and the recharging rules;
- (ii) consider any significant changes to the Supporting People Strategy and Annual Plan;
- (iii) review the Supporting People Strategy and Annual Plan.

(Minute No. 602/5/08)

Environmental Services and IT – Portfolio Holder

Co-ordinating the activities of the Council which contribute towards achieving the corporate plan objectives relating to the delivery of environmental services and IT.

Duties and Responsibilities

To have responsibility for monitoring the implementation of corporate plan objectives relating to environmental health and waste collection and management and IT by:-

- Setting performance targets relating to the objectives;
- Ensuring goals and milestones are met;
- Reviewing relevant areas of service provision;
- Developing and promoting new policies and strategies as necessary.

The Executive Member having:-

- (a) Overall responsibility for: - ~~decision – making arrangements in the following areas:~~
- Environmental Services including environmental health, waste collection and management) ~~(not including licensing, and parking and engineering services);~~
 - ~~IT (not including customer services).~~
- (b) the power to require a proposed *non-regulatory* decision in any area to be referred to the Executive for its consideration or determination.

To work together with other Executive Members to achieve the aims, objectives and action plans of the Council.

Delegation

None

(Minute No. 602/5/08)

Part 3
Responsibility for Functions
Appendix 2
Executive Functions (Split) –
Environmental Services and IT

~~Community and Communications, Parking and Licensing, Customer Services and Community Safety – Portfolio Holder~~

Main Role

Co-ordinating the activities of the Council which contribute towards achieving the corporate plan objectives relating to communications, ~~parking and licensing,
customer services and~~ *community safety and partnership working.*

Duties and Responsibilities

To have responsibility for monitoring and implementation of corporate plan objectives relating to communications, marketing, ~~parking and licensing, customer services and
community safety, forums, partnerships (excluding the Local Strategic Partnership),
parishing, voluntary sector and the Crime and Disorder Reduction Partnership by:-~~

- Setting performance targets relating to the objectives;
- Ensuring goals and milestones are met;
- Reviewing relevant areas of service provision;
- Developing *and promoting* new policies and strategies as necessary.

The Executive Member having: -

- (a) Overall responsibility for: - ~~decision – making arrangements in the
following areas:~~
- Communications and Marketing;
 - Community Safety (including the Crime and Disorder Reduction Partnership);
 - ~~Customer Services;~~
 - ~~Licensing;~~
 - ~~Parking and Engineering Services;~~
 - Parishing, Forums and the Voluntary Sector.

Part 3
Responsibility for Functions
Appendix 2
Executive Functions (Split) –
~~Community and Communications, Parking and Licensing, Customer Services and
Community Safety~~

- *Developing and monitoring the Community Strategy and Partnership working.*

- (b) The power to require a proposed decision in any such area to be referred to the Executive for their consideration or determination.

To work together with other Executive Members to achieve the aims, objectives and action plans of the Council.

Delegation

None

(Minute No. 602/5/08)

Appendix D

Development Control Manager/Strategic Sites and Design Manager

17.1 To determine applications for lawful use or development certificates, save that the Portfolio Holder may request in writing that the determination of an application be elevated to the Planning Committee. In this event the delegation to the Development Control Manager/ Strategic Sites and Design Manager to determine the application shall be suspended in relation to that application, unless the Portfolio Holder revokes his request in writing.

17.2 [...]

NB: (i) In parished areas, if the Parish Council and the Ward Member together or the Ward Member acting alone consider that the application raises issues of significant local importance they or he/she may request in writing that determination of an application be elevated to the Planning Committee. In this event the delegation to the Development Control Manager/Strategic Sites and Design Manager to determine the application be suspended in relation to that application.

(ii) In unparished areas, if the Ward Member considers the application raises issues of significant local importance he/she may request in writing that the determination of an application be elevated to the Planning Committee. In this event the delegation to the Development Control Manager/Strategic Sites and Design Manager to determine the application be suspended in relation to that application. (Minute No. 123/7/05 refers)

(iii) Irrespective of the area, the Portfolio Holder may request in writing that the determination of the application be elevated to the Planning Committee. In this event the delegation to the Development Control Manager/ Strategic Sites and Design Manager to determine the application shall be suspended in relation to that application unless the Portfolio Holder revokes his request in writing.

[...]

17.9 To exercise all functions of the Local Planning Authority under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999,

[...]

17.11 To exercise all functions of the Local Planning Authority under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007,

[...]

17.13 To determine whether to take, or not to take:

(i) enforcement or other action, under Part 7 of the Town and Country Planning Act 1990,

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¶
(a) as to whether an Environmental Impact Assessment would be required in any particular case, and, ¶
(b) as to the scope of an Environmental Statement; and, ¶
(c) whether such a Statement is required in any case where a relevant application is submitted without such a Statement.

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(ii) action under sections 215 to 219 of the Town and Country Planning Act 1990 and

(iii) action under Chapter 4 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

save that the Portfolio Holder may request in writing that the determination in respect of a particular matter be elevated to the Planning Committee. In this event the delegation to the Development Control Manager/ Strategic Sites and Design Manager to make the determination shall be suspended in relation to that matter, unless the Portfolio Holder revokes his request in writing.

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[...]

17.22 Subject to the Portfolio Holder not having requested in writing that the response be made by the Planning Committee, to respond on the Council's behalf to:

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(i) Kent County Council on any consultation made under Article 12 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder, and

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(ii) all other consultations of a planning nature and including those relating to planning applications and listed building consent applications in neighbouring authorities and those arising under the Planning Act 2008 (for example national policy statements and applications for development consent)

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17.23 Power to decline to determine applications submitted under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990

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