



Selection and Constitutional Review Committee

Notice of a meeting, to be held in Committee Room 2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL on Thursday, 8th July 2010 at 6.30pm.*

The Members of this Committee are:-

Cllr. Bartlett (Chairman)

Cllr. Wood (Vice-Chairman)

Cllrs Bradberry, Davison, French, Goddard, Mrs Hawes, Mrs Heyes, Hodgkinson, Kemp, Mrs Martin, Naughton

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)

*Please Note Start Time

Agenda

Page
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 4th May 2010

Part I – For Decision

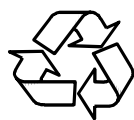
4. Constitutional Amendments

Part II – For Information

None for this Meeting

DS/VS
30th June 2010

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Selection & Constitutional Review Committee

Minutes of a Meeting of the Selection & Constitutional Review Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **4th May 2010**

Present:

Cllr Clokie (Chairman);
Cllr Bartlett (Vice-Chairman);
Cllrs. Ayres, Davison, Goddard, Mrs Heyes, Kemp, Mrs Martin, Naughton, Wood.

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

Apologies:

Cllrs. Davidson, Hodgkinson.

Also Present:

Cllrs. Howard, Packham, Smith.

Chief Executive, Deputy Chief Executive, Head of Legal & Democratic Services, Member Services & Scrutiny Manager, Member Services & Scrutiny Support Officer, Senior Member Services & Scrutiny Support Officer.

528 Minutes

Resolved:

That the Minutes of the meeting of this Committee held on the 4th February 2010 be approved and confirmed as a correct record.

529 Independent Members of the Standards Committee – Extension of Terms of Appointment

The report sought Council agreement to extend the terms of appointment of the Independent Members of the Standards Committee for a further four year term to 1st May 2014.

A Member said that he felt the Independent Members should change from time to time and in his opinion appointing for a further four year period was too long. On a wider issue he also considered there should be a review of the hearings process as in his opinion some questionable procedures existed. Members who made complaints could not be party to the Assessment Panel proceedings or have copies of the Monitoring Officer's report and did not have any recourse if they disagreed with the Panels' decisions. With regard to the terms of appointment the Monitoring Officer explained that there were a number of reasons for recommending re-

appointment for a further four years. The current members had served the Committee well and provided good and independent scrutiny on a number of cases. There was no requirement to extend the appointments for a full four years but Independent Members were particularly difficult to recruit and the Committee was lucky to have the existing three. The Chairman said that perhaps two year appointments would be a better solution. Other Members suggested that perhaps the appointments should be staggered so that the Committee did not lose three experienced members all at the same time. It was agreed to extend the three appointments for a further two years each, and then explore the options for staggering the expiration of the appointments after that.

With regard to the procedure for hearings the Monitoring Officer said that as far as he was aware the Member was the only one who had expressed these concerns and all the procedures complied with statutory regulations laid down by Government. He had already offered a meeting with the Member to explain the procedures for the local assessment of Code of Conduct complaints and the guidelines that had been set down. He was still particularly keen to have that meeting. The Committee agreed that this meeting should take place and if following that it was felt that there was a need to further debate the issue, it could come back to Members.

Recommended:

That the terms of appointment for the Independent Members of the Standards Committee, namely Mrs Carol Vant, Mr Mike Sharpe and Mr John Dowsey, be extended to the 1st May 2012 and that consideration be given to staggering the expiration of appointments thereafter.

Resolved:

That the Monitoring Officer meet with Councillor Davison to discuss the procedure for Standards Committee hearings.

530 Formation of a Grants Gateway Panel

The report recommended changes to the membership of the Community Grants Panel and new terms of reference to allow extension of its remit to consider grants gateway allocations for 2011-2012 and onwards. Known as the Grants Gateway Panel, the Panel would retain responsibility for recommending Community Grants Fund allocations. The Grants Gateway Panel would meet three times a year in May, October and January to consider Community Grants, and once per year starting in September 2010 to consider Single Grants Gateway allocations for the following financial year.

The Chairman drew attention to the tabled papers which included a proposed amendment to the first paragraph of the Terms of Reference. A Member said that the second paragraph was redundant and should be removed.

Recommended:

That the new Terms of Reference be agreed to enable the formation of a Grants Gateway Panel.

531 Handling of the Annual Governance Statement

The report recommended changes to the handling of the Annual Governance Statement which would require amendments to the Terms of Reference of both the Audit Committee and the Selection & Constitutional Review Committee.

Recommended:

That the Audit Committee be responsible for recommending the Annual Governance Statement for approval to the Executive (currently delegated to the Selection & Constitutional Review Committee) and that the Council discontinues preparing and approving a separate Statement on Internal Control (as this is part of the Annual Governance Statement).

532 Background and Principles of Political Balance and Administrative Structure

The Head of Legal & Democratic Services presented the Political Balance for the Authority and sought to agree a number of other constitutional matters which needed to be recommended to the Annual Meeting of the Council on the 13th May 2010. The Chairman directed Members attention to the tabled papers which included a revised Appendix B to the report to take into account the proposed Conservative Membership of Committees and an addition to Appendix D outlining an additional delegation to the Development Control Manager/Strategic Sites & Design Manager.

Recommended:

That (i) the Political Balance of the Authority as contained in Appendix A to these Minutes be adopted, subject to the Council agreeing that the requirements of the Political Balance Regulations be not applied to the Membership of the Appeals and the Audit Committee and the Sub-Committee of the Licensing and Health & Safety Committee established under the Licensing Act 2003 and Gambling Act 2005.

(ii) the size of the Executive be eight Members, i.e. a Leader and seven Portfolio Holders.

(iii) the split of functions of Executive Members be as set out below: -

**Leader of the Council
Resource Management and Control
Strategic Planning
Cultural Services and IT**

**Development Management
Environmental Services and IT
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 & 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 at Appendix B to these Minutes. Note: This will be subject to amendments from Group Leaders.

- (viii) the Council appoint the Chairmen and Vice Chairmen 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 to the report and the Additional Papers in respect of the Development Control Manager/Strategic Sites & Design 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.**

533 Representatives on Outside Bodies/Organisations

The report of the Head of Legal & Democratic Services gave details of those organisations or outside bodies to which the Council appointed or nominated representatives, and the names of the Members of the Council and others who currently served in this capacity. Details of attendance by this Council's appointed representatives at meetings of the organisations during the past year (where known) and retirement dates were also shown. The covering report also provided additional information about the Ashford's Future Partnership and Company Boards, the Kennington Parochial Charities and the SWAN Centre Site Management Committee.

Resolved:

That the names of the persons to be appointed or nominated as Members or Substitute Members (as the case may be) to the organisations listed in Appendix C to these Minutes be agreed.

534 Annual Meeting – Order of Proceedings

The Committee considered the Order of Proceedings for the Annual Meeting of the Council including the movers and seconders of the Mayor, Deputy Mayor and the vote of thanks to the retiring Mayor. The Committee also discussed which Members would be the movers and seconders for the Election of the Leader of the Council, Deputy Leader of the Council and the Executive Members.

Resolved:

That the Head of Legal & Democratic Services prepare the Order of Proceedings for the Annual Meeting of the Council on the basis of the advice of this Committee.

DS

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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
		<hr/>
		99.99998
		<hr/>

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

<i>Committee</i>	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 (46.23255 1)	12 (13)** (13.20930 1)	6*** (4.953488 3)	4* (3.302323 6)	4 (3)** (3.302323 6)	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.

*1x15	Appeals	3 Members per meeting drawn on rota from a panel of 15 Members	= 15
*1x13	Licensing Health & Safety	3 Members per meeting drawn on Rota from a panel of 13 Members	= 13
=1x5	Standards	(Special arrangements apply as to the Membership of this Committee) ◇ See note below re Sub-Committees	= 5
° 1x15	Community Partnership Groups		= 15
° 1x19	Policy Advisory Group		= 15
× 1x7	Joint Transportation Board		= 7
° 1x7	Local Development Framework Task Group		= 7

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
*1 x 7 Joint Transportation	5 (4.5581389)	1 (1.3023255)	1 (0.488372)	0 (0.3255812)	0 (0.3255812)	7
*1 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.

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.

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 (Kemp)	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				
(Feacey)				
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				
(Mrs Heyes)				
Clokie (EO)				
(Honey EO – Clokie Sub EO)				
French				
Heyes				
(Mrs Martin)				
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 (CH)	Bradberry	Davison	Naughton	
Gloke (CH)	Davidson			
(Wood (VC))	(Mrs Hawes)			
Ayres				
(French)				
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				
(Hodgkinson)				
Feacey (VC)				
Goddard (CH)				
Kemp				
Link				
(French)				
Mrs Martin				

Appointments Committee (5 members)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(3) Glokie (CH) (Wood (VC)) Bartlett (VC) (CH) Taylor	(1) Davidson	(1) Mrs Laughton	(0) Wells (invited non voting Member)	(0) Smith (invited non voting Member)

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

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

* 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) Mrs Blanford Honey (Kemp) Wood (Clarkson)	(1) Mrs Hawes (VC) (Davidson (VC))	(1) Mrs Laughton	(0)	(0)

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			
(Ayres)				
Heyes				
Hodgkinson				
Honey				
(Kemp)				
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	Cowley	Woodford		
Burgess (VC)				
Clarkson				
(Claughton)				
Clokie				
(Heyes)				
Ellison				
Claughton (PH)				
(Clarkson) (PH)				
(Non Voting)				
Chairman of				
Transport Forum				
(EO)				

Community Grants Gateway Panel (5 members including the Portfolio Holder for Cultural Services & IT)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(2)	(1)	(1)	(1)	(0)
Mrs Hutchinson (CH)	Norris (VC)	Mrs Laughton	Wells	
Heyes (PH)				

Joint Consultative Committee (6 members)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(2)	(1)	(1)	(1)	(1)
Clokie	Cowley	Woodford	Naughton	Smith
(Wood)				
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	
(Clarkson (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			
(Ayres)				
Mrs Heyes				
Honey (VC)				
Hodgkinson				
Howard (VC)				
Mrs Hutchinson				
(CH)				
Kemp				
Mrs Martin				
Wedgbury				

Parish Forum (6 members)

Conservative	Liberal Democrat	Ashford Independent	Labour	Independent
(2)	(1)	(1)	(1)	(1)
Glaughton (PH)	Davidson	Davison	Naughton	Smith
(Wood)	(Mrs Hawes)			
Clokie (CH)				
(Bartlett (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)
Glaughton (PH)	Cowley (VC)	Woodford	Wells	
(Clarkson (PH))				
Goddard				
Heyes (CH)				
(Feacey (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)	Packham	Davison		
Heyes				
Honey				
(Howard)				
Mrs Marriott				
(VC)				
Wood				
(Clokier)				

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	
Clack	Packham			
(Mrs Hicks)				
Goddard				
Mrs Marriott				
Wedgbury				
(Hodgkinson)				
Wood (CH)				

APPENDIX C
Minute No. 533/5/10 refers

ASHFORD BOROUGH COUNCIL

APPOINTMENT/NOMINATION TO OUTSIDE BODIES/ORGANISATIONS

NAME OF BODY	NEW REPRESENTATIVES/ NOMINEES	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2010)
Action With Communities in Rural Kent	Cllr Mrs Blanford Substitute: Cllr Bradberry	
Alzheimer's Society – Ashford and Shepway Branch	Cllr Ayres	
Ashford Almshouses Charity	Cllr Howard Cllr Koowaree	3 year period expiring 30/11/10
	Cllr Cloughton Cllr Heyes	5 year period expiring 31/5/14
Ashford Choral Society	The Mayor – President	Ongoing
Ashford Community Arts Trust	Portfolio Holder for Cultural Services & IT	Ongoing
Ashford Crime & Disorder Reduction Partnership	Portfolio Holder for Community & Communications	Ongoing
	Cllr Koowaree	
Ashford Federation of the Arts	Cllr Mrs Heaton	
Ashford's Future Partnership Board	Cllr Clokie Alternate: Leader of the Council	Ongoing
	Chief Executive	
	Observer: TBA at Annual Meeting	
Ashford's Future Company Board	Cllr Kemp	
	Alternate: Cllr Wood	
Ashford Home Improvement Agency Support Group	Cllr Norris	
Ashford Leisure Trust	Cllr Wallace	

NAME OF BODY	NEW REPRESENTATIVES/ NOMINEES	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2010)
Ashford Mediation Service – Management Committee	Cllr Mrs Hawes Patron: The Mayor	
Ashford (Kent) Old People’s Welfare Committee	Cllrs Kemp Koowaree Mrs Laughton	
Ashford Partnership	Leader of the Council Chief Executive Observers: Cllr Davison Cllr Mrs Hutchinson Cllr Wells	
Ashford Parochial Charities	Cllr Howard Cllr Koowaree Cllr Claughton Cllr Heyes	3 year period expiring 30/11/10 5 year period expiring 31/5/14
Ashford Sure Start (Fifth Wave) Partnership	Cllr Naughton	
Ashford Town Centre Partnership: Environment Working Group Management Board Marketing & Promotions Working Group Transport Working Group	Cllr Goddard Substitute: Cllr Mrs Hawes Cllr Heyes Alternate: Cllr Howard Chief Executive Cllr Davison Substitute: Cllr Packham Cllr Heyes Substitute: Cllr Packham	Ongoing
Ashford Youth Centres Trustees	Cllr Mrs Hutchinson	
Ashford Youth Forum Trustees	Cllr Mrs Hutchinson	

NAME OF BODY	NEW REPRESENTATIVES/ NOMINEES	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2010)
Ashford Winkle Club	The Mayor (Honorary Member)	Ongoing
Bockhanger Community Trust	Cllr Cloughton	
Channel Corridor Partnership	Leader of the Council Chief Executive	Ongoing
Citizens' Advice Bureau Ashford Branch Management Committee	Cllrs Ellison (Voting) Cllr Mrs Heaton (Non Voting)	
Citizens Rights for Older People	Cllr Davidson	
Downland Housing Association (East) Tenant Consultative Panel	Cllr Wells	
Dungeness Power Station Site Stakeholder Group	Cllr Naughton	
East Kent Hospitals University NHS Foundation Trust Board	Cllr Kemp	
Elwick Club	Mayor & Mayoress (Honorary Members)	Ongoing
Headcorn Aerodrome Consultative Committee	Member from the Weald North Ward (Cllr Ellison)	Ongoing
High Level Forum – CTRL Rail Group	Leader of the Council Substitute: Deputy Leader of the Council	Ongoing
High Weald (AONB) Joint Advisory Group	Cllr Taylor Substitute: Cllr Packham	
Home-Start, Ashford: Management Committee	Cllr Goddard	
Hopewell Twinning Association (Member Champion)	Cllr Howard	
Julie Rose Stadium Board	Cllr Davidson Cllr Ellison	

NAME OF BODY	NEW REPRESENTATIVES/ NOMINEES	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2010)
Kennington Parochial Charities (Two Nominative Trustees)	Cllr Kemp Chairman of Governors at St Mary's School	Annual Meeting 2012 (4 year period) Annual Meeting 2012 (2 year period)
Kent County Forum for Sport	Portfolio Holder – Cultural Services and IT Cultural Projects Manager	Ongoing
Kent County Playing Fields Association	Cllr Clarkson	
Kent Downs (AONB) Joint Advisory Committee and Executive Committee	Cllr Mrs Marriott Substitute: Cllr Woodford	
Kent Education Local Member Briefings	Cllrs Clokie Davidson Mrs Laughton Smith Wells	
Leaders/Chief Executive Forum (formerly KALA)	Leader of the Council Sub: Deputy Leader Chief Executive	Ongoing
LGA's 2012 Councillor Network (Nations & Regions Group)	Portfolio Holder for Cultural Services & IT	
Local Government Association General Assembly Urban Commission Rural Commission	Cllr Clokie Deputy Leader of the Council Cllr Mrs Blanford Substitute: Leader of the Council	Ongoing Ongoing Ongoing
Mid Kent Downs (AONB) Advisory Group	Cllr Mrs Blanford Substitute: Cllr Mrs Hawes	

NAME OF BODY	NEW REPRESENTATIVES/ NOMINEES	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2010)
National Council on Inland Transport – Executive Committee	Cllr Cowley	
Parochial Church of St Mary's the Virgin Ashford Arts & Arts Development Sub-Committee	Cllr Claughton	
PATROL – Joint Committee	Portfolio Holder for Community & Communications Substitute: Cllr Bartlett	
Relate East Kent (Marriage Guidance Council)	Cllr Ellison	
River Stour Internal Drainage Board	Cllrs Mrs Martin Naughton Woodford Mr I Cooling Mr P Howard	
Romney Marshes Area Internal Drainage Board	Cllr Davison 2007-2009 (sub 2009-2011) Cllr Hicks 2009-2011 (sub 2007-2009)	
Rural Development Area – Strategic Panel	Portfolio Holder – Cultural Services & IT Substitute: Cllr Mrs Marriott	Ongoing
Sandyacres Trust	Cllr Wallace	
SEEC (South East England Councils)	Leader of the Council Sub: Deputy Leader	Ongoing
Singleton Environment Centre Management Advisory Board	Cllr Hodgkinson	Annual Meeting 2011 (3 year period)
South Ashford Youth Club – Management Committee	Cllr Davidson	
South East Employers	Cllr Kemp Substitute: Cllr Bartlett	

NAME OF BODY	NEW REPRESENTATIVES/ NOMINEES	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2010)
Supporting People Commissioning Body	Portfolio Holder for Housing & Customer Services Substitute: Head of Housing	Ongoing
SWAN Centre Site Management Committee	Cllr Smith Substitute: Cllr Norris	
Tourism South East - Quarterly Forum and Annual Meeting	Cllr Mrs Hutchinson Substitute: Cllr Kemp	
Tenterden Folk Day Trust	Cllr Clokie	
Tenterden Leisure Centre Trust	Cllr Mrs Hutchinson	
Volunteering Ashford	Cllr Feacey	
Willesborough Charities – Nomination of Two Trustees	Cllr Davidson Cllr Smith	
Willesborough Windmill Trust Limited	Cllr Davidson	
Wye Rural Museum Trust	Mr Farrant	May 2012

Member Champions

TOPIC	NEW REPRESENTATIVE
Climate Change	Cllr Mrs Blanford
Heritage	Cllr Goddard
Procurement	Cllr Taylor
Safeguarding Children	Cllr Mrs Bell
Twinning	Cllr Howard

Agenda Item No:

Report To: Selection & Constitutional Review Committee



Date: 8th July 2010

Report Title: Constitution - Amendments

Report Author: Head of Legal & Democratic Services

Summary:

This report sets out proposed amendments to three areas of the Constitution:-

1. The Terms of Reference for several Task Groups, Forums and Panels include within them various forms of words which exclude the rights of Members, who are not Members of the respective Groups etc to attend them. This is inconsistent with an existing Procedure Rule and the report therefore suggests the deletion of the relevant notes as they relate to the various meetings.
2. The Leader has requested that the Constitution be amended to provide for the establishment of Participative Groups to enable Members and Officers to work more closely together on issues referred to them. This report explains the rationale behind the proposal and sets out how the arrangements will work in practice.
3. In view of the current economic circumstances it is proposed that the section within the Constitution which allows for Members and Officers to travel first class in certain circumstances be deleted.

Key Decision: NO

Affected Wards: All

Recommendations: The Head of Legal and Democratic Services be authorised to amend the Constitution in respect of the three areas set out in (a) (b) and (c) below:-

- (a) the deletion of the footnotes set out within the Terms of Reference of the various meetings detailed within the report as they relate to the attendance of non committee members.
- (b) the incorporation of a mechanism which will provide for the establishment of 'Participative Groups' and their broad operational guidelines as described in Paragraphs 8 –15 of the report.
- (c) The deletion of Section 1(d) of Schedule 3 of Part 6 of the Constitution regarding first class travel.

Policy Overview: N/A

Financial Implications: None at this stage

Risk Assessment N/A

Other Material Implications: None at this stage

Background Papers:

Contacts: Keith Fearon, Member Services and Scrutiny Manager 01233 330564 keith.fearon@ashford.gov.uk

Report Title: Constitution – Amendments

Issue to be Decided

1. The Selection and Constitutional Review Committee is asked to consider the suggested changes to the Constitution outlined within this report and recommend to Council that they be adopted.

Right of Member's to attend meetings and to speak

2. The Rules of Procedure – General Procedure Rules – Appendix 3 - Procedural Decisions Relating to Committees etc, Section F, as contained within the Constitution provides for the following:-
 - (a) 'A Member may attend any meeting but, unless appointed to the Committee, Sub-Committee, Group or Forum or as a substitute member shall not vote and save as provided in (b) below, may only speak with the permission of the Chairman'.
3. The (b) referred to sets out the exception for the Executive Leader or Portfolio Holder to attend and speak at meetings of the Overview and Scrutiny Committee when they are considering matters within their portfolios.
4. However this Procedural Rule is inconsistent with the Notes to the Terms of Reference for the meetings of the Joint Consultative Committee, the Nature Conservation Forum, the LDF Task Group, the Parish Forum, and the Transport Forum which restrict the ability of members to attend and speak at such meetings if they have not been appointed to them. It is suggested that such footnotes be deleted so that the Rule set out in paragraph 2 above applies to all committee's group's etc subject only to the exception referred to in paragraph 6 below.
5. The practice in terms of Members attendance and speaking at any meetings of which they are not members has never been an issue at Ashford subject to the member having the courtesy to inform the Chairman beforehand. Generally the Chairman's consent has not been withheld except in circumstances where it is necessary for the efficient discharge of the committee's business or is necessary to maintain order at the meeting.
6. The exceptions to this would be where the committee is acting in a quasi-legal nature such as meetings of the Standards Panels or Licensing Sub - Committee (not including the Planning Committee) and the Appeals and the Appointments Committee. A further exception would be groups formed and operated by Officers under their delegated powers, for example the Asset and Project Management Group and in such cases Member involvement should be restricted to the Portfolio Holder and invited Members only.
7. It is considered that this amendment will provide clarity and make clear the position of Members in terms of their attendance at committee's of which they are not members.

The establishment of 'Participative Groups'

8. The Leader of the Council has indicated that it his wish to encourage improved teamwork amongst Members and between Members and Officers and with those outside the Council. One direct consequence of this more participative style is that Members, Officers and others will come together far more than in the past. This may be in the form of new working groups, task groups, forums, discussion groups, think tanks, sounding boards, advisory panels, etc, but obviously excludes any existing or new formal committees established under the Constitution which will continue to be appointed via this Committee and Council.
9. Under the current arrangements if the Executive wishes to ask a PAG to look into a new issue a report is produced for the Executive who will then refer the matter to the Policy Advisory Group. The PAG can decide to consider the matter itself or set up a dedicated Task Group drawn from its own membership. The recommendations of the PAG are then incorporated into an Officers report back to the Executive. However on a couple of recent issues the Executive has set up small working groups with the membership drawn more widely than the PAG to ensure that the expertise and experience of a larger number of members across the authority can be utilised.
10. The Leader of the Council considers that such a process for establishing new 'Participative Groups' would be unnecessarily burdensome particularly as they each need to be individually approved by the Executive following a report from Officers. To overcome this problem it is proposed to introduce a new arrangement within the Constitution whereby any such new 'Participative Groups' may be created by one of the following means:
 - (a) The Leader, or the Deputy Leader, or
 - (b) a Portfolio Holder in consultation with one of (a) above, or
 - (c) the Chief Executive in consultation with one of (a) above.
11. Details of any Participative Groups established under the arrangements outlined in Paragraph 10 above and their purpose will be reported to the next available meeting of the Executive.
12. In terms of how such Participative Groups shall operate it is suggested that they work within the following broad guidelines:
 - a) The membership of the groups shall be cross party and will not be subject to political balance.
 - b) The groups may, as appropriate, include Council Officers and/or representatives from outside the Council.
 - c) The composition of the group shall be determined by its founders in consultation with the relevant Head of Service.

- d) No Special Responsibility Allowance shall be paid to those participating in the group.
 - e) Usual travel/mileage allowance shall be paid.
 - f) Reasonable expenses may, at the discretion of the respective Head of Service, be paid to those participating in the group.
 - g) The group shall cease to exist once the purpose for which it was created has, in the opinion of its founders, been discharged.
 - h) Members of the group who are Councillors or Officers shall be bound by the Council's Code of Conduct for Members or Officers (as appropriate) including its rules on confidentiality, declaration of interests, and conflicts of interest.
 - i) Any Member of the Council may attend any meeting of any Participative Group and may, with the Chairman's consent, speak, but not vote at such a group.
 - j) The group shall prepare such notes and reports as it considers appropriate. In addition, at least once every six months, the group shall prepare a summary of its work and its findings/conclusions and submit this to the appropriate Portfolio Holder and the Leader and Deputy Leader.
13. In all cases, the Participative Group may only give advice, or make recommendations, to its founders or such others as may be specified at its creation. The Groups will not be given any delegated responsibilities. The Participative Groups will not be responsible for make policy recommendations direct to the Executive as that role remains with the Policy Advisory Group (PAG) via the submission of an Officer report.
14. It is not the intention that the Groups should undertake work within the terms of reference of the Overview & Scrutiny Committee ("O&S"). However, there may be occasions when O&S may wish to request such Participative Groups to undertake work on its behalf. Similarly, a Participative Group may, on occasions, draw the attention of O&S to a matter within its remit.
15. In certain circumstances it may be appropriate for the PAG or a PAG Task Group to undertake a task or review that might, alternatively, be given to a participative group as described above. To facilitate this option it is considered desirable that the Constitution should also be amended to allow those specified in Paragraph 10 (a), (b) and (c) above to directly commission the PAG to undertake such work. Such commissioning to be noted at the next meeting of the Executive.

Travel Expenses

16. Part 6, Schedule 3, section 1(d) of the Constitution currently states: *'The Council's policy in respect of Members and Officers, when travelling by rail to or from destinations in the London area is that where the relevant Officer in consultation with the Leader or Executive Portfolio Holders or Chairman of the*

appropriate Committee/Sub Committee consider in any particular case of two or more persons travelling together that it would be desirable to travel first class that they do so'

19. It is considered that this provision is inappropriate under the current economic circumstances and it should be deleted.

Portfolio Holder's Views

Two of my aims as Leader are to encourage collaborative working and to eliminate inappropriate expenditure. The changes to the Constitution proposed in this report will make a contribution towards both these aims.

Contact:	Keith Fearon
Email:	keith.fearon@ashford.gov.uk - Tel 01233 330564