



Selection and Constitutional Review Committee

Notice of a meeting, to be held in the Council Chamber, Civic Centre, Tannery Lane,
Ashford, Kent TN23 1PL on Thursday, 10th May 2012 at 6.00 pm.*

The Members of this Committee are:-

Cllr Wood (Chairman)
Cllr Clarkson (Vice-Chairman)
Cllrs Bennett, Chilton, Davison, Mrs Dyer, Galpin, Goddard, Mrs Heyes, Howard,
Mrs Martin, Smith

N.B. 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

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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 be declared.
3. **Minutes** – To approve the Minutes of the Meeting of this Committee held on the 12th April 2012

Part I – For Decision

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| 4. | Planning Review Interim Report – Increased Delegations to Officers and Amended Speaking Arrangements at Planning Committee | 1-16 |
| 5. | Background and Principles of Political Balance and Administrative Structure | 17-35 |
| 6. | Representation on Outside Bodies/Organisations | 36-45 |

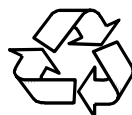
7. Annual Meeting – Order of Proceedings – Please see attached copy of the usual procedures. The Committee is requested to consider and advise on the identity of the Members to be nominated to the various positions to be filled at the Annual Meeting of the Council and determine the proposers and seconders of the same 46-47

Part II – For Information

None for this Meeting

DS/VS
1st May 2012

Queries concerning this agenda? Please contact Danny Sheppard:
Telephone: 01233 330349 Email: danny.sheppard@ashford.gov.uk
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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 12th April 2012

Present:

Cllr. Wood (Chairman);
Cllr. Clarkson (Vice-Chairman);
Cllrs. Bennett, Chilton, Mrs Dyer, Galpin, Howard, Smith.

Apologies:

Cllrs. Davison, Goddard.

Also Present:

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

396 Declarations of Interest

Councillor	Interest	Minute No.
Smith	Code of Conduct – Personal but not Prejudicial – One of the Council's appointed representatives on the River Stour (Kent) Internal Drainage Board	399

397 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 12th January 2012 be approved and confirmed as a correct record.

398 Amendments to Contract Procedure Rules – Buying-In of External Expertise, Single Supplier Sourcing and Other Minor Changes

The report sought approval to amend the Council's Contract Procedure Rules following the recommendation of Cabinet last December that agreed changes to the rules governing the procurement of external expertise (formerly described as the 'use of consultants'). The amendments followed on from internal audit reviews and also recommendations of the Overview & Scrutiny Committee. They were designed to more adequately reflect the types of work for which external expertise was engaged and to ensure the adequate justifications and approvals were in place. The amendments introduced revisions to the 'exceptions' to Contract Procedure Rules (the occasions when the rules governing seeking quotations or tenders may be

waived – called ‘single supplier sourcing’), including a new process for recording such decisions and for seeking approvals in certain instances. Both sets of changes had been designed to provide reasonable and proportionate safeguards, and to satisfy accountability issues including the Council’s transparency commitment. Some other minor amendments were also proposed that were unrelated to the above, however, the report did not cover a more general review of the Procedure Rules which would be carried out later in the year.

Recommended:

That the amendments to Contract Procedure Rules appended to the report and highlighted as ‘track changes’ to the current rules be approved.

399 Representatives on Outside Bodies/Organisations – The River Stour (Kent) Internal Drainage Board

The report advised of the need to make a nomination to the River Stour (Kent) Internal Drainage Board. A Member, who was also a member of the Board, mentioned that the Board had 19 Members – 10 positions had been awarded to Local Councils and 9 to local landowners and other interested individuals. This was to ensure that Local Authorities were always in the majority. However Ashford Borough Council had traditionally allocated its five seats to three elected Members and two others. He therefore considered that this vacancy, which had come about due to a resignation from a non-elected person, should be filled by an elected Member. The Committee agreed and said that the appointment should be deferred until the next Meeting of the Committee in May 2012.

Resolved:

That the appointment be deferred until the next Meeting of the Committee in May 2012.

400 Proper Officer for Infectious Diseases Regulations

The report advised that Dr M Chandrakumar, the Council’s current authorised Proper Officer for Infectious Diseases Regulations, had retired as Director for Kent Health Protection Unit and been replaced on an interim basis by Dr James Sedgwick.

Resolved:

That Dr James Sedgwick be authorised as the Proper Officer for Infectious Diseases Regulations and the Constitution be amended accordingly to reflect this.

DS

Agenda Item No: 4

Report To: Selection and Constitutional Review Committee

Date: 10 May 2012



Report Title: **Planning Review Interim Report – Increased Delegation to Officers and Amended Speaking Arrangements at Planning Committee**

Report Authors Terry Mortimer – Head of Legal and Democratic Services
Keith Fearon – Member Services and Scrutiny Manager
Lois Jarrett – Strategic Sites and Design Manager
Martin Vink – Development Control Manager

Summary:	Cllr Clarkson's Interim Report on his Review of Planning suggested examining changes to the delegated authority to officers and to speaking arrangements at Planning Committee. This report takes those suggestions forward and proposes ways in which the Constitution of the Council could be changed to respond positively to the review suggestions and in line with the actions approved by Cabinet.
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Key Decision: No

Affected Wards: **All Wards**

Recommendation: **The Committee endorse the proposed changes to the Council's Constitution as set out in Appendix 2 to this report and recommend to Full Council that those changes be made.**

Financial Implications: Little or no effect but would allow more streamlined consideration of large applications which would make a positive contribution to the economy of the borough.

Risk Assessment No

Equalities Impact Assessment There is no impact on equalities from the making the proposed changes.

Other Material Implications: None

Background Papers: Planning Review Interim Report (November 2011)
Proposed response to the recommendations of the Planning Review (Report to Cabinet of 9 February 2012)
Planning Review Interim Report – Increased Delegation to Officers (Report Planning Committee of 25 April 2012)

Handling The resolution of the Selection and Constitutional Review Committee put to Full Council.

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Agenda Item No. 4

Report Title: Planning Review Interim Report – Increased Delegation to Officers and Amended Speaking Arrangements at Planning Committee

Purpose of the Report

1. To consider changes to the Council's Constitution arising out of the actions agreed by Cabinet in response to Cllr Clarkson's Interim Review of Planning.

Background

2. At the meeting of the Cabinet on 9th February 2012, Members considered the report of the Head of Planning and Development containing his proposed responses to the recommendations made by the Deputy Leader of the Council in his Planning Review Interim Report. Members resolved to agree the responses proposed and recommendations 5, 6, 12, 13 and 17 require changes to the Constitution. A copy of the full text of these recommendations is attached as appendix 1. The recommendations fall into two broad categories, which will be considered in turn: delegations to officers and speaking arrangements at Planning Committee.
3. The changes to the delegations to officers set out in the section below were considered by the Planning Committee at its meeting of 25 April 2012, in accordance with the action agreed by Cabinet. The report recommended the Committee endorse specified changes to the Constitution, which the Committee did subject to one modification. That modification has been included in the amendments shown in section B of appendix 2.

Delegations to Officers

4. The Deputy Leader suggested in Recommendation 5 that consideration be given to the introduction of a new system of Planning Decision Briefing Notes for commercial applications over 1000 sq m along the lines discussed in the body of the Interim Report. The background to this was a detailed discourse on the issues that lead to Planning Committee agendas being the length that they are, and whether the current scheme of delegation results in Members' time being best spent (para. 4.16 of the report is appended in appendix 1).
5. The approved response was for a report for Planning Committee to consider either a briefing note system which enables delegation of

certain categories of applications unless members want the application to go to Committee or simple changes to the current delegation arrangements. Officers recommend a combination of a briefing note system and extending the scope of delegation.

6. In respect of Recommendation 6, the Deputy Leader suggested that once Outline Planning Permission has been approved, applications for Reserved Matters should only be brought back to the Committee where these raise significant material considerations. The background to this (para. 4.12 of the report which is appended in Appendix 1) states that where design, layout and other material factors such as parking, unit size and number of dwellings are already approved and not to be varied this could be dealt with under delegated authority.
7. The response approved by Cabinet was for a report to Planning Committee to consider a detailed proposal for the scale and type of reserved matters which could be delegated to officers.
8. The Constitution currently delegates to the Development Control Manager/Strategic Sites Manager the following:-

“The determination of all applications and/or notifications (including applications for non material amendments and the discharge of conditions) made under the Town and Country Planning Act 1990 (as amended), the Listed Buildings and Conservation Areas Act 1990 (as amended), the Planning and Compulsory Purchase Act 2004 (as amended) or any Orders or Regulations made thereunder **with the exception of:-**

- (a) the provisions of dwellinghouses where:
 - (i) the number of dwellinghouses to be provided is 10 or more;
or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (a) (i).
- (b) the provision of a building or buildings where the floor space to be created by the development is 1000sq metres or more
- (c) applications submitted by or on behalf of a Member of the Council or Member of staff or his or her partner.
- (d) applications which, in the opinion of the Development Control Manager/Strategic Sites and Design Manager, are sensitive and should be determined by the Planning Committee.

- (e) applications submitted, promoted or sponsored by or on behalf of the Borough Council be submitted to the Planning Committee and be not subject to the Scheme of Delegation.

The exceptions listed above shall not include applications for non material amendments to permissions or consents and all applications to discharge conditions imposed on any permission or consent.”

- 9. This delegation is subject to the right of any ward member or the Portfolio Holder to request the application be determined by the Planning Committee if the Member considers that an application (in their ward in the case of ward members) raises issues of significant local importance. The Development Control Manager/Strategic Sites and Design Manager may also decline to exercise their delegated power where they consider an application is sensitive and ought to be determined by the Planning Committee, as paragraph (d) states.

Planning Review: Recommendation 5

- 10. Under the current Scheme of Delegation, all applications where the provision of a building or buildings where the floor space to be created by the development is 1000 sq metres or more automatically come before the Committee. In the case of retail and hotel development, this is considered to be appropriate given that most such applications will have some elements that are either controversial or raise significant policy issues that merit debate by the Committee. However, in respect of new employment floorspace, particularly within designated estates such as Orbital or Eureka Parks, such applications often attract little or no comment and preparing a report for Committee often significantly lengthens the time period for the determination of the application, thus potentially delaying job creation.
- 11. It is therefore proposed to replace paragraph (b) of the above delegation with four new paragraphs and to re-number the subsequent paragraphs, as shown in section B of Appendix 2. Those amendments make simple changes to the current delegation arrangements, as approved by the Cabinet. The existing arrangements for referring other matters to the Planning Committee described in paragraph 9 above would be retained and unaffected by the proposed changes.
- 12. The delegation in new paragraph (d) is subject to the right of 6 or more Planning Committee Members to ask for such an application to be determined by Planning Committee. The process for such requests is in new paragraph (iv) in the section starting “NB:” immediately after paragraph 15.2A of appendix 5 to part 3 of the Council’s Constitution and shown in section B of Appendix 2. Officers had originally proposed a two working day period, but this was extended by Planning

Committee to three working days. The changes to paragraphs (i) and (ii) in the “NB:” section were not considered by Planning Committee and are discussed in paragraph * below.

13. In practice, a report under paragraph (iv) will not be sent to Planning Committee members if the Ward Member(s) or the Portfolio Holder has already requested that determination of the application be elevated to the Committee.

Planning Review Recommendation 6

14. The scheme of delegation currently requires proposals which consist of the provision of dwellinghouses where the number of dwellinghouses to be provided is 10 or more; or the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development will be for 10 or more dwelling houses to be determined by Planning Committee.
15. In respect of giving effect to para. 4.12 of the Deputy Leader’s report, it is difficult to conceive of a Reserved Matters application for such a number of dwellings that would not raise one or more of the issues identified. However, currently, where an applicant wishes to vary or remove one or more conditions of a Planning Permission it is often the case that none of these factors will change and the application (made under section 73) only needs to be referred because it de facto results in the issuing of a fresh planning permission for more than 10 dwellings. Such cases are rarely debated and it is therefore proposed to vary the scheme of delegation by removing them from the exception to the delegation, as shown in section B of Appendix 2.

Speaking Arrangements at Planning Committee

16. The Development Control Manager and Strategic Sites and Design Manager have delegated authority to make tree preservation orders, which provide immediate protection for the trees covered by the order. That protection is only temporary though and the order must be confirmed within 6 months of having been made. Where there are objections to the confirmation of the order, the issue cannot be decided by officers and must be determined by the Planning Committee instead.
17. When such an item is presented to Planning Committee, members of the public are currently expressly forbidden from addressing the Committee. The Planning Review report noted the inconsistency of this approach compared with the handling of other items presented to Planning Committee. The report therefore contains recommendation

12 and the approved action is for the Constitution to be amended in order to allow the public to speak on such items.

18. Another matter that was brought to the Deputy Leader's attention was how parish councils often feel frustrated at the lack of opportunities to speak at Planning Committee on applications which affect several different parishes. He therefore made recommendation 13 that all parish councils and community forums affected by an application be permitted to address the Planning Committee for 3 minutes each. The approved action was for this report to be presented to the Selection and Constitutional Review Committee so that the Committee may consider widening the arrangements.
19. Finally, the Council's Scheme of Public Participation requires anyone who wishes to speak at Planning Committee to first give written notice by 3 pm two working days before the meeting. The Deputy Leader wished to shorten the period of notice needed and therefore made recommendation 17. This was for speakers to be allowed to register at short notice and the agreed action is for the deadline to be moved to 2 pm on the day of the meeting.
20. Recommendations 3 and 4 of the Interim Report relate to the calling in of applications to Planning Committee. The Deputy Leader has already circulated a briefing note to all Members setting out the actions arising. Officers are aware that difficulties have arisen in calling in applications where a Member is absent and unable to do so. It is therefore proposed to remedy this and improve the call in process by making the additions to paragraphs (i) and (ii) in the "NB:" section of the delegation as set out in section B of Appendix 2.

Planning Review Recommendation 12

21. Members of the public are currently prohibited from addressing the Planning Committee on the making of tree preservation orders or the taking of enforcement action by virtue of paragraph 4 (b) of the Council's Scheme of Public Participation (see section D of Appendix 2). In accordance with the approved action, it is proposed to amend paragraph 4 (b) to restrict members of the public from addressing the Committee in relation to enforcement action only. This change would bring the discussion of tree preservation orders in line with the existing arrangements for discussing planning applications.
22. The Scheme of Public Participation refers in several provisions to speaking in relation to planning applications. In light of the change above, those references are not longer accurate and should be deleted, as shown in section D of Appendix 2.

Planning Review Recommendation 13

23. The constitution does not currently contain an express right for the Chairman to allow Parish Councils and Community Forums to address the Planning Committee. It is proposed to strengthen the standing of those bodies by expressly conferring such a right in rule 9.3 of the General Procedure Rules (see section C of Appendix 2). At the same time, the rule 22 should be updated as set out in order to reduce the procedural burdens placed on Planning Committee Members. The new reference to Community Forums in the Rules justifies a consequential change to article 10 of the Constitution, which is out of date and no longer reflects how the forums operate. Those changes are set out in section A of Appendix 2.
24. Officers consider the speaking arrangements ought to be further extended, as recommended by the Deputy Leader, by changing subparagraphs (c) and (d) in paragraph 4 of the Scheme of Public Participation to allow all affected Parish Councils and Community Forums to address Planning Committee (section D of Appendix 2 refers). At the same time, the summary of rights in the Scheme should be changed in order to reflect the other changes and show that Parish Councils and Community Forums are able to speak on all agenda items and not just planning applications. Those changes are also in section D of Appendix 2.
25. The effect of the amendments proposed will be to put Parish Councils and Community Forums that are affected by a proposal on the same footing as the Parish Council or Community Forum within which the proposal in question is located.

Planning Review Recommendation 17

26. Cabinet agreed that for practical reasons a deadline for giving notice to speak be retained, but amended to be 14:00 on the day of the meeting. This would require paragraph 2 (b) (ii) of the Scheme of Public Participation to be amended as set out in section D of Appendix 2. The opportunity should be taken to also make the typographical corrections to that paragraph as shown and to help people by making clear that the notice needs to be given to the Proper Officer.

Portfolio Holder's Comments

27. I commend this report and the changes it proposes.

Recommendation

The Committee endorse the proposed changes to the Council's Constitution as set out in Appendix 2 to this report and recommend to Full Council that those changes be made.

Appendix 1 - Extracts from Cllr Clarkson's Planning Review Interim Report

- 4.12 Some Local Planning Authorities deal with reserved matters applications through delegation, but in Ashford many of these are considered by Committee. Where Outline Planning Permission has been granted it would be reasonable for a reserved matters application to be returned to the Committee in order to properly justify the acceptance of the design and final provisions. Where, however, the design, layout and other material factors, such as, parking, unit size and or number of dwellings are already approved and not to be varied, this could well be dealt with under delegated authority in liaison with the Ward Member and the Portfolio Holder.
- 4.16 It has been specifically suggested that commercial developments over 1,000 sq.m, which will assist in the economic development of Ashford be also treated as delegated cases. On the other hand 1,000 sq.m. in itself is the current threshold for delegation and it would seem that other than for agricultural buildings this is already a significant size. In assessing this suggestion it is difficult to see that members would wish to increase this delegation. However the Planning Review is of the opinion that there is a need to introduce a more meaningful vehicle for deciding whether to delegate on a case by case basis. Such a system could take the form of a Planning Decision Briefing Note via either e-mail or hard copy setting out the key issues to all Members of the Committee, specifying that there are no objections and that the Portfolio Holder, the Development Control Manager and Ward Members are satisfied and approval is being sought from the Committee to delegate the decision. If more than one third of the Committee Members still maintain that the case should be referred to Committee the case would not be delegated.

Recommendation 5

That consideration be given to the introduction of a system of new Planning Decision Briefing Notes for commercial applications over 1,000 sq.m., along the lines discussed in the body of Interim Report.

Recommendation 6

That once Outline Planning Permission has been approved, applications for reserved matters should only be brought back to Committee where these raise significant material considerations.

Recommendation 12

Where a significant Tree Preservation Order is referred to the Committee provision should be made to allow all relevant interested parties to address the Committee.

Recommendation 13

That all Parish, Town Councils and Community Forums affected by a planning application should be permitted to speak at Committee for up to 3 minutes each and when applications affect the whole borough or a significant part of it a special meeting of the Committee could be convened.

Recommendation 17

That a late speaker be allowed to register at short notice, especially where there is no speaker scheduled to speak to that aspect of the application. We believe that it should be a right and not at the discretion of the Chairman of the Planning Committee.

Appendix 2 – Schedule of Amendments

A. Amendments to Article 10 in Part 2 of the Constitution

10.01 Area Committees and Forums

The Council may appoint Area Committees or Forums as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of Best Value and efficient, transparent and accountable decision making.

The Council will consult with relevant Parish and Town Councils and the Chairmen of relevant Parish Meetings when considering whether and how to establish Area Committees or Forums within parished areas.

10.02 Community Forums~~Form, Composition and Function~~

(a) ~~Table of Area Committees/Forums.~~ The Council may will facilitate or contribute to the establishment and running of a number of Community Forums, including those currently in existence: Willesborough Community Forum, Kennington Community Forum, Central Ashford Community Forum and South Ashford Community Forum. At the time this Constitution was being revised in May 2003 the Community Forums which were 'active' or in the process of being established are set out in the first column of the table below, composed as set out in the second column of that table and with the terms of reference set out in the third column.

Name of Committee	Composition	Terms of Reference
Willesborough Community Forum (covering all or part of the following Polling Districts): North Willesborough (NW.1 and NW.2) Highfield (HI.1) Aylesford Green (AG.1 and AG.2)	These bodies will be consultative initially. The membership of the Forum(s) will be: Borough Councillors and County Councillors who represent wards/divisions within the areas covered by the Forums; The Borough Councils, Communications	The Forum(s) are consultative and act in an advisory capacity. They may submit reports on matters of concern locally to the Executive or to the Council. They will be a key consultee on the development of the Community Plan in so far as it affects those

<p>South Willlesborough (SW.1)</p> <p>Kennington Community Forum (covering all or part of the following Polling Districts)</p> <p>Kennington (KE.1 and KE2.)</p> <p>Little Burton Farm (LBF.1)</p> <p>Bybrook (BY.1)</p> <p>Bockhanger (Grosvenor Hall) (BO.1)</p> <p>Oaklands Community Association (covering all or part of the following Polling Districts)</p> <p>Victoria (Watercress) (VI.1)</p> <p>Beaver (BE.1 and BE.2)</p> <p>Central Ashford Community Forum (covering all or part of the following Polling Districts)</p> <p>Stour (ST.1 and ST.2)</p> <p>Victoria (Town Centre) (VI.2)</p> <p>Godinton (GO.1 and GO.2)</p> <p>South Ashford</p> <p>Victoria (V1.3 and V1.4)</p>	<p>Partnerships – Forums and Consultation Portfolio Holder (to serve on each Area Forum)</p> <p>Residents and people who work within the respective areas.</p>	<p>areas. They will be consulted on plans and strategies of other bodies which will have an impact upon the residents and people who work or provide services within the these areas.</p>
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<p>only)</p> <p>Singleton South (S1.1 and S1.2)</p> <p>Beaver (BE.1 and BE.2)</p> <p>Norman (NO.1 and NO.2)</p>		
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B. Amendments to paragraphs 15.2 and 15.2A of the Delegations to the Development Control Manager/Strategic Sites and Design Manager in Appendix 5 to Part 3 of the Council's Constitution

15.2 The determination of all applications and/or notifications (including applications for non material amendments and the discharge of conditions*) made under the Town and Country Planning Act 1990 (as amended), the Listed Buildings and Conservation Areas Act 1990 (as amended), the Planning and Compulsory Purchase Act 2004 (as amended) or any Orders or Regulations made there under **with the exception of:-**

(a) the provision of dwellinghouses (other than by way of an application under section 73 of the Town and Country Planning Act 1990) where:

(i) the number of dwellinghouses to be provided is 10 or more;

or

(ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (a) (i).

~~(b) the provision of a building or buildings where the floor space to be created by the development is 1000sq metres or more (Revised (a) & (b) Minute No 112/6/06 refers).~~

(b) the provision of a building or buildings of 1000 sq metres floor space or more where the proposed use of that building or one of them is for retail or hotel purposes

(c) the provision of a building or buildings of 1000 sq metres floor space or more for commercial / employment use where it is proposed to refuse the application

(d) the provision of a building or buildings of 1000 sq metres floor space or more where

(i) the proposed use of that building or one of them is for any commercial/ employment purpose other than retail or hotel,

- (ii) it is proposed to approve the application and there are no objections, but
- (iii) 6 or more of the Planning Committee Members have requested that the determination of the application should be elevated to the Planning Committee in accordance with the procedure in note (iv) below
- (e) the provision of a building or buildings where the floor space to be created by the development is 10,000 sq metres or more
- (f) ~~(e)~~ applications submitted by or on behalf of a Member of the Council or Member of staff or his or her partner.
- (g) ~~(d)~~ applications which, in the opinion of the Development Control Manager/Strategic Sites and Design Manager, are sensitive and should be determined by the Planning Committee.
- (h) ~~(e)~~ applications submitted, promoted or sponsored by or on behalf of the Borough Council be submitted to the Planning Committee and be not subject to the Scheme of Delegation.

The exceptions listed above shall not include applications for non material amendments to permissions or consents and all applications to discharge conditions imposed on any permission or consent (see paragraph 15.2A below)*.

15.2A To determine all applications for non material amendments to permissions or consents and all applications to discharge conditions imposed on any permission or consent made under the Town and Country Planning Act 1990 (as amended), the Listed Buildings and Conservation Areas Act 1990 (as amended), the Planning and Compulsory Purchase Act 2004 or any Orders or Regulations made there under*.

(*Minute No. 476/5/11 refers).

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. If a Ward Member is aware he will be unable to make such requests (e.g. due to planned long-term absence), he may lodge with the Proper Officer authorisation for another Member to make such

requests during the Ward Member's absence. 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. If a Ward Member is aware he will be unable to make such requests (e.g. due to planned long-term absence), he may lodge with the Proper Officer authorisation for another Member to make such requests during the Ward Member's absence. 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.

(iv) The Development Control Manager or Strategic Sites and Design Manager shall not exercise their authority to approve an application for the provision of a building or buildings of 1000 sq metres floor space or more where the proposed use of that building or one of them is for any commercial/ employment purpose other than retail or hotel unless

(i) a delegated officer report on the application has been emailed to members of the Planning Committee, and

(ii) less than 6 members of the Planning Committee have requested by email that the determination of the application be elevated to the Planning Committee in accordance with the procedure below.

A member of the Planning Committee may only make such a request if

(i) he has first considered the delegated officer report on the application which has been emailed to him and

(ii) emailed his request to the relevant Development Control Manager or Strategic Sites and Design Manager by 5 pm on the third working day after the report was emailed to him (e.g. email

sent on Monday – deadline for response 5 pm on the following Thursday).

C. Amendments to Rules 9.3 and 22 of the General Procedure Rules in Part 4 of the Constitution

9.3 Speaking at Meetings

The Chairman may permit ~~M~~members of the public (including representatives of Parish Councils, Willesborough Community Forum, Kennington Community Forum, Central Ashford Community Forum and South Ashford Community Forum) to speak at meetings on items included upon the Agenda for that meeting.

The rules and procedure for speaking at meetings of the Planning Committee, are contained within the Scheme of Public Participation as set out in Appendix 3(ii) to the Access to Information Procedural Rules.

22. Application to Committees and Sub-Committees

All the General Procedure Rules apply to meetings of Full Council. None of the rules apply to meetings of the Executive. Only Rules 6, 7, 8, 9, 12 (a to d) and (f to p), 13.1 to 13.3, 13.6 to 13.8, 13.11, 13.14 and 13.16, 14, 15.1, 15.2, 15.5 and 15.6, 16.1, 16.2, 17, 18, 19.3 to 19.5, and 20 apply to meetings of Committees and Sub-Committees, save that General Procedure Rules 13.1, 13.2, 13.6 (b) and (d), 13.11 and 14 do not apply to the Planning Committee as the procedure followed by the Committee in relation to voting has been amended (minute number 120/08/11 refers), and in this case references to the Mayor should be interpreted as 'Chairman'.

D. Amendments to Appendix 3 to the Access to Information Procedure Rules in Part 4 of the Constitution (Scheme of Public Participation)

[...]

2. General Rules Applicable to all Schemes

(a) All requests to take part at meetings, in accordance with the Council's Public Participation Scheme should be submitted in writing on the relevant form available from the Proper Officer or separately in writing provided that contact details and information about the nature of the question, petition or comment is included. The Council's website also has a facility allowing the public to register to speak on line.

(b) The following **written** notice must be given in respect of the scheme to the Proper Officer:-

(i) For Petitions, Questions and General Comments – 10.00 on the day of the meeting for meetings commencing on or after 19.00 that day or by 10.00 on the last working day before the meeting date for meetings which commence before 19.00.

(ii) For the Planning Committee by 14:00 on the day of the meeting. ~~15:00 two working days before the meeting (for example when the meeting is held on a Wednesday the deadline would be 15:00 on the Monday)~~

~~(iii)~~ The above deadlines do not apply in respect of urgent items placed before Committees in accordance with Section 100b(4)(b) of the Local Government Act 1972.

~~(iv)~~ (c) Length of speech – in support of petitions, questions and general comments - this will be a maximum of 3 minutes, except with the Chairman's approval.

~~(v)~~ (d) The scheme does not allow the speaker to enter into any debate.

~~(vi)~~ (e) In all cases the Chairman will determine the order in which the petitions are presented, questions asked or comments made.

3. Types of Public Participation (Excluding the Scheme as it applies to the Planning Committee in Relation to Planning Applications)

[...]

4. **Procedure for Speaking at Meetings of the Planning Committee ~~in Relation to Planning Applications~~**

- (a) Views to be confined to planning issues only. (An information leaflet is available from the Proper Officer which may help you to consider your comments).
- (b) Questions may not be asked, or No requests for site visits, made or No speeches other than on items for decision, excluding speeches made in support of or against the making of Tree Preservation Orders or the taking of Enforcement Action.
- (c) No more than one person will be allowed to speak in support or against an application item, in addition to the Parish Council's(s) and Community Forum(s) affected views.
- (d) The order of speakers will normally be objector, supporter and where appropriate the Parish Council(s) and Community Forum(s) affected.
- (e) There is no requirement to hear both sides' views on the item application.

5. **Summary of Rights**

[...]

Planning Applications Committee

- Members of the public and/or a duly authorised representative of a Parish Council or Community Forum may address the Planning Committee or Full Council on an agenda item when considering Planning Applications subject to the detailed rules as described in Paragraph 4 above.

Selection and Constitutional Review Committee

10th May 2012

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 17th May 2012. The balance calculation as contained in the Appendix to this report has been agreed by Group Leaders.

External Consultees

None.

Internal Consultees

The Leaders of Groups on the Council.

Financial/Legal and Human Rights Implications

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

Staffing Implications

None.

Environmental Implications

None.

Corporate Strategy

Not relevant in the context of this report.

Introduction

1. Appendix A contains details of the draft political balance calculation for 2012/13 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.

Policy Advisory Group, Planning Policy Task Group and Community Partnership Group

The Leader has signified his wish that the Policy Advisory Group, the Planning Policy Task Group and the Community Partnership Group be disbanded with effect from the forthcoming Municipal Year. Instead the Leader has advised that a number of Cabinet Task Groups will be convened to undertake the type of work previously carried out by the Policy Advisory Group, Mini PAGs and the Planning Policy Task Group on behalf of the Cabinet. The Cabinet will agree the establishment of any new Cabinet Task Group and the Portfolio Holder will be the link between the Task Group and the Cabinet.

It is intended that the Cabinet Task Groups will be mentored by a Cabinet Member and in some cases the Cabinet Member will also act as the Chairman of the Group.

To ensure a smooth transition of work it is intended that, in the main, existing Mini PAGs will continue until they have completed their current workload or have reached a suitable transition point. Following that the issues which have been dealt with by the Mini PAGs may in the future be handled by a Cabinet Task Group established by the Cabinet.

The Community Partnership Group, although convened for the Municipal Year 2011/12 did not meet as its former role related principally to monitoring the progress on Ashford's Future and furthermore the Ashford Locality Board was established and deals with partnership issues. It is therefore considered appropriate that the Group be no longer constituted.

Lead Members

The Leader has signified his wish to increase the opportunities for member involvement in the work of the Council and, through this, promote closer member interaction with and support for the Council, Cabinet, partners and officers in various areas of activity. This will be achieved through the introduction of a Lead Member scheme.

The Lead Member scheme will allow appointed members who have skills and interest in a specific subject area to assume additional responsibility and raise the prominence and standing of that area, while also working with greater authority with the relevant officers and external partners in promoting the subject area.

The Lead Member role can be viewed as a natural progression from the role of Member Champion, a role that will continue to exist, but is distinct from it in that the latter is essentially advisory in form, whereas the former is essentially executive in form and function and is thus akin to a quasi-cabinet or deputy-cabinet role.

The Lead Member role will attract an appropriate Special Responsibility Allowance which will be determined by the Independent Remuneration Panel in due course.

Initially, the Leader intends appointing Lead Members for the following areas:

- Economic Development

- Procurement and IT
- Romney Marsh

Standards Committees

Although the Localism Act 2011 includes substantially revised Code of Conduct and ethical framework provisions, these will not come into effect until 1 July 2012 at the earliest. Commencement and transitional Regulations have not yet been issued. Accordingly the existing Standards regime – with a statutory Standards Committee and Assessment and Hearings Panels – will need to continue until at least 1 July 2012 and probably beyond in order to ensure work in progress eg on complaints, can be taken through to a conclusion. This report therefore rolls forward existing constitutional provisions on standards and these will cease to operate in accordance with whatever Government transitional arrangements are published in due course. It is also recommended that existing appointments of the three Independent members on Standards Committee be extended for the same period subject to those members agreeing to continue to act in those roles.

Councillor Taylor has been chairing a small Standards Task Group consisting of Borough Councillors, the Independent Chair of Standards and the Chairman of the Kent Association of Local Councils. The Task Group has considered reports from the Monitoring Officer on options for developing a new Code of Conduct and setting up new arrangements for handling borough and Parish Councillors complaints under the Localism Act. Its work has been hampered by delays in publication of regulations and guidance but it is proposed to hold a final meeting of the Group in May and, if necessary, report to a special meeting of the full Council in late June on adopting a new Code of Conduct. The Mayor elect has agreed that this meeting, if required, should take place provisionally on 28 June 2012. The need for such a special meeting may depend on the contents of the Government's transitional regulations. If they allow existing codes to continue to apply after 1 July 2012 pending adoption of new codes, a special meeting may not be required. A separate report on complaint handling arrangements can be presented to Council for approval at its scheduled 19 July meeting if this is necessary. This will include any new constitutional arrangements and this may result in revisions to political balance arrangements.

In the meantime and in preparation for the new regime, it is necessary to agree a procedure for appointment of the statutory "Independent Person" (IP) position which the Localism Act creates. Although the Localism Act will repeal the existing provisions regarding appointment of "independent members" to Standards Committees, it does create a new IP role outside the formal Committee structure. All principal Councils must appoint at least one IP and his/her role must include being a consultee on all decisions on code breach allegations it has been decided to investigate. The views of the IP may also be sought in other circumstances including by a Councillor the subject of an allegation. The new IP will have to work closely with the Council's Monitoring Officer in providing an independent input to decision-making under the new regime. The Localism Act sets out detailed criteria as to who

can be appointed as an IP. Although it is expected that the role must be publicly advertised and any appointment approved by a majority of Council Members, it would obviously be sensible for interviews for the post to be held by a small Panel which can then recommend an appointment to Council. The recommendations in this report therefore include proposals to enable the process for appointment of an IP to get under way as soon as possible, including a suggested level of retainer allowance to reflect the likely level of work.

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 be not applied to the Membership of the Appeals and the Audit Committees and the Sub-Committee of the Licensing and Health and Safety Committee established under the Licensing Act 2003 and Gambling Act 2005.**

(ii) **the following Committees be constituted for the 2012/13 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) (until such time as all complaints submitted under the existing code have been dealt with in accordance with any transitional arrangements under the Localism Act)

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.

(iii) **to extend the appointments of existing Independent Members of the Standards Committee on the same basis as extension of the**

existing Standards Committee arrangements, subject to the Independent Members agreeing to act.

- (iv) to authorise the Head of Legal and Democratic Services and Monitoring Officer to prepare a Job Description and person specification for the new IP role under the Localism Act to include an all-inclusive annual retainer up to the level of the lowest Special Responsibility Allowance under the Council's existing scheme (c £1400).**
- (v) to authorise a Panel to interview applicants for the IP role, and recommend an appointment to the Council. The Panel to consist of the Portfolio Holder, Cabinet member on the Standards Committee, the Vice-Chair of Standards and a Parish Council representative.**
- (vi) the establishment and appointment of Lead Members for Economic Development, Procurement and IT and the Romney Marsh be approved and the Independent Remuneration Panel be asked to consider an appropriate Special Responsibility Allowance for the role.**
- (vii) the Council appoint the Chairman and Vice Chairman for each Committee etc as shown in Appendix B.**
- (viii) the Scheme of Executive and Council Delegations as set out in Part 3 of the Constitution be reaffirmed.**
- (ix) the intention of the Cabinet to reconstitute the Forums and Groups as listed in Part 3 Appendix 2 to the Constitution be noted, subject to the deletion of the Policy Advisory Group, Planning Policy Task Group and the Community Partnership Group.**

Terry Mortimer
Head of Legal and Democratic Services

APPENDIX A

**THE POLITICAL BALANCE CALCULATION
FINAL ARRANGEMENTS
MAY 2012**

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 =		%
30 Conservative	=	69.76744
5 Ashford Independent	=	11.6279
5 Labour	=	11.6279
2 Liberal Democrat	=	4.65116
Note: 1 Independent = 2.32558		<u>99.99998</u>

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

Committee	Con	AI	Lab	LD	Ind	Total
1 x 19 O&S	13	2	2	1	1	19
1 x 14 Planning	10	2*	1	1	0	14
1 x 12 Selection	9***	1*	1	0	1	12
1 x 13 Licensing, Health & Safety	9	1	2**	1	0	13
1 x 8 Audit	5	1	1	0	1	8
1 x 5 Appointments	3	1	1	0	0	5
Totals	49(50) (49.534882)	8 (8.255809)	8 (8.255809)	3 (3.3023236)	3(2)**** (2.32550)	71

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

- *1 On the Planning Committee the Ashford Independent Group took the additional seat which was available to either them or the Labour Group.
- **2 On the Licensing and Health & Safety Committee the Labour Group took the additional seat which was available to either them or the Ashford Independent Group.
- ***3 To enable the Conservative Group to have their overall entitlement of 50 seats across all Committees, the Liberal Democrat Group gifted their seat on the Selection and Constitutional Review Committee as the balance across Committees had resulted in the Liberal Democrat Group being allocated an additional seat over and above their entitlement of 3 seats.
- ****4 The Group Leaders wished to retain the Independent Member on the Audit Committee (in line with the arrangement agreed during the last Council) to draw upon his previous experience as a Local Authority Auditor. The Conservative Group gifted a seat on the Audit Committee to the Independent Member to enable this arrangement to continue to apply. Furthermore under the draft calculation all Groups had received their allocations on the Overview and Scrutiny Committee and the Selection and Constitutional Review Committee and in both cases one seat remained to be allocated on each of them. Group Leaders agreed to allocate these to the Independent Member.

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

Political Group entitlement in relation to <u>all</u> seats:	71
Conservative	49.534882 = 50
Ashford Independent	8.255809 = 8
Labour	8.255809 = 8
Liberal Democrat	3.3023236 = 3
Note -Independent – 2 seats to be allocated	= 2
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 5	Standards	(Special arrangements apply as to the Membership of this Committee) ◇See note below re Sub-Committees	=	5
× 1 x 7	Joint Transportation Board		=	7
*1 x 8	Audit		=	8
+1 x 3	Licensing Sub-Committee (3 Member Panels)		=	3

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

+ Balance disapplied 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, disapplied by statute.

× 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	AI	Lab	LD	Ind	Total
*1 x 15 Appeals	10	2	2	1	0	15
+1 x 5 Standards	3	1	1	0	0	5
^x1 x 7 Joint Transportation	5	1	1	0	0	7

* That the requirements of the 'Political Balance' regulations be not applied to the membership of the Appeals and the Licensing and Health & Safety Panels of 3 Members which are drawn for each meeting.

APPENDIX B

SELECTION AND CONSTITUTIONAL REVIEW COMMITTEE

10TH MAY 2012

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

On the basis of the Political Balance Calculation agreed with Group Leaders, the entitlement to seats is set out below.

The Committee may wish to propose the identity of the Chairman and Vice-Chairman of each Committee, for appointment, in accordance with the Constitution, by the Full Council.

Current Membership and Chairmanship/Vice-Chairmanship is shown for Members' clarity. It is acknowledged that this is subject to change and clarification at the meeting.

Overview and Scrutiny Committee (19 members)

Members of the Cabinet may not be appointed to this Committee

Conservative (13)	Ashford Independent (2)	Labour (2)	Liberal Democrat (1)	Independent (1)
Apps	Davison (VCh)	Chilton	Davidson (Ch) Aby	Smith
Bell	Mortimer	Yeo		
Mrs Bell				
Bennett				
Feacey				
Galpin				
Goddard				
Mrs Heyes				
Hodgkinson				
Mrs Martin				
Robey				
Shorter				
Wright				

Audit Committee (8 Members)

Conservative (5*)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0)	Independent (1*)
Clokie (CH)	Sims	Yeo		Smith
Link (VCh)				
Marriott				
Taylor				
Wright				

* The Conservative Group have gifted one of their seats on this Committee to the Independent Member.

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

Conservative (10)	Ashford Independent (2)	Labour (1)	Liberal Democrat (1)	Independent (0)
Bell (CH)	Davison	Clark	Davidson Aby	
Bennett	Michael			
Burgess				
Clarkson				
Clokie				
Mrs Dyer				
Heyes				
Mrs Heyes				
Robey				
Wedgbury (VCh)				
Wood (EO)				

Selection & Constitutional Review Committee (12 Members)

Conservative (9)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0)	Independent (1)
Bennett	Davison	Chilton		Smith
Clarkson (VCh)				
Mrs Dyer				
Galpin				
Goddard				
Mrs Heyes				
Howard				
Mrs Martin				
Wood (CH)				

Licensing and Health and Safety Committee (13 Members)

Group Leaders are reminded of the importance of nominating Members who are available to attend day-time hearings of the Licensing Sub-Committee.

Conservative (9)	Ashford Independent (1)	Labour (2)	Liberal Democrat (1)	Independent (0)
Mrs Bell	Davey	Chilton	Adby Davidson	
Buchanan		Rutter		
Feacey (VCh)				
French				
Goddard (Ch)				
Hodgkinson				
Marriott				
Mrs Martin				
Shorter				

Appointments Committee (5 members)

Conservative (3)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0*)	Independent (0*)
Mrs Blanford	Michael	Rutter	Davidson (invited non-voting Member)	Smith (invited non-voting Member)
Clarkson (VCh)				
Wood (CH)				

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

Members should not be a Member of the Cabinet. Group Leaders are reminded of the importance of nominating Members who are available to attend day-time meetings.

Conservative (10)	Ashford Independent (2)	Labour (2)	Liberal Democrat (1)	Independent (0)
Apps	Davey	Clark	Adby Davidson	
Bell	Sims	Rutter		
Mrs Bell				
Bennett				
Buchanan				
Hodgkinson				
Link				
Wedgbury				
Wright				

Standards Committee (5 members)

The Leader of the Council may not be a Member of this Committee. One Member must be a Member of the Cabinet but that Member cannot be the Committee's Chairman.

Conservative (3)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0)	Independent (0)
Mrs Blanford	Mortimer	Chilton (VC)		
Feacey				
Galpin				

Policy Advisory Group (19 Members)

**RECOMMENDED TO BE DISBANDED (COVERING REPORT AND
RECOMMENDATION 8 REFERS)**

Conservative (13)	Ashford Independent (2)	Labour (2)	Liberal Democrat (1)	Independent (1)
Mrs Blanford	Mortimer	Chilton	Davidson	Smith
Bennett (CH)	Sims	Rutter		
Buchanan				
Burgess (VCh)				
Cloughton				
Clokie				
Mrs Dyer				
French				
Hicks				
Howard				
Link				
Marriott				
Wedgbury				

Joint Transportation Board (7 members plus Portfolio Holder for the Environment (non-voting) and the Chairman of the Transport Forum (ex-officio))

Conservative (5)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0)	Independent (0)
Mrs Bell	Davey	Yeo		
Burgess (CH)				
Cloughton				
Heyes				
Robey				
Mrs Blanford (PH) (Non Voting)				
Feacey Chairman of Transport Forum (EO)				

Grants Gateway Panel (5 members including the Portfolio Holder for Community & Wellbeing)

Conservative (3)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0)	Independent (0)
Cloughton (PH)	Sims (VCh)	Adley		
Howard (CH)				
Link				

Joint Consultative Committee (6 members) – One from each Group - two from the administration.

Membership is to include the Leader or appropriate Portfolio Holder.

Conservative (2)	Ashford Independent (1)	Labour (1)	Liberal Democrat (1)	Independent (1)
Taylor (CH)	Davey	Adley	Davidson	Smith
Wood				

Nature Conservation Forum (6 members including Portfolio Holder for the Environment)

Conservative (4)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0)	Independent (0)
Hicks	Michael	Adley		
Mrs Martin				
Wedgbury (CH)				
Mrs Blanford (PH)				

**Community Partnership Group (15 Members)
RECOMMENDED TO BE DISBANDED (COVERING REPORT AND
RECOMMENDATION 8 REFERS)**

Conservative (10)	Ashford Independent (2)	Labour (2)	Liberal Democrat (1)	Independent (0)
Bell (CH)	Davey	Adley	Aby	
Mrs Bell	Michael	Clark		
Burgess				
Mrs Dyer				
Feacey				
Hicks (VCh)				
Hodgkinson				
Howard				
Mrs Martin				
Shorter				

Parish Forum (6 members)

Membership to include the Leader of the Council and the Leaders of Groups

Conservative (2)	Ashford Independent (1)	Labour (1)	Liberal Democrat (1)	Independent (1)
Clarkson (VCh)	Davison	Yeo	Davidson	Smith
Wood (CH)				

Transport Forum (7 members including the Portfolio Holder for the Environment)

Conservative (5)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0)	Independent (0)
Mrs Blanford (PH)	Davey	Yeo (VCh)		
Cloughton				
Feacey (CH)				
Heyes				
Wedgbury				

Member Training Panel (8 Members)

Conservative (2)	Ashford Independent (2)	Labour (2)	Liberal Democrat (1)	Independent (1)
Cloughton	Mortimer (VC)	Adley	Davidson	Smith (Ch)
Hicks	Sims	Chilton		

**Planning Policy Task Group (7 Members) - RECOMMENDED TO BE
DISBANDED (COVERING REPORT AND RECOMMENDATION 8 REFERS)**

Conservative (5)	Ashford Independent (1)	Labour (1)	Liberal Democrat (0)	Independent (0)
Bell	Davison	Chilton		
Burgess (CH)				
Clarkson				
Galpin				
Heyes (VCh)				

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

Conservative (7)	Ashford Independent (1)	Labour (1)	Liberal Democrat (1)	Independent (0)
Apps	Mortimer	Rutter	Adby Davidson	
Mrs Bell				
Mrs Blanford				
Clarkson (VCh)				
Link				
Taylor				
Wood (CH)				

REPORT OF THE HEAD OF LEGAL & DEMOCRATIC SERVICES

10TH MAY 2012

REPRESENTATIVES ON OUTSIDE BODIES/ORGANISATIONS

Details of Outside Bodies/Organisations to which the Council makes appointments are detailed in the attached table. The Committee is asked to make nominations as indicated. Additional information is given below regarding the Kennington Parochial Charities and the Wye Rural Museum Trust.

Kennington Parochial Charities

Both appointments expire in May 2012, therefore it will be necessary to re-affirm these for two and four year terms respectively.

National Council on Inland Transport

Cllr Adby is the Council's current representative but has asked for a replacement to be found as he is unable to attend NCIT meetings due to his shift patterns at work. Meetings are generally held on Tuesdays and Saturdays.

River Stour (Kent) Internal Drainage Board

There is a vacancy for a Council appointed representative on the River Stour Internal Drainage Board following the resignation of Mr I Cooling. The Council has five seats on the Board and has historically appointed three Elected Members and two local landowners or interested people from the River Stour catchment area. At least one has always been identified with the assistance of the National Farmers Union (NFU) (currently Mr P Howard). Currently the three Elected Members are Councillors Mrs Martin, Sims and Smith along with Mr Howard. At the meeting of this Committee on 12th April it was agreed that the replacement for Mr Cooling should be an elected Member and the appointment should be deferred to this meeting. Therefore the Committee is asked to consider nominating another Elected Member.

Wye Rural Museum Trust

Mr Farrant's appointment expires in May 2012. He has been the Council's appointee since he stepped down as a Councillor in 2003 and whilst he is happy to continue, he has asked whether he is now too detached from the Council to carry on, particularly as the appointment is a four-year one which will run to May 2016. The Committee is therefore asked to consider its nomination to the Wye Rural Museum Trust for the next four year period.

Members are reminded of the requirement to produce an Annual Report of the Organisations/Outside Bodies they are appointed to.

ASHFORD BOROUGH COUNCIL
APPOINTMENT/NOMINATION OF REPRESENTATIVES TO OUTSIDE BODIES/ORGANISATIONS
10TH MAY 2012

NAME OF BODY	EXISTING REPRESENTATIVES	NUMBER OF MEETINGS 2011/2012	ATTENDANCE	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2012)	REPORT VIA INFO. DIGEST	NEW REPRESENTATIVES/ NOMINEES
Action With Communities in Rural Kent	Cllr Burgess Substitute: Cllr Mrs Blanford					----- Substitute: -----
Alzheimer's Society – Ashford and Shepway Branch	Cllr Cloughton					-----
Ashford Almshouses & Parochial Charities	Cllr Hodgkinson Mr Koowaree Cllrs Cloughton Heyes	7 7 7 7	5 1 4 5	3 year period expiring 30/11/13 5 Year period expiring 31/5/14		Cllr Hodgkinson Mr Koowaree Cllr Cloughton Cllr Heyes
Ashford Choral Society	The Mayor – President			Ongoing		The Mayor – President
Ashford Community Arts Trust	Portfolio Holder for Culture & Recreation			Ongoing		Portfolio Holder for Culture & Recreation
Ashford Community Safety Partnership	Portfolio Holder for Community & Wellbeing	4	4	Ongoing		Portfolio Holder for Community & Wellbeing

NAME OF BODY	EXISTING REPRESENTATIVES	NUMBER OF MEETINGS 2011/2012	ATTENDANCE	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2012)	REPORT VIA INFO. DIGEST	NEW REPRESENTATIVES/ NOMINEES
Ashford Federation of the Arts	Cllr Adby	1	0			-----
Ashford's Future Company	Leader of the Council Alternate: Cllr Feacey					----- Alternate: _____
Ashford Leisure Trust	Cllr Hicks	8	5			-----
Ashford Mediation Service - Management Committee	Cllr Davidson Patron: The Mayor	2	2	Ongoing	✓	----- The Mayor
Ashford Museum Committee	Cllr Adby	2	2		✓	-----
Ashford Sure Start (Fifth Wave) Partnership	Cllr Chilton					-----
Ashford Town Centre Partnership: Management Board	Chief Executive Cllr Heyes Alternate: Cllr Howard	3	3	Ongoing		Chief Executive ----- Alternate: _____
Ashford Town Centre Partnership: Marketing & Promotions Working Group	Cllr Davison Substitute: Cllr Adby	0	0			----- -----
Ashford Winkle Club	The Mayor – Honorary Member			Ongoing		The Mayor – Honorary Member

NAME OF BODY	EXISTING REPRESENTATIVES	NUMBER OF MEETINGS 2011/2012	ATTENDANCE	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2012)	REPORT VIA INFO. DIGEST	NEW REPRESENTATIVES/ NOMINEES
Ashford Youth Centre Trustees	Cllr Howard					NO LONGER REQUIRE A COUNCIL REPRESENTATIVE
Ashford Youth Forum Trustees	Portfolio Holder for Youth & Sport (Trustee) Cllr Adley (Council Rep)			Ongoing		Portfolio Holder for Youth & Sport (Trustee) -----
Bockhanger Community Trust	Cllr Cloughton				✓	NO LONGER MEETING
Citizens' Advice Bureau Ashford Branch Management Committee	Cllr Cloughton (Voting) Cllr Chilton (Non-voting)					----- -----
Citizens Rights for Older People	Cllr Davidson	0	0			NO LONGER REQUIRE A COUNCIL REPRESENTATIVE
Dungeness Power Station Site Stakeholder Group	Cllr Burgess	1	1			-----
Elwick Club	Mayor and Mayoress (Honorary Members)			Ongoing		Mayor & Mayoress

NAME OF BODY	EXISTING REPRESENTATIVES	NUMBER OF MEETINGS 2011/2012	ATTENDANCE	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2012)	REPORT VIA INFO. DIGEST	NEW REPRESENTATIVES/ NOMINEES
Headcorn Aerodrome Consultative Committee	Member from the Weald North Ward (Cllr Mrs Dyer)			Ongoing	✓	Member from the Weald North Ward (Cllr Mrs Dyer)
High Weald (AONB) Joint Advisory Group	Cllr Taylor	2	1		✓	-----
Home Improvement Agency Support Group	Cllr Adley					-----
Home-Start, Ashford: Management Committee	Cllr Goddard	3	3			-----
Kennington Parochial Charities (Two Nominative Trustees)	Cllr Buchanan	4	1	Annual Meeting 2012 (4 year period) Annual Meeting 2012 (2 year period)		-----
	Cllr Sims	4	4			-----
Kent County Playing Fields Association	Portfolio Holder for Youth & Sport			Ongoing		Portfolio Holder for Youth & Sport
Kent Downs (AONB) Joint Advisory Committee and Executive Committee	Cllr Marriott	2	2		✓	-----
Kent Downs and Marshes Leader Project	Cllr Burgess				✓	-----

NAME OF BODY	EXISTING REPRESENTATIVES	NUMBER OF MEETINGS 2011/2012	ATTENDANCE	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2012)	REPORT VIA INFO. DIGEST	NEW REPRESENTATIVES/ NOMINEES
Kent Education Local Member Briefings	Cllrs Clokie Davey Chilton Davidson Smith					NO LONGER MEETING
Kent Invicta Chamber – Economic Development Group	Cllr Galpin	10	8		✓	-----
Leaders/Chief Executive Forum (formerly KALA)	Leader of the Council Substitute: Deputy Leader of the Council Chief Executive	6 12	6 12	Ongoing		Leader of the Council (Sub – Deputy Leader of the Council) Chief Executive
Local Children’s Trust Board	Cllr Mrs Dyer	4	3			-----
Local Government Association: General Assembly Urban Commission Rural Commission	Cllr Taylor Cllr Heyes Cllr Mrs Blanford					----- ----- -----
Marshlink Steering Group	Cllr Hicks	3	2		✓	-----

NAME OF BODY	EXISTING REPRESENTATIVES	NUMBER OF MEETINGS 2011/2012	ATTENDANCE	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2012)	REPORT VIA INFO. DIGEST	NEW REPRESENTATIVES/ NOMINEES
Mid Kent Downs (AONB) Advisory Group	Cllr Mrs Blanford Substitute: Cllr Adby					----- -----
National Council on Inland Transport - Executive Committee	Cllr Adby					-----
Parochial Church Council of St Mary's The Virgin Ashford Arts & Arts Development Sub-Committee	Cllr Claughton					-----
PATROL – Joint Committee	Portfolio Holder for the Environment			Ongoing		Portfolio Holder for the Environment
Relate East Kent (Marriage Guidance Council)	Cllr Davidson	3	2		✓	-----
River Stour Internal Drainage Board	Cllr Mrs Martin Sims Smith Mr I Cooling Mr P Howard	4 3 4 4 4	4 1 3 1 3		✓	----- ----- ----- ----- Ongoing
Romney Marshes Area Internal Drainage Board	Cllr Burgess	3	3			-----

NAME OF BODY	EXISTING REPRESENTATIVES	NUMBER OF MEETINGS 2011/2012	ATTENDANCE	RETIREMENT DATE (UNLESS OTHERWISE STATED - ANNUAL MEETING 2012)	REPORT VIA INFO. DIGEST	NEW REPRESENTATIVES/ NOMINEES
Sandyacres Trust	Cllr Michael				✓	-----
Singleton Environment Centre Management Advisory Board	Cllr Hodgkinson	3	3	Annual Meeting 2015		Cllr Hodgkinson
South Ashford Youth Club - Management Committee	Cllr Davidson	0	0			-----
South East Employers	Cllr Taylor	3	0		✓	-----
South East England Councils (SEEC)	Leader of the Council Substitute: Deputy Leader of the Council	3	0	Ongoing		Leader of the Council Substitute: Deputy Leader of the Council
Supporting People Commissioning Body	Portfolio Holder for Housing & Customer Services Head of Customers, Homes & Property	3	3	Ongoing		Portfolio Holder for Housing & Customer Services Head of Customers, Homes & Property
SWAN Centre Site Management Committee	Cllr Smith Substitute: Cllr Adley	4	4		✓	----- Substitute: -----
Tenterden Folk Day Trust	Cllr. Clokie	6	2			-----
Tenterden Leisure Centre Trust	Cllr Goddard	5	3			-----

NAME OF BODY	EXISTING REPRESENTATIVES	NUMBER OF MEETINGS 2011/2012	ATTENDANCE	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2012)	REPORT VIA INFO. DIGEST	NEW REPRESENTATIVES/ NOMINEES
Tourism South East Council, Quarterly Forum and Annual Meeting	Cllr Bennett Substitute: Cllr Heyes	0	0			----- Substitute: -----
Volunteering Ashford	Cllr Feacey				✓	-----
Willesborough Charities - Nomination of Two Trustees	Cllr Davidson Cllr Mortimer				✓	----- -----
Willesborough Windmill Trust Limited	Cllr Davidson				✓	-----
Wye Rural Museum Trust	Mr Farrant			May 2012		-----

Member Champions

TOPIC	EXISTING REPRESENTATIVE	NEW REPRESENTATIVES/NOMINEES
Climate Change	Cllr Mrs Blanford	-----
Heritage	Cllr Goddard	-----
Media	Cllr Bennett	-----
Procurement	Cllr Shorter	-----
Safeguarding Children	Cllr Mrs Dyer	-----
Town Centre	Cllr Buchanan	-----
Twinning	Cllr Bennett	-----

**ASHFORD BOROUGH COUNCIL
ANNUAL MEETING 17TH MAY 2012
ORDER OF PROCEEDINGS**

1. Election of Mayor

- (a) The Retiring Mayor enters the Council Chamber wearing robes and Chain and takes the Chair.
- (b) Prayer.
- (c) Retiring Mayor calls for nominations.
- (d) Nomination moved by Councillor _____
- (e) Nomination seconded by Councillor _____
- (f) Retiring Mayor declares the result of the election (where one nomination only it must be put to the vote).

2. Declaration of Acceptance of Office by the Mayor

- (a) The Chief Executive will read out the Declaration of Acceptance of Office and the new Mayor signs the Declaration after signifying acceptance.
- (b) The Robing Party then retires from the Council Chamber in the following order:-

Mace Bearer
Retiring Mayor
Chief Executive
New Mayor
Chaplain

NOTE: It is essential that the Retiring Mayoress and the new Mayoress are present in the Council Chamber from the commencement of the Annual Meeting, and in order that the new Mayoress may receive her Chain of Office both the Retiring Mayoress and the new Mayoress should leave the Council Chamber at the rear of the Robing Party. On return, in advance of the return of the newly elected Mayor, they should be escorted along with the retiring Mayor, into the Council Chamber and take their respective seats.

- (c) The Robing Party then returns to the Council Chamber in the following order:-

Mace Bearer
Mayor
Chief Executive
Chaplain

- (d) Prayer.

3. Appointment of Mayor's Chaplain

4. Vote of thanks by the Mayor for his Election

5. **Vote of thanks to the Retiring Mayor and Mayoress**
 - (a) Moved by Councillor _____
 - (b) Seconded by Councillor _____
 - (c) Presentation of Badges by the Mayor to the Retiring Mayor and Mayoress.
 - (d) Presentation of a gift by the new Mayoress to the Retiring Mayoress.
6. **Response by the Retiring Mayor**
 - (a) Presentation of floral gift by the Retiring Mayoress to the new Mayoress.
7. **Election and Appointment of Deputy Mayor**
 - (a) Mayor calls for nominations.
 - (b) Proposed by Councillor _____
 - (c) Seconded by Councillor _____
 - (d) Following election, Mayor declares result of the vote.
8. **Declaration of Acceptance of Office by the Deputy Mayor**
 - (a) The Chief Executive will read out the Declaration of Acceptance of Office and the Deputy Mayor signs Declaration after signifying acceptance.
 - (b) Deputy Mayor invested with Chain of Office by the Mayor.
 - (c) Deputy Mayoress invested with Chain of Office by the Mayor.
9. **Apologies for Absence**
10. **Declarations of Interest**
11. **Minutes**

To consider the Minutes of the meeting of the Council held on the 19th April 2012.
12. **Announcements**

To receive any announcements from the Mayor.
13. **Confirmation of Cabinet Arrangements for 2012/13 by the Leader of the Council**
14. To consider the Minutes of the Selection and Constitutional Review Committee held on the 10th May 2012.
15. To consider the Minutes of the Meeting of the Cabinet held on the 10th May 2012