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 **10**th **May 2012**

Present:

Cllr. Wood (Chairman);

Cllr. Clarkson (Vice-Chairman);

Cllrs. Bennett, Chilton, Davison, Galpin, Howard, Mrs Martin.

Apologies:

Cllrs. Mrs Heyes, Shorter, Smith.

Also Present:

Cllr. Michael.

Head of Legal & Democratic Services, Head of Planning & Development, Strategic Sites & Design Manager, Senior Member Services & Scrutiny Support Officer.

438 Minutes

Resolved:

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

439 Planning Review Interim Report – Increased Delegations to Officers and Amended Speaking Arrangements at Planning Committee

The report followed on from the Deputy Leader's Interim Report on his review of Planning, which suggested examining changes to the delegated authority of Officers and to speaking arrangements at Planning Committee. This report took those suggestions forward and proposed ways in which the Constitution of the Council could be changed to respond positively to the review suggestions and in line with actions approved by Cabinet. The Deputy Leader said the aim of the whole review was to support the Council's very capable Planning Officers to deliver a more efficient and effective Planning Service.

A Member said there needed to be a careful balance struck when considering 'Ward Member elevated' applications because an issue that might seem fairly minor, could be very sensitive and important in an area and in a democratic sense, the Planning Committee should consider it in that case. There should however be an expectation that the Ward Member would explain clearly why he was asking for an application to be elevated to Committee. The Chairman and Vice-Chairman said they agreed

entirely with this and it was for the Ward Member to strike the balance on each occasion.

Recommended:

That the proposed changes to the Council's Constitution as set out in Appendix 2 to the report be endorsed.

440 Background and Principles of Political Balance and Administrative Structure

The report of 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 17th May 2012.

The report explained the Leader's intention to disband the Policy Advisory Group, Planning Policy Task Group and Community Partnership Group and to convene a number of Cabinet Task Groups to undertake this work. In response to a question from a Member the Leader explained that this was intended to improve the link between the Cabinet and all Members. The Leader had also signified his wish to introduce Lead Members for the following areas: - Economic Development; Procurement & IT; and the Romney Marsh. The report also advised of the proposed future arrangements for the Standards Committee.

The Chairman ran through the recommendations in the report and considered the membership of Committees, Groups and Forums one by one. With input from Members, the membership for 2012/13 was updated. This is contained at Appendix B to these Minutes. It was agreed that the Chairmanship and Vice-Chairmanship of the Overview & Scrutiny Committee would be the subject of a vote at the Annual Meeting of the Council

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 Committee, 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 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 & 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 at Appendix B to these Minutes. Note: This will be subject to amendments from Group Leaders.

- (iii) the appointments of the existing Independent Members of the Standards Committee be extended on the same basis as the extension of the existing Standards Committee arrangements, subject to the Independent Members agreeing to act.
- (iv) the Head of Legal & Democratic Services and Monitoring Officer be authorised to prepare a Job Description and person specification for the new Independent Person 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) a Panel be authorised to interview applicants for the Independent Person role and recommend 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 following Lead Members be established and appointed: -
 - Economic Development Councillor Galpin
 - Procurement & IT Councillor Shorter
 - Romney Marsh Councillor Burgess

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 to these Minutes.
- (viii) the Scheme of Cabinet 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.

441 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 the 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 Kennington Parochial Charities, the National Council on Inland Transport, the River Stour (Kent) Internal Drainage Board and the Wye Rural Museum Trust.

The Leader said that where Members were already in position and appointed to an Outside Body/Organisation, he would like to see that appointment carried over for the coming year. In the circumstances where there was a need to make a new nomination he would like these to be dealt with at the Annual Meeting of the Council on the 17th May 2012. A composite list of these would be provided ahead of the Annual Meeting.

Resolved:

- That (i) 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.
 - (ii) the Annual Meeting give further consideration to the appointments/nominations not completed in Appendix C to these Minutes.

442 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.

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

Queries concerning these Minutes? Please contact Danny Sheppard: Telephone: 01233 330349 Email: danny.sheppard@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees

APPENDIX A (Minute No. 440/5/12 refers)

THE POLITICAL BALANCE CALCULATION FINAL ARRANGEMENTS MAY 2012

A.1 All Committees to which balance applies

	Committee	Seats/Committee	To	otal 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		71

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

43 members =		%
30 Conservative 5 Ashford Independent 5 Labour 2 Liberal Democrat	= = = =	69.76744 11.6279 11.6279 4.65116
Note: 1 Independent = 2.32	558	99.99998

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

	Con	Al	Lab	LD	Ind	Total
Committee						
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,	9	1	2**	1	0	13
Health & Safety						
1 x 8 Audit	5	1	1	0	1	8
1 x 5 Appointments	3	1	1	0	0	5
	49(50)	8	8	3	3(2)****	71
Totals	(49.534882)	(8.255809)	(8.255809)	(3.3023236)	(2.32550)	

- 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 all seats: 71

Conservative	49.534882	=	50
Ashford Independent	8.255809	=	8
Labour	8.255809	=	8
Liberal Democrat	3.3023236	=	3
Note -Independent - 2 sea	ts 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
^x 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	Al	Lab	LD	Ind	Total
*1 x 15 Appeals	10	2	2	1	0	15
+1 x 5 Standards	3	1	1	0	0	5
*1 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

Overview and Scrutiny Committee (19 members)

(Members of the Cabinet may not be appointed to this Committee)

Conservative	Ashford Independent	Labour	Liberal Democrat	Independent
(13)	(2)	(2)	(1)	(1)
Apps	Davison	Chilton	Adby	Smith
Bartlett	Mortimer	Yeo		
Bell				
Mrs Bell				
Bennett				
Feacey				
Galpin				
Mrs Heyes				
Hodgkinson				
Mrs Martin				
Robey				
Shorter				
Conservative				
Vacancy				

Audit Committee (8 Members)

Conservative	Ashford Independent	Labour	Liberal Democrat	Independent
(5*)	(1)	(1)	(0)	(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	Ashford Independent	Labour	Liberal Democrat	Independent
(10)	(2)	(1)	(1)	(0)
Bennett	Davison	Clark	Adby	
Burgess	Michael			
Clarkson				
Clokie				
Mrs Dyer				
Heyes				
Mrs Heyes				
Link				
Robey (Ch)				
Wedgbury (VCh)				
Wood (EO)				

Selection & Constitutional Review Committee (12 Members)

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

Licensing and Health and Safety Committee (13 Members)

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

Appointments Committee (5 members)

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

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

Conservative	Ashford Independent	Labour	Liberal Democrat	Independent
(10)	(2)	(2)	(1)	(0)
Apps	Davey	Clark	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 Executive but that Member cannot be the Committee's Chairman.

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

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

Conservative	Ashford Independent	Labour	Liberal Democrat	Independent
(5)	(1)	(1)	(0)	(0)
Mrs Bell	Davey	Yeo		
Burgess (VCh)				
Claughton				
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	Ashford Independent	Labour	Liberal Democrat	Independent
(3)	(1)	(1)	(0)	(0)
Claughton (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	Ashford Independent	Labour	Liberal Democrat	Independent
(2)	(1)	(1)	(1)	(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)				

Parish Forum (6 members)

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

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

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

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

Member Training Panel (8 Members)

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

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

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

Lead Members

TOPIC	MEMBER
Economic Development	Cllr Galpin
Procurement and IT	Cllr Shorter
Romney Marsh	Cllr Burgess

APPENDIX C Minute No. 441/5/12 refers

ASHFORD BOROUGH COUNCIL

APPOINTMENT/NOMINATION TO OUTSIDE BODIES/ORGANISATIONS

NAME OF BODY	NEW REPRESENTATIVES/ NOMINEES	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2013)
Action With Communities in Rural Kent	Cllr. Burgess Substitute: Cllr Mrs Blanford	
Alzheimer's Society – Ashford and Shepway Branch	Cllr Claughton	
Ashford Almshouses & Parochial Charities	Cllr Hodgkinson Mr Koowaree	3 year period expiring 30/11/13
	Cllr Claughton Cllr Heyes	5 year period expiring 31/5/14
Ashford Choral Society	The Mayor – President	Ongoing
Ashford Community Arts Trust	Portfolio Holder for Culture & Recreation	Ongoing
Ashford Community Safety Partnership	Portfolio Holder for Community & Wellbeing	Ongoing
Ashford Federation of the Arts	e Cllr Adby	
Ashford's Future Company	Leader of the Council	
	Alternate: Cllr Feacey	
Ashford Leisure Trust	Cllr Hicks	
Ashford Mediation Service – Management	Cllr Davidson	
Committee	Patron: The Mayor	Ongoing
Ashford Museum Committee	Cllr Adby	
Ashford Sure Start (Fifth Wave) Partnership	Cllr Chilton	

NAME OF BODY	NEW REPRESENTATIVES/ NOMINEES	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2013)
Ashford Town Centre Partnership:		
Management Board	Cllr Heyes Alternate: Cllr Howard	
	Chief Executive	Ongoing
Marketing & Promotions Working Group	Cllr Davison Substitute: Cllr Adby	
Ashford Youth Forum Trustees	Portfolio Holder for Youth & Sport (Trustee) Cllr Adley (Council Rep)	Ongoing
Ashford Winkle Club	The Mayor (Honorary Member)	Ongoing
Citizens' Advice Bureau Ashford Branch Management Committee	Cllr Claughton (Voting) Cllr Chilton (Non Voting)	
Dungeness Power Station Site Stakeholder Group	Cllr Burgess	
Elwick Club	Mayor & Mayoress (Honorary Members)	Ongoing
Headcorn Aerodrome Consultative Committee	Member from the Weald North Ward (Cllr Mrs Dyer)	Ongoing
High Weald (AONB) Joint Advisory Group	Cllr Taylor	
Home Improvement Agency Support Group	Cllr Adley	
Home-Start, Ashford: Management Committee	Cllr	
Kennington Parochial Charities (Two Nominative Trustees)	Cllr Buchanan Cllr Sims	Annual Meeting 2016 (4 year period) Annual Meeting 2014 (2 year period)
Kent County Playing Fields Association	Portfolio Holder – Youth & Sport	Ongoing
Kent Downs (AONB) Joint Advisory Committee and Executive Committee	Cllr Marriott	

NAME OF BODY	NEW REPRESENTATIVES/ NOMINEES	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2013)
Kent Downs and Marshes Leader Project	Cllr Burgess	
Kent Invicta Chamber – Economic Development Group	Cllr Galpin	
Leaders/Chief Executive Forum (formerly KALA)	Leader of the Council Sub: Deputy Leader	Ongoing
	Chief Executive	
Local Children's Trust Board	Cllr Mrs Dyer	
Local Government Association		
General Assembly	Cllr Taylor	
Urban Commission	Cllr Heyes	
Rural Commission	Cllr Mrs Blanford	
Marshlink Steering Group	Cllr Hicks	
Mid Kent Downs (AONB) Advisory Group	Cllr Mrs Blanford Substitute: Cllr Adby	
National Council on Inland Transport – Executive Committee	Cllr	
Parochial Church of St Mary's the Virgin Ashford Arts & Arts Development Sub-Committee	Cllr Claughton	
PATROL – Joint Committee	Portfolio Holder for the Environment	Ongoing
Relate East Kent (Marriage Guidance Council)	Cllr Davidson	
River Stour Internal Drainage Board	Cllrs Mrs Martin Sims Smith	
	Mr P Howard	Ongoing
Romney Marshes Area Internal Drainage Board	Cllr Burgess	

NAME OF BODY	NEW REPRESENTATIVES/ NOMINEES	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2013)
Sandyacres Trust	Cllr Michael	
Singleton Environment Centre Management Advisory Board	Cllr Hodgkinson	Annual Meeting 2015 (4 year period)
South Ashford Youth Club – Management Committee	Cllr Davidson	
South East Employers	Cllr Taylor	
Supporting People Commissioning Body	Portfolio Holder for Housing & Customer Services Head of Customers,	Ongoing
	Homes & Property	
SWAN Centre Site Management Committee	Cllr Smith Substitute: Cllr Adley	
Tenterden Folk Day Trust	Cllr Clokie	
Tenterden Leisure Centre Trust	Cllr	
Tourism South East Council, Quarterly Forum and Annual Meeting	Cllr Bennett Substitute: Cllr Heyes	
Volunteering Ashford	Cllr Feacey	
Willesborough Charities – Nomination of Two Trustees	Cllr Davidson Cllr Mortimer	
Willesborough Windmill Trust Limited	Cllr Davidson	
Wye Rural Museum Trust		May 2016

Member Champions

TOPIC	NEW REPRESENTATIVE
Climate Change	Cllr Mrs Blanford
Heritage	Cllr
Media	Cllr Bennett
Procurement	Cllr Shorter
Safeguarding Children	Cllr Mrs Dyer
Town Centre	Cllr Buchanan
Twinning	Cllr Bennett