



## Selection and Constitutional Review Committee

Notice of a Meeting, to be held in Committee Room No.2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL on Thursday, 13<sup>th</sup> June 2013 at 6.30 pm\*.

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The Members of this Committee are:-

Cllr Clarkson – (Chairman);  
Cllr Cloughton – (Vice-Chairman);  
Cllrs Bennett, Chilton, Davey, Davidson, Davison, Mrs Dyer, Galpin, Howard, Mrs Martin, Robey, Smith

**NB: Under the Council's Public Participation Scheme, members of the public can submit a petition, ask a question or speak concerning any item contained on this Agenda (Procedure Rule 9 refers)**

\*Please note start time

### Agenda

- |   | <b>Page<br/>Nos.</b> |
|---|----------------------|
| 1. <b>Apologies/Substitutes</b> – To receive Notification of Substitutes in accordance with Procedure Rule 1.2(iii).                            |                      |
| 2. <b>Declarations of Interest:-</b> To declare any interests which fall under the following categories, as explained on the attached document: | 1                    |
| a) Disclosable Pecuniary Interests (DPI)  |                      |
| b) Other Significant Interests (OSI)  |                      |
| c) Voluntary Announcements of Other Interests   |                      |
| See Agenda Item 2 for further details   |                      |
| 3. <b>Minutes</b> – To approve the Minutes of the Meeting of this Committee held on the 7th May 2013  |                      |

### Part I – For Decision

4. The Creation of a Trading and Enterprise Committee of the Cabinet
5. Constitutional Issues

### Part II – For Information

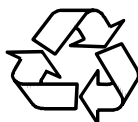
None for this Meeting

KRF/VS  
5<sup>th</sup> June 2013

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Queries concerning this agenda? Please contact Danny Sheppard:  
Telephone: 01233 330349 Email: [danny.sheppard@ashford.gov.uk](mailto:danny.sheppard@ashford.gov.uk)  
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**Declarations of Interest (see also “Advice to Members” below)**

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

**Advice to Members on Declarations of Interest:**

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5962/2193362.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf) plus the link sent out to Members at part of the Weekly Update email on the 3<sup>rd</sup> May 2013.
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Head of Legal and Democratic Services and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

## **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 **7<sup>th</sup> May 2013**

### **Present:**

Cllr. Clarkson (Vice-Chairman in the Chair);  
Cllrs. Bennett, Chilton, Claughton, Davidson, Davison, Mrs Dyer, Galpin, Mrs Martin, Robey.

In accordance with Procedure Rule 1.2 (iii) Councillors Claughton and Robey attended as Substitute Members for the Conservative Vacancy and Councillor Mrs Heyes respectively.

### **Apologies:**

Cllrs. Davey, Mrs Heyes, Howard.

### **Also Present:**

Policy & Performance Officer, Senior Member Services & Scrutiny Support Officer.

## **420 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of this Committee held on the 6<sup>th</sup> December 2012 be approved and confirmed as a correct record.**

## **421 Proposed Amendments to the Terms of Reference of the Single Grants Gateway Panel**

The report proposed amendments to the Terms of Reference of the Panel to take into account changes in external representation. The Chairman directed Members to the tabled papers which included an amended recommendation increasing the membership of the Panel from five to seven Members.

### **Recommended:**

**That the revised Terms of Reference of the Single Grants Gateway Panel be approved, subject to increasing the membership to 7 Members.**

## **422 Background and Principles of Political Balance and Administrative Structure**

The report of the Head of Legal & Democratic Services and the tabled papers 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 16<sup>th</sup> May 2013.

The Chairman directed the Committee's attention to the tabled papers which explained that further to the publication of the original report there had been a number of developments that had necessitated additions and amendments. Included within the tabled papers were details of the draft political balance calculation for 2013/14 as discussed by Group Leaders earlier that afternoon (attached to these Minutes as Appendix A), as well as an Appendix which set out details of Members to be appointed to seats on the various Committees etc by Group Leaders. As part of the political balance calculation the Leader had signified his wish to make some changes to the composition of some of the Committees etc and these were also detailed within the tabled papers. Reference to Lead Members in the report had also been amended to clarify that no appointments would be made for 2013/14. As a result of these developments a full list of amended recommendations was also included within the tabled papers.

The Chairman ran through the membership of Committees, Groups and Forums one by one. With input from Members, the membership for 2013/14 was updated as far as was possible. This is contained at Appendix B to these Minutes.

**Recommended:**

- That
- (i) the membership of the Planning Committee be increased from 14 Members (plus 1 ex-officio) to 16 Members (plus 1 ex-officio) and the membership of the Overview & Scrutiny Committee be decreased from 19 Members to 16 Members.**
  - (ii) 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 Joint Transportation Board, Appeals, Overview & Scrutiny and Audit Committees and the Sub-Committee of the Licensing and Health and Safety Committee established under the Licensing Act 2003 and Gambling Act 2005.**
  - (iii) in terms of the 1 seat available for allocation on the Appointments Committee following the balance calculation, the seat be allocated to the Liberal Democrat Group.**
  - (iv) a Transportation, Highways and Engineering Advisory Committee and an Educational and Vocational Skills Advisory Committee be established, each comprised of 8 Members, and the Terms of Reference attached at Appendices C and D of the report be approved.**
  - (v) the Independent Remuneration Panel be asked to consider an appropriate Special Responsibility Allowance for the Chairmen and Vice-Chairmen of the new Committees set out in (iv) above,**

possibly at a similar level to those currently paid to the Chairman and Vice-Chairman of the Joint Transportation Board.

- (vi) the following Committees be constituted for the 2013/14 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**  
**Transportation, Highways and Engineering Advisory Committee**  
**Education and Vocational Skills Advisory Committee**  
**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 may be subject to amendments from Group Leaders.**

- (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 Portfolio Holder responsibilities set out in Appendix E to the report be noted.
- (x) 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 Transport Forum, the merging of the Nature Conservation Forum with the Environmental Forum to form the Conservation and Environment Forum, amending the membership of the Member Training Panel so that the Panel is broadly politically balanced; and adding an ex-officio Member to the Parish Forum.

## **423 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 Member Champions. The Chairman directed Members' attention

to the tabled paper which explained that he still intended to appoint a Member Champion for Media, there was a vacancy for a Council appointed representative on the Wye Rural Museum Trust and detailed the reports for outside organisations that had been received since the publication of the Agenda.

The Committee reviewed the appointments and some changes of representative were suggested by Members.

The Chairman said that he wanted to add a recommendation in that the whole question of the Council's representation on outside bodies should be the subject of a review and that a further report be submitted to the Committee in due course. He considered the list of organisations was too large and there were questions about the usefulness and value of some of the appointments.

**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 whole question of the Council's representation on outside bodies should be the subject of a review and that a further report be submitted to the Committee in due course.**

## **424 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.**

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Queries concerning these Minutes? Please contact Danny Sheppard:  
Telephone: 01233 330349 Email: [danny.sheppard@ashford.gov.uk](mailto:danny.sheppard@ashford.gov.uk)  
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**APPENDIX A**  
**(Minute No. 422/5/13 refers)**

**THE POLITICAL BALANCE CALCULATION**  
**FINAL ARRANGEMENTS**  
**MAY 2013**

**A All Committees to which balance applies**

	<b>Committee</b>	<b>Seats/Committee</b>		<b>Total Seats</b>
1 x 16	Overview and Scrutiny	16	=	16
1 x 16	Planning	16	=	16
1 x 13	Licensing and Health & Safety	13	=	13
1 x 12	Selection	12	=	12
1 x 8	Audit	8	=	8
1 x 8	Transportation and Highways Advisory	8	=	8
1 x 8	Educational & Vocational Skills Advisory	8	=	8
1 x 5	Appointments	5	=	5
			<b>Total</b>	<u>86</u>

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

43 members =		%
30 Conservative	=	69.76744
5 Labour	=	11.6279
4 Ashford Independent	=	9.30232
2 Liberal Democrat	=	4.65116
2 Independent	=	4.65116
		<u>99.99998</u>



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

Committee	Con	Lab	AI	LD	Ind	Total
1 x 16 O&S	10*	2	2*	1	1	16
1 x 16 Planning	11	2	1	1	1	16
1 x 12 Selection	8	1	1	1	1	12
1 x 13 Licensing, Health & Safety	9	1	1	1	1	13
1 x 8 Audit	5**	1	1	0	1**	8
1 x 8 Transport & Highways	6	1	1	0	0	8
1 x 8 Education & Vocational	6	1	1	0	0	8
1 x 5 Appointments	3	1	0	1***	0	5
<b>Totals</b>	<b>58(60)*</b> ** (60.0000)	<b>10(10)</b> (10.0000)	<b>8(8)</b> (8.0000)	<b>5(4)***</b> (4.0000)	<b>5(4)**</b> (4.0000)	<b>86</b>

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

\* To enable the Ashford Independent Group to retain 2 seats on the Overview & Scrutiny Committee the Conservative Group gifted the Ashford Independent Group one of their seats.

\*\* The Group Leaders wished to retain Councillor Smith on the Audit Committee (in line with previous arrangements) to draw upon his previous experience as a Local Authority Auditor. The Conservative Group gifted a seat on the Audit Committee to Councillor Smith of the Independent Group to enable this arrangement to continue to apply.

\*\*\* On the Appointments Committee the calculation allocated only 4 seats whereas the overall Committee size was 5. The Selection and Constitutional Review Committee recommended that this seat be allocated to the Liberal Democrat Group.

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

**Political Group entitlement in relation to all seats: 86**

Conservative	60.0000 =	60
Labour	10.0000 =	10
Ashford Independent	8.0000 =	8
Liberal Democrat	4.0000 =	4
Independent	4.0000 =	4
<b>Total</b>	<b>86</b>	

**D. Committees to which balance will not apply either as a direct result of joint arrangements 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
<sup>x</sup> 1 x 7	Joint Transportation Board		= 7
* 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.**

<sup>x</sup> 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	Lab	AI	LD	Ind	Total
<sup>x</sup> 1 x 15 Appeals	10	2	1	1	1	15
<sup>x</sup> 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.

**SELECTION AND CONSTITUTIONAL REVIEW COMMITTEE**

**7<sup>TH</sup> MAY 2013**

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

**Overview and Scrutiny Committee (16 Members)**

Members of the Cabinet may not be appointed to this Committee

\*Seat gifted by the Conservatives to enable the Ashford Independent Group to retain 2 seats on this Committee.

<b>Conservative (10*)</b>	<b>Labour (2)</b>	<b>Ashford Independent (2*)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (1)</b>
Apps	Chilton (VCh)	Davison	Aeby (Ch)	Smith
Bartlett	Yeo	Mortimer		
Bennett				
Burgess				
Feacey				
Hodgkinson				
Mrs Hutchinson				
Link				
J Martin				
M Martin				

**Audit Committee (8 Members)**

\*Seat gifted by the Conservatives to draw upon Cllr Smith's experience as a former Local Authority Auditor

<b>Conservative (5*)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (0)</b>	<b>Independent (1*)</b>
Clokier (Ch)	Yeo	Michael		Smith
Link (VCh)				
Marriott				
Shorter				
Taylor				

**Planning Committee (16 Members) (plus 1 ex officio)**

<b>Conservative (11)</b>	<b>Labour (2)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (1)</b>
Bennett (Ch)	Clark	Davison	Davidson	Sims
Burgess (VCh)	Yeo			
Clarkson (EO)				
Clokier				
Mrs Dyer				
French				
Galpin				
Heyes				
Mrs Heyes				
Mrs Hutchinson				
Robey				
Wedgbury				

**Selection & Constitutional Review Committee (12 Members)**

<b>Conservative (8)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (1)</b>
Bennett	Chilton	Davey	Davidson	Smith
Clarkson (Ch)		Davison		
Claughton (VCh)				
Mrs Dyer				
Galpin				
Howard				
M Martin				
Robey				

**Licensing and Health and Safety Committee (13 Members)**

<b>Conservative (9)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (1)</b>
Apps	Chilton	Davey	Adby	Smith
Mrs Bell				
Feacey (Ch)				
Galpin (VCh)				
Hodgkinson				
Mrs Hutchinson				
Marriott				
M Martin				
Shorter				

**Appointments Committee (5 Members)**

<b>Conservative (3)</b>	<b>Labour (1)</b>	<b>Ashford Independent (0)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (0)</b>
Mrs Blanford	Britcher	Davison  (invited non-voting Member)	Davidson	Smith  (invited non-voting Member)
Clarkson (Ch)				
Cloughton (VCh)				

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

<b>Conservative (10)</b>	<b>Labour (2)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (1)</b>
Bennett	Britcher	Mortimer	Davidson	Sims
Buchanan	Clark			
Burgess				
French				
Hodgkinson				
Mrs Hutchinson				
Link				
J Martin				
Wedgbury				
Wright				

**Standards Committee (8 Members)**

<b>Conservative (5)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (0)</b>
Mrs Blanford	Chilton	Davison	Adby	
Feacey				
Galpin				
Mrs Hutchinson				
Taylor				

**Joint Transportation Board (7 Members)**

<b>Conservative (5)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (0)</b>	<b>Independent (0)</b>
Mrs Bell	Yeo	Davey		
Burgess				
Claughton				
Heyes (Ch)				
Robey				

**Transportation, Highways & Engineering Advisory Committee (8 Members)**

<b>Conservative (6)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (0)</b>	<b>Independent (0)</b>
Burgess	Yeo	Michael		
Claughton				
Feacey (VCh)				
Heyes (Ch)				
Robey				
Wedgbury				

**Education & Vocational Skills Advisory Committee (8 Members)**

<b>Conservative (6)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (0)</b>	<b>Independent (0)</b>
Bell	Chilton	Davey		
Clokie (Ch)				
French (VCh)				
Robey				
Shorter				
Wedgbury				

**Grants Gateway Panel (7 Members including the Portfolio Holder for Community & Wellbeing)**

<b>Conservative (5)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (0)</b>	<b>Independent (0)</b>
Apps	Britcher	Davison		
Claughton (Ch)				
Howard				
Link				
Taylor				

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

Membership is to include the Leader and/or appropriate Portfolio Holder.

<b>Conservative (2)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (1)</b>
Clarkson	Britcher	Davey	Davidson	Smith
Shorter (CH)				



**Conservation and Environment Forum (8 Members including Portfolio Holder for the Environment)**

<b>Conservative (6)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (0)</b>	<b>Independent (0)</b>
Mrs Bell	Britcher	Michael		
Mrs Blanford (Ch)				
Mrs Dyer				
Hicks				
J Martin				
Wedgbury				

**Parish Forum (6 members) (plus 1 ex officio)**

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

<b>Conservative (2)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (1)</b>
Mrs Bell (EO)	Yeo	Davison	Davidson	Smith
Clarkson (Ch)				
Cloughton (VCh)				

**Member Training Panel (8 Members)**

<b>Conservative (4)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (1)</b>
Cloughton	Chilton	Mortimer	Adby	Smith
Hicks				
Howard				
Mrs Hutchinson (Ch)				

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

<b>Conservative (7)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (0)</b>
Apps	Britcher	Mortimer	Davidson	
Mrs Bell				
Clarkson (Ch)				
Cloughton (VCh)				
Clokie				
M Martin				
Taylor				

**ASHFORD BOROUGH COUNCIL**

**APPOINTMENT/NOMINATION TO OUTSIDE BODIES/ORGANISATIONS**

<b>NAME OF BODY</b>	<b>NEW REPRESENTATIVES/ NOMINEES</b>	<b>RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2014)</b>
Action With Communities in Rural Kent	Cllr. Burgess Substitute: Cllr Mrs Blanford	
Alzheimer's Society – Ashford and Shepway Branch	Cllr Cloughton	
Ashford Almshouses & Parochial Charities	Cllr Hodgkinson Mr Koowaree  Cllr Cloughton Cllr Heyes	3 year period expiring 30/11/13  5 year period expiring 31/5/14
Ashford Choral Society	The Mayor – President	Ongoing
Ashford Community Arts Trust	Portfolio Holder for Culture & The Environment	Ongoing
Ashford Community Safety Partnership	Portfolio Holder for Community & Wellbeing	Ongoing
Ashford Federation of the Arts	Cllr Adby	
Ashford's Future Company	Leader of the Council  Alternate: Cllr Feacey	
Ashford Leisure Trust	Cllr Hicks	
Ashford Mediation Service – Management Committee	Cllr Davidson  Patron: The Mayor	Ongoing
Ashford Museum Committee	Cllr Adby	
Ashford Sure Start (Fifth Wave) Partnership	Cllr Chilton	
Ashford Winkle Club	The Mayor (Honorary Member)	Ongoing

NAME OF BODY	NEW REPRESENTATIVES/ NOMINEES	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2014)
Ashford Youth Forum Trustees	Portfolio Holder for Youth & the Elderly (Trustee) Cllr Chilton (Council Rep)	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 Britcher	
Home-Start, Ashford: Management Committee	Cllr Davey	
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 & the Elderly	Ongoing
Kent Downs (AONB) Joint Advisory Committee and Executive Committee	Cllr Marriott	
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  Chief Executive	Ongoing
Local Children's Trust Board	Cllr Mrs Dyer	

NAME OF BODY	NEW REPRESENTATIVES/ NOMINEES	RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2014)
Local Government Association  General Assembly  Urban Commission  Rural Commission	Cllr Taylor  Cllr Heyes  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 Burgess	
Parochial Church of St Mary's the Virgin Ashford Arts & Arts Development Sub-Committee	Cllr Claughton	
PATROL – Joint Committee	Portfolio Holder for Transportation, Highways & Engineering	Ongoing
Relate East Kent (Marriage Guidance Council)	Cllr Davidson	
River Stour Internal Drainage Board	Cllr Hicks Cllr Mrs M Martin Cllr Sims Cllr Smith Mr P Howard	Ongoing
Romney Marshes Area Internal Drainage Board	Cllr Burgess	
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	
South Kent Dyslexia Association	Cllr French	

<b>NAME OF BODY</b>	<b>NEW REPRESENTATIVES/ NOMINEES</b>	<b>RETIREMENT DATE (UNLESS OTHERWISE STATED – ANNUAL MEETING 2014)</b>
Supporting People Commissioning Body	Portfolio Holder for Housing & Customer Services  Head of Customers, Homes & Property	Ongoing
SWAN Centre Site Management Committee	Cllr Smith Substitute: Cllr Yeo	
Tenterden Folk Day Trust	Cllr Clokie	
Tenterden Leisure Centre Trust	Cllr Bennett	
Tourism South East Council, Quarterly Forum and Annual Meeting	Cllr Bennett Substitute: Cllr Heyes	
Volunteering Ashford	Cllr Feacey	
Willesborough Windmill Trust Limited	Cllr Davidson	
Wye Rural Museum Trust	Cllr J Martin	May 2016

### **Member Champions**

<b>TOPIC</b>	<b>NEW REPRESENTATIVE</b>
Media	Cllr Bennett
Safeguarding Children	Cllr Mrs Dyer
Twinning	Cllr Bennett

## **SELECTION & CONSTITUTIONAL REVIEW COMMITTEE**

**13<sup>th</sup> June 2013**

### **THE CREATION OF A TRADING AND ENTERPRISE COMMITTEE OF THE CABINET.**

The Cabinet on 6 December 2012 agreed in principle to the establishment of two trading companies to allow commercial trading activities to be carried out (a further report will be presented to Cabinet in due course). It was also agreed at the meeting to establish a Trading and Enterprise Committee of the Cabinet to support these activities, to oversee the governance arrangements of these companies and to approve the trading activities of the companies.

### **TRADING AND ENTERPRISE COMMITTEE OF THE CABINET.**

#### **Introduction**

The Council is in the process of establishing two wholly owned local authority companies to allow commercial trading activities –

- a Property Company and
- a Building Consultancy Company.

It is proposed that the Committee of the Cabinet will be known as The Trading & Enterprise Board (TEB) and it will be tasked to play a key role in promoting and properly monitoring these new activities on behalf of the Cabinet.

#### **Composition**

It is suggested that the TEB shall comprise of:-

- (a) 4 Members of the Cabinet to be members of the TEB, as appointed by the Leader and reported to Council.
- (b) 1 Member of the Council from outside the Cabinet, as appointed by the Leader and reported to the Council to act in the capacity of "Observer".

TEB will appoint its own Chair and Vice Chair. Other members of the Cabinet may attend and vote as substitutes in the event that an appointed member of the TEB is unable to attend. Notice of substitution shall be given at the commencement of the meeting.

#### **Restrictions on Membership**

As TEB discharges executive functions, only members of the Cabinet can be members of the TEB with voting rights, although other Cabinet members and non-Cabinet members can be invited to attend, without voting rights.

## **Meetings**

The TEB shall meet on a basis agreed by itself and all meetings shall be held open to the public with full access to information as set out in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended unless any exemptions are applicable.

## **Roles in connection with established Trading Companies**

The TEB shall have delegated authority to carry out on behalf of the Cabinet the following functions, namely:

- a) To monitor and report regularly on high level performance and report on areas of concern to the Cabinet;
- b) To receive and consider an Annual Business Plan from each Trading Company including any information on profit and loss accounts;
- c) To receive and consider any variations from the approved Annual Business Plans;
- d) To receive and consider reports on new business initiatives. It is proposed that the Council as shareholder should require each company to submit to the TEB a business plan for each new area of activity and to obtain the TEB's approval for every new contract outside the approved Business Plans, which the company proposes to enter with an annual value in excess of £25,000 (these values to be subject to review by the TEB);
- e) To receive and consider periodic reports on the performance of key areas of business and main areas of business of each company. Such reports will initially be required quarterly in respect of each business area or contract which has been approved or exceeds the values set in paragraph d) above, but these values are to be subject to review by the Committee;
- f) To review any significant identified risks of the Companies on behalf of the Cabinet for the purposes of managing those risks;
- g) To receive and consider annual budget and capital spending plans for each company;
- h) To recommend to Cabinet whether or not to approve any applications from the Trading Companies for:
  - (i) consents to acquire or dispose of land outside the approved Business Plan



- (ii) consents to enter into third party loan agreements
  - (iii) the transfer of Council assets including land
  - (iv) the granting of loans from the Council
  - (v) approval of the Business Plans and variations;
- i) To receive and consider quarterly budget monitoring reports from each company ;
- j) To assist each company in the exploration of other trading opportunities with a view to achieving greater efficiency;
- k) To be responsible for ensuring that the Council's investment and or assets that may be transferred to or used by the established Trading Companies are properly protected and used for the purposes approved of by the Cabinet;
- l) To ensure formal directions of the Council or Cabinet are brought forward to the Trading Companies and agree the basis of implementation by the company; including making changes to the governance arrangements for the Trading Companies;
- m) To appoint and remove the Directors of the Companies (subject to the approval of the Leader of the Council)
- n) To act as the Council's (in its capacity as shareholder) nominated body to give all consents and approvals, including those that may be given under the Shareholder Agreement, subject to the approval of the Cabinet in respect of those matters set out in (h) above.
- o) To nominate a member of the TEB (subject to the approval of the Leader) to act as the representative of the Council at Shareholder meetings of the Trading Companies.

## **Reporting Lines**

The TEB shall report and make formal recommendations to the Cabinet as appropriate, in accordance with its functions described above.

## **Public and Member Questions**

Public and Member questions can be asked at meetings of the TEB in accordance with the requirements set out in the Scheme of Public Participation. Only questions which relate to matters which are the responsibility of the Sub Committee, as set out in General Procedure Rule 9 can be asked.

Questions relating to the work of TEB can also be asked at meetings of the Cabinet and Full Council.

Overview and Scrutiny Committee have the ability to review and scrutinise the activities of the TEB and that of any established Trading Companies wholly owned by the Council.

### **Attendance and meetings of the Trading and Enterprise Board**

Attendance at meetings of the TEB shall be in accordance with the Council Procedure Rules as set out in Part 4 Rules of Procedure – General Procedure Rules – Appendix- F -Procedural Decisions Relating to Committees etc of the Constitution.

### **Quorum**

The quorum of a meeting of the TEB shall be three.

If there is no quorum at the published start time for the meeting, a period of no more than 10 minutes will be allowed, and if there remains no quorum at the expiry of this period, the meeting will be deferred to a future date to be agreed

### **Record of Decisions**

In accordance with Part 4 Rules of Procedure – Access to Information Procedure Rules Rule 18 of the Council's Constitution: after any meeting of the TEB, a record of every decision taken at that meeting will be produced, which will be circulated to all Members of the Council and made available for public inspection within three clear working days of the decision being made.

### **Recommended:**

- 1. Subject to the formation of the Trading Companies, that the Selection & Constitutional Review Committee create the Trading & Enterprise Board on the terms of reference set out in the report.**
- 2. Cabinet to note the creation of the Trading and Enterprise Board as outlined above.**

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22/5/13 CDM

## SELECTION & CONSTITUTIONAL REVIEW COMMITTEE

13<sup>TH</sup> JUNE 2013

### CONSTITUTIONAL ISSUES

Further to the previous Meeting of this Committee held on the 7<sup>th</sup> May 2013, there is a need to update on two minor issues arising from the report 'Background and Principles of Political Balance and Administrative Structure'.

Firstly, with regard to the new Portfolios, a line should be added to the Duties and Responsibilities section of the Portfolio for 'Youth and the Elderly' to reflect that this Portfolio includes responsibility for Education and Vocational Skills.

Secondly, with regard to Committee Membership, it should be noted that the Independent Group's seat on the Licensing and Health and Safety Committee has been passed to Councillor Sims.

#### **Recommended:**

**That**

- (i) responsibility for Education and Vocational Skills be added to the Portfolio for Youth and the Elderly.**
- (ii) Councillor Sims take the Independent Group's seat on the Licensing and Health and Safety Committee.**